

Project Work: This pilot scheme started in Hull and the Medway and has now been extended to: East & North East London, Brighton, Portsmouth, Hertford & Harlow, Norwich, Peterborough, Bath, Bristol, Weston Super Mare, Derby, Dudley & Sandwell, Leicester, Nottingham, Stoke, Merthyr & Rhymney, Neath & Port Talbot, Swansea, Bolton & Bury, Bradford, Grimsby, Huddersfield, Preston, South Tyneside, Wigan & St. Helens, Dundee, Dunfermline and Edinburgh. If you've been unemployed for more than 2 years and are aged 18-50 you can be offered 13 weeks "structured" job search. This is voluntary and involves being referred to vacancies, 1-2-1 interviews, Training for Work, or Job Club. Whether you take up the offer or not, if you're still unemployed at the end of the 13 weeks, you get 13 weeks compulsory work experience (for which you get paid benefit plus £10 pw). This is run by private training groups like Grand Met. and voluntary or charity bodies. If you refuse to attend, leave early or go absent without good reason you face a penalty (see **PENALTIES**).

Good Cause for non-attendance includes health problems (physical or mental) which prevent you from attending or "put at risk the health of others", sincerely held religious or conscientious objections, travelling time more than an hour each way, caring responsibilities no one else can fulfil, jury service, funeral of close friend / relative, or domestic emergency.

You can also refuse with good cause if you've already done 13 weeks work experience under Project Work (*more like Project Slavery*).

If you come off the dole but sign on again within 6 months of the Restart (when you were initially put on Project Work) you are referred straight back onto it.

Produced by GROUNDSWELL November 1996 - National contact c/o Claimants Action Group; O.U.W.C.U.; E.Oxford Community Centre; Princes St., Oxford OX4 1HU Tel. 01865 723750

RESISTANCE

This Guide should help you get by without hassles while you get on with life and/or look for decent work. But if you want to actively resist JSA you could:

- Insist on them following the law, not their own targets and bonuses. Get the name of the person dealing with you if you think they are being unreasonable. Don't let them bully you. Demand to see a supervisor and get their name too.



- Complain - get a copy of the Job Seekers Charter. It makes pledges about the "service" they should offer, e.g. you shouldn't have to wait more than 10 minutes for signing on, interviews etc. Complain officially if they break these.

- The best way of resisting is to organise with others. If there's no claimants group in your area we can help you set one up.

Info. in this guide is based on the "Unemployment and Training Rights Handbook" 4th edition 1996, produced by the Unemployment Unit. We have tried to make it as accurate as possible. If in doubt get advice from your local claimants group, unemployed or welfare advice centre.

LOCAL CONTACT:

HARINGEY SOLIDARITY GROUP, PO BOX 2474 LONDON N8 ph. 0181 374 5027 (leave a message)
Or contact Groundswell at the address or phone number below.

SIGNING ON?

A Survival Guide for signing on under the Job Seekers Allowance

We have reproduced this leaflet so people can deal with the changes at the dole office under the J.S.A. The J.S.A. isn't about helping you get a job. It's about hassling people off the dole into low paid work by making it harder to sign on.

On paper the potential hassles can feel intimidating. In practice the situation will vary from area to area and we don't know how strictly they'll enforce their new powers. *The dole office are acutely understaffed and overworked and it is likely you won't have to face many of the hassles mentioned here.* It's a case of being forewarned and so forearmed about what they can officially dish out.

To get beyond having to deal with this as individuals, it is our experience that linking up is key. So we'd suggest reading this information, sharing it round and organising with other people. The contact group on the back can put you in touch with claimants groups all over the UK.

