



juries
VICTORIA

**Employer
Information**

Jury Service and You

Jury service is an important civic duty, and is essential for the effective functioning of our justice system. If your employee has been summoned to attend jury service, you each have a number of obligations to one another which aim to reduce the inconvenience and disruption of their service as much as possible.

Your Employee's Obligations to You

It is expected your employee will:

- notify you as soon as possible of their summons date
- notify you as soon as possible of any changes to their summons date
- notify you, if selected as a juror, as soon as possible of the estimated length of their service, and
- provide you with a Certificate of Attendance at the conclusion of their jury service, detailing their dates of attendance, the duration of their jury service, and an itemised list of payments made to them by Juries Victoria.

Your Obligations to your Employee

Section 52 of the *Juries Act 2000* (Vic) outlines a number of obligations you have to your employee if and when summoned for jury service. These obligations supersede the *Fair Work Act 2009* and all enterprise bargaining agreements and employment contracts, meaning you must adhere to the provisions of the *Juries Act 2000*.

Attendance

You must release your employee for jury service. Preventing them from attending may result in substantial penalties.

With the exception of a very small number of specific circumstances, work is not considered a valid reason to be excused. You are not allowed to demand, pressure or coerce them to request to be excused or deferred.

However, you can have a discussion with your employee around operational concerns (e.g. peak periods, other key staff on leave, etc.), and request they take these into consideration when considering whether to apply to defer their service.

Casual workers

Employees who work consistent and regular hours are not considered a 'casual employee' with respect to jury service, regardless of whether they are employed under a casual contract or not. As such, they are guaranteed all the same protections and entitlements as are listed in this pamphlet and contained within the *Juries Act 2000*.

Leave

An employee's jury service must not be deducted from their annual leave, sick leave, or any other form of leave entitlement.

Pay

You are required to pay your employee the difference between their allowance from Juries Victoria (\$40 per day for the first 6 days, \$80 per day thereafter) and **what they would normally have earned** had they not had jury service. This includes any penalty rates or loading they might have reasonably have expected to receive. This requirement to pay applies to all days or shifts they would normally work but miss due to jury service.

Roster

Except where required to cover an employee's confirmed attendance dates, you must not alter an employee's usual roster as a result of jury service.

Termination or other penalties

You must not terminate or threaten to terminate the employment of an employee, or otherwise prejudice the position of the employee because the employee is, was or will be absent from employment on jury service.

Work

In many circumstances, employees will not be able to work during jury service. Being a juror is a full-time job, Monday to Friday. Where a trial bridges a weekend (i.e. sits on both the Friday before and Monday after a weekend), an employee is not required to work on the weekend.

However, there may be some instances or circumstances whereby an employee could reasonably go to work during a trial, say if the court finishes early or does not sit on a particular day (not including weekends).

The underpinning principle to be considered is the juror's health and wellbeing. Employers and the Juries Commissioner alike are obliged to protect the health and safety of employees/jurors, which includes monitoring maximum work hours, minimum break requirements and days worked consecutively. Jury service is considered work when assessing these obligations.

Penalties

Failure to adhere to your obligations as an employer carries substantial penalties, which include possible fines for corporations as well as fines and potential terms of imprisonment for individuals.

Questions?

If you have any questions or concerns about the information contained in this pamphlet, you can contact Juries Victoria.



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