

# WORKERS' RIGHTS BEFORE YOU APPLY FOR OR ACCEPT A JOB



When applying for a job or position you can expect that your prospective employer will check your online presence. You may like to check that your social media sites (such as Facebook) contain only information that you want a current or future employer to see.

## Getting a job offer

You may receive a job offer in person, by phone or in writing. This may follow a job selection process. If you are offered a job in person or over the phone it is best to ask for written confirmation of the offer.

## Written confirmation of a job offer should state:

- the job title and a brief job description;
- the location;
- any conditions you need to meet (for example, satisfactory references and health record);
- the terms (for example, pay, hours and holiday entitlement);
- the starting date and any induction period; and
- what (if anything) you have to do next and by when.

It is best to wait for confirmation in writing of a new job if you can, before handing in notice at your current employment.

## Be careful with social media

When applying for a job or position you can expect that your prospective employer will check your online presence. You may like to check that your social media sites (such as Facebook) contain only information that you want a current or future employer to see. Remember that anything you have posted is likely to be available to any other user. If it is clear that you use your site to speak unwisely about your current employer they may be entitled to take action about this. A prospective employer may decide not to offer you a job if your social media presence portrays a negative attitude to your work or your current employer.

## If you don't get a job offer

If you are not successful with a job application, it is a good idea to find out why. However, the employer doesn't have to give you any feedback.

If an employer withdraws a job offer before you have a chance to accept, or because you haven't met the conditions (for example, providing a satisfactory reference), you can't take any action. The exception to this is if the job offer has been withdrawn for reasons of unlawful discrimination, for example, on the basis of an illness or pregnancy, race, sexual preference, religion or political opinion. This is known as adverse action and is against the law. If you think this has happened to you, contact the Fair Work Infoline on 13 13 94 for assistance.

## Signing offers and contracts

If you are asked to sign a document agreeing to work conditions, you should first read it very carefully. Do not feel pressured to sign it straight away, especially if it doesn't suit you. Ask your employer for time to consider the document. It is usually reasonable to be given some time to check the offer and get some advice if you need to, for example about rates of pay, leave, hours of work, etc. Feel free to take the agreement home and get other people you trust to read it over with you. You may want to seek legal advice before you make your decision.

Depending on how you are employed, the document setting out your terms and conditions could be a modern award or an enterprise agreement.

Your minimum terms and conditions of employment are set by the National Employment Standards (NES). See the Fact Sheet on Awards and Agreements for more information.

For information on modern awards and which one covers your work, contact the Fair Work Infoline on 13 13 94 or your union if you are a member.

## Where can I get more help?

### Your union

SA Unions  
Ph: (08) 8279 2222  
[www.saunions.org.au](http://www.saunions.org.au)

### Legal Services Commission

Ph: 1300 366 424  
[www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

82-98 Wakefield Street  
Adelaide SA 5000

### Young Workers Legal Service

Ph: (08) 8279 2233  
[www.ywls.org.au](http://www.ywls.org.au)

### Fair Work Ombudsman (FWO)

Ph: 13 13 94  
[www.fairwork.gov.au](http://www.fairwork.gov.au)

Level 2, 148 Frome St.  
Adelaide SA, 5000

### Telephone Interpreter Service

Ph: 13 14 50

**Legal disclaimer:** The Fair Work Ombudsman (FWO) is committed to providing useful, reliable information to help you understand your rights and obligations under workplace laws. The information contained in this publication is: general in nature and may not deal with all aspects of the law that are relevant to your specific situation; and not legal advice. Therefore, you may wish to seek independent professional advice to ensure all the factors relevant to your circumstances have been properly considered. This information was published on 10 June 2011. The FWO does not accept legal liability arising from or connected to the accuracy, reliability, currency or completeness of this information. This material has been funded by the Australian Government through a Fair Work Ombudsman initiative to produce educative materials on the Fair Work Act.