DON'T LET EMPLOYMENT SERVICE STAFF SEE YOU WITH THIS GUIDE

KEY POINTS (full details inside)

- ◆ If you leave your job, avoid being classed as voluntarily unemployed, sort it out before you leave work and sign on.
- ◆ You need to say you are available to start full time work (at least 40 hours a week) immediately, unless you're a carer or do voluntary work.
- ◆ Under the J.S.A. you have to agree to sign a contract, the Job Seekers' Agreement. *Don't agree to something that you're not prepared to do - it will only cause you problems later on.*
- ◆ Have your signing card and proof of "job seeking" with you when you sign on. Try not to be late unless you've got a good reason or have told them in advance.
- ◆ You have to show you are **Actively Seeking Work**. Two job seeking steps a week is the minimum legal requirement. *Remember lots of things count as job seeking.*
- ◆ You might be instructed to carry out a specific job seeking activity by means of a Job Seekers Direction, so know your rights.
- ◆ You might be forced to apply for jobs by a Direction or a Notified Vacancy but that doesn't mean you have to get the job. Stay in control of your own "job seeking".

◆ **Don't let the bastards get you down - stuff their law. RESIST!**



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PLEASE PASS THIS GUIDE ON TO OTHERS ON THE DOLE

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LEAVING WORK & SIGNING ON

● LEAVING WORK

People leaving work are treated as having made themselves *voluntarily unemployed*. This applies if you resign, walk out or are sacked for misconduct. It doesn't apply to redundancy, end of contracts or on medical grounds (which can include workplace stress), or where you can show good cause (e.g. unfair dismissal).

Otherwise you are automatically classed as voluntarily unemployed. Unless you can disprove it, you face a sanction of up to 26 weeks without any benefit at all. Your case is referred to an Adjudication Officer who decides if it's fair and, if so, how long the sanction applies for. They will write to your employers for their side of the story. During this period you will be on no benefit, or reduced benefit in cases of hardship (see **PENALTIES**). *Stinks doesn't it?*

If you leave work on medical grounds - make sure your GP will back you up. If your GP is signing you off work completely you should claim Incapacity Benefit and /or Income Support on an A1 form (claim both if you haven't paid enough NI stamps). If you want to stay on the sick you will have to pass the All Work Test - examination by a DSS doctor, once your Statutory Sick Pay (from work) runs out after 28 weeks. Contact a local advice centre or claimants group before you claim for information and help. But if you want to claim J.S.A. you must make it clear that the ill-health which caused you to leave your job does not affect your ability to do other types of work (i.e. you're still "available for work").

Waiting period - You don't get any money for the first 3 days of your claim. But if it's less than 12 weeks since your last claim they shouldn't impose a waiting period - *don't let them tell you otherwise.*

● AVAILABLE FOR WORK

In order to sign on Employment Services need to believe you are "Available for Work" and "Actively Seeking Work".

Being **Available for Work** means taking active steps every week to find paid work, whether permanent or temporary and being ready to start work immediately (or 24 hours notice if you work or study part time / 48 hours notice for carers or voluntary work).

According to the official rules you can be treated as "Not Available For Work" if you:

- Refuse without good reason to apply for or take a suitable job and the vacancy still exists
- Deliberately spoil your application or interview for a job
- Fail to take up a reasonable offer of local short term work
- Place unacceptable restrictions on availability in terms of hours, days and wages
- Fail to attend an interview with a Client Adviser
- Fail or refuse to complete forms about availability for work

You are still counted as available for work if:

- You are on an employment related course of no more than 2 weeks in one year
- You have short periods of illness - at least 3 days and for a maximum of two weeks and then only twice in any year
- In any week when for at least 3 days you are not available because a close friend / relative is seriously ill; there is a funeral of a close friend or relative; there is a domestic emergency affecting a close friend / relative or if someone you have caring responsibility for dies
- You are abroad for at least 3 days to attend a job interview and you let them know at least one week in advance.
- For up to 8 weeks if you have to take a child abroad for medical treatment
- For up to 8 weeks if you are part of a couple with children and your partner is abroad, away from home, ill or looking after a sick relative

You are now supposed to give advance warning if you are going away from home, even if this is only for a day. Obviously there's no need for them to know unless your away on your signing day. *But this means you should be careful not to use "being away from home" as an excuse for being late signing on, not attending interviews, receiving letters, etc.* If you do go away, you are supposed to continue actively seeking work and be available for work immediately!

