

If you are a sentenced prisoner, s 84H of the Corrections Act says that you may be directed to work in a prison industry. If directed to work, you may not have a choice. On remand you are not required to work but may choose to if work is available – about a quarter of those at the Remand Centre are assigned jobs.

## **Work Available**

Each prison will have different kinds of work available, like prison industries, gardening, farming, and billet duties such as cleaning prison areas. The more sought after work is harder to get. You will be assigned by the Review and Assessment (R & A) committees to a job, and they consider your skills, previous employment and security rating. You may be able to apply for certain jobs, like working in the library, and you may also request to be transferred from one job to another if there is a vacancy.

## **Education**

Depending on availability, you may also be able to enrol in educational courses. TAFE courses in various subjects are available in all prisons, though it may be hard to get in to the courses. Less than 5% of the prison population are enrolled in full time study, and some prisons like Marngoneet don't have any full time education positions.

## **Centrelink**

While inside you don't have a right to receive Centrelink benefits, though a possible exception to this is for people with a right to sickness benefits. You must however be paid a minimum rate (about \$3.20 per day) if you are:

- on remand
- in police custody
- unable to work due to illness, disability or age

## **Pay rate and deductions**

Your rate of pay depends on the type of work you do, and may also vary with your ability or efficiency. Pay varies between prisons but is usually \$6.25 or \$7.40 per day, or \$8.50 for peer educators and essential workers. On the "structured day" system, such as at Dame Phyllis Frost Centre and Marngoneet, there may be deductions taken out of your pay if you are not at a place you are required to be at, at a certain time.

## **OH&S – Injuries at work in prison**

Occupational Health and Safety (OH&S), Workers Compensation and WorkCover do not apply in any way to prisoners. You are not considered an employee as there is no contract of employment. At the Metropolitan Remand Centre, before you are able to work you must do an OH&S course.

If you work in an unsafe way you can be sacked from your prison job, but if you are injured because of the unsafe conditions maintained by the prison, or the negligence of the prison, you can not claim a breach of OH&S laws in any claim for compensation or complaint against the prison. You can only claim a common law wrong by suing in court. If you are ordered to work in an unsafe way you should refuse as the consequences will be better than being injured.

### **Dismissal**

Workers considered disruptive or consistently idle in their assignment may be dismissed. If charged with a prison offence which impacts on a work assignment, you will be removed from that assignment. If dismissed or refusing to work, you will not be paid but must be provided with essential toiletries which include soap, toothpaste, and for women sanitary products.

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### ***Further information***

This fact sheet contains general information only and is not a substitute for obtaining legal advice. If you would like advice regarding a specific problem please contact one of the legal services listed in [contacts](#) or contact the Law Institute of Victoria's Legal Referral Service on 9607 9311.