Reasonable Employment - You can only rigidly restrict the type of work you say you will do for, up to, the first 13 weeks, or if there are physical or mental reasons why you can't do certain jobs, or if you have a sincere, religious or conscientious objection to doing certain jobs.

But by law (JSA Regs reg.10-1) they must take into account your skills, qualifications and experience; the type and number of vacancies within

daily travelling distance and any jobs you've been turned down for. So if you have been unemployed and unable to find work for a long time they have to recognise that your chances of obtaining work are limited.

Actively Seeking Work - see the sections on this under **JOB SEEKERS AGREEMENT** and the stuff on **ACTIVE SIGNING**.

● THE QUESTIONS THEY ASK

When you first sign on, you'll get a form to complete and return for interview. It may be called "JSA - Helping You Back to Work" or "Your Job Search". This form is used as the basis for the Job Seekers Agreement. Be careful how you answer the questions. Similar questions also come up in the **Restart Interviews**.

Are you able to work ? - Yes

Are you willing to work ? - Yes

Are you looking only for temporary or casual work ? - Everyone has to look for permanent full time work. But if you are about to start another job, or a course, you can look for only temporary or casual jobs. They will want to know when the job / course starts. You'll still be expected to show evidence of actively seeking work. If you're still signing on after that date they'll want you to look for permanent jobs.

What is your usual job? - Put down the job you last did or the one you've done most often. You can look for work in your usual occupation for up to 13 weeks after you first sign on. After that you have to look for any available work.

What types of jobs are you looking for? - They won't let you write "Any" and it's probably not a good idea anyway. Put down jobs that you are able to do and don't mind doing. Be careful - you may later be asked to apply for these types

of jobs. They may try to get you to put down very general categories, e.g., if you are a bricklayer, they may want you to put down "building labourer". Put down specific jobs appropriate to your skills and experience. They can also say that your expectations are "unreasonable" - e.g. Director of the Bank Of England.

Do you have a disability or health problem? - You have to be capable of work to sign on. Unless you think you've got a reasonable chance of going on the sick answer No - if there's a specific job you can't do for health reasons, put that down but make it clear that it doesn't affect your ability to work in general / do other jobs.

Please tell us about any interests or abilities which may help you get a job? This can be used to say that you could do types of work you don't want to do (e.g. tele-sales). If you have interests / hobbies relevant to a job you want, put them down. Otherwise answer generally - sport, T.V., music etc. The problem if you declare any voluntary work is that it can be used against your availability for work - more than 16 hours pw and you won't be!

Do you have a written summary of your skills and abilities? - Because they're all white collar workers they think everyone should have a CV. Most manual workers don't have and don't need a CV. If you've got one they may want to see it - make sure there's nothing on it they shouldn't know about. If necessary do a new one just for them, and keep the real one to send for jobs you actually want. If you haven't got one they may ask you to do one or go on a course. It's better to do it yourself, or argue that the work you're after doesn't need one.



Can you start work as soon as you find a job? - Yes. To sign on you have to be available for work IMMEDIATELY (same day), unless you have a part-time job - you must be available at 24 hours notice or if you are a carer (looking after a child or adult) or do voluntary work - 48 hours notice.

What is the lowest wage you are willing to accept? - This should be the going rate in the area for the job or the same as (but not higher than) your last job. You can only restrict your availability for work on grounds of wages if you have a usual occupation and then for a maximum of 13 weeks. After that you have to *consider* anything - but as a general rule you can say that you are looking for work that pays (take home) at least equivalent to your full benefit entitlement (including Housing and Council Tax Benefit, free prescriptions etc.). They may still make you apply for jobs that pay less - saying that your wages can be topped up by benefits.. See CAN I REFUSE TO ACCEPT A JOB?

Are you doing any education or training? - There are strict rules about claiming and doing courses (unless they're Employment Service ones). Full time students are not eligible for JSA - part-time students have to be doing a course funded in whole or in part by the Further Education Funding Council, involving less than 16 "guided learning hours" a week. Guided learning hours are lectures, tutorials, assessments, supervised study. You will need a letter from the college, etc. confirming that it is less than 16 hours pw.. Make sure that your college officially calls your course "part-time" (less than 16 hours) BEFORE you sign on.

Part-time students are not exempt from the actively seeking work regime of the JSA. You may also be targeted to test your availability for work. Its not surprising that many part-time students don't tell the dole about their studying because of the grief they get. Contact us for our student leaflet.

Do you want to limit the days and hours you are available for work? - To sign on and get JSA you must be "able and willing" to take employment of at least 40 hours a week. You can specify a pattern of availability over the week. The standard answer should be 8am - 6pm Monday to Friday - which gives 50 hours. You can put down that you are only willing to do 8 hours between 8am and 6pm provided the total over the week is not less than 40 hours. If the types of job you have said you're looking for (and want) usually involve Satur-

day or Sunday or evening / shift work - then put this down. Otherwise 8-6 Mon. to Fri. is the safest answer. Note - although you have to be available for 40 hours pw you must also be willing to work for less - see CAN I REFUSE TO APPLY FOR A JOB?

What towns or areas are you looking for work in? Within reasonable travelling distance (by car / public transport etc.). You can only refuse to apply for a job that involves more than one hour travelling each way! If you say you're willing to move, they may test this, using the new computer system to access jobs in other towns and offer them to you as "Notified Vacancies"

Please tell us how you are going to look for work - Tick the boxes for contacting employers and for activities they can't check up on, i.e. looking in Job Centre; looking in newspapers and asking friends and family. Otherwise they won't consider that you are looking for work. The one that says "Register with employment agencies (other than the Job Centre)" is more tricky - see EMPLOYMENT AGENCIES. The boxes you tick will later be used to complete the Job Seekers Agreement.

Please tell us about anything else you will do to find work or improve your chances of finding work - Anything you write here will also end up in your Job Seekers Agreement and you'll be expected to prove that you've done it - so be careful. Don't make a rod for your own back. If you want to do a CV or draw up a list of potential employers or find out about other types of work you could do - fine. If not, keep it fairly general - e.g. look in shop windows, community centres, trade papers, ask around sites, etc.

What help do you need? Preparing a written summary of your skills, abilities and experience (CV) Writing letters to employers Filling in application forms Doing well at interviews Talking to employers on the phone If you tick these you will probably be offered a place on one of the many "schemes" or even instructed to go on one. So don't, unless you specifically want this kind of help - see VOLUNTARY / COMPULSORY SCHEMES.

Benefits for people in work, for example, Family Credit

If you tick this you may be pressured to look for jobs that pay below Income Support / Family Credit levels. "If you work for £50 a week we can top it up, why don't you consider a job like that?" No thanks!

Advice on starting a small business To qualify for Business Start Up Allowance you need to have a realistic business plan and some financial backing, and they only give you £500.

Advice if you have a health problem or disability - People with disabilities can get help from a specialist adviser.

Any other help

Its a good idea to put something here. Ask for the help or training you really need to get a job, which they can't provide, e.g. tools; driving lessons; PSV; HGV, other qualifications that you want but can't afford.

● THE JOB SEEKERS AGREEMENT

The Job Seekers Agreement is a contract you must sign, setting out what you will do to find work. If you break the Agreement you can lose benefit.

For fresh claims the Agreement is drawn up at your first interview. For existing claims it will probably be drawn up at your next Restart. Everyone is supposed to have signed an Agreement by mid1997. This will depend on how efficient your local Job Centre is, unemployment levels in your area, and how much the dole workers are opposed to it.

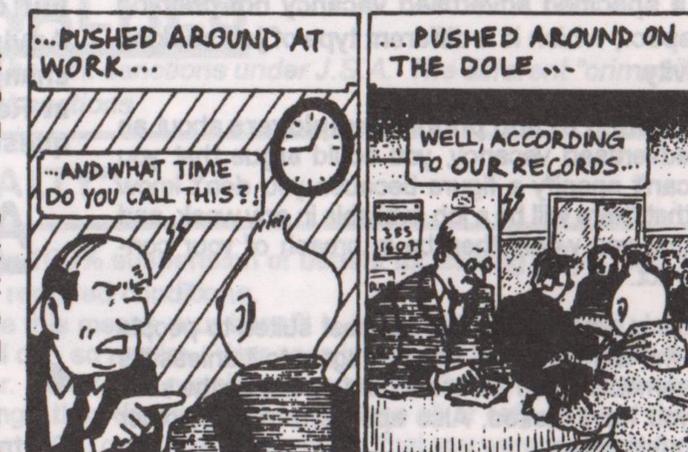
The Agreement is based on the information you've given in the "Helping You Back to Work" form and interview (see above). The main difference is in the following section :

To identify and apply for jobs I will:
Write to at least ___ employers per week
Phone at least ___ employers per week
Visit at least ___ employers per week
Contact the Job Centre at least ___ per week
Ask friends, families and people I have worked with before
Look in these newspapers and trade papers
How often will you look?
Register with these employment agencies and contact them ___ times a week
Other activities

Unlike the first form the Agreement requires you to agree *specific* figures. As a legal contract you are saying you will do this every week in order to receive benefit. The unknown factor is what the Client Adviser will regard as acceptable and how much pressure they will put on you to "intensify your Job Search". There have been cases where the Client

Adviser has put 0 in all the boxes except visiting the Job Centre and looking in the papers. Fair enough. But they could put down more if they want to.

You have to sign an Agreement. If you refuse outright you won't be allowed to sign on. But the important thing to remember is that you have to *agree* to what you're signing. If there is a dispute between you and the Client Adviser, it gets referred to an Adjudication Officer. Provided you show that you meet the Actively Seeking Work requirement and you are prepared to sign an alternative Agreement, the Adjudication Officer should give you pref-



erence. They should make the decision within a fortnight.

● ACTIVELY SEEKING WORK

You are supposed to take such steps "as can reasonably be expected" to find work. But the legal definition of Actively Seeking Work is that you are "expected to take more than one step on one occasion in any week" to find work (JSA Regs reg 18(1)).

Recognised steps are:

- Applying for jobs in writing, personally or by phone.
- Seeking information on jobs from adverts, recruiting agencies and employers
- Registering with employment agencies and businesses
- Appointing someone else to help you find work
- Drawing up a CV
- Getting a reference from a previous employer
- Researching potential employers / occupations.

They must take into account your particular circumstances (eg. skills, qualifications, length of unemployment) in determining what you can reasonably be expected to do.

More than one step on one occasion - in effect you could argue that looking in the papers on two different days and visiting the Job Centre once a week meets the requirement. Include at least these for your Job Seekers Agreement. Some Benefit Advisers may push you to agree additional steps. You can suggest you'll contact family and friends for jobs, but, if they insist this is not enough, agree to apply for one job a week. If you think applying by phone is the easiest get the adviser to make it clear that this is phoning for a specified advertised vacancy not phoning on spec., which is a different type of job seeking activity.

For writing to and phoning employers about an advertised vacancy, you could argue that you can't specify a figure because you don't know that there will be a job available in any week, and that you would then be in breach of your contract.

Visiting employers - this is best suited to people who work on sites, so don't agree to it unless it's something you want to do and can name the sites you have visited. Also applies to shops, other businesses.

Contacting the Job Centre - include this, because looking at the Job Centre boards when you sign on is a job seeking step. But if you say you will go once a week to the Job Centre you are committing yourself to doing that. It doesn't mean you have to apply for any of the vacancies on offer. But if you do they will be able to monitor whether and how you have applied for it - see NOTIFIED VACANCIES.

Asking friends, families and people I have worked with before - easy, just asking mates in the pub if there's any work. It counts as a job seeking step.

Looking in newspapers and trade papers & how often you will look - put down the main local papers with regular job columns, including the freebies. If you know of any specialist papers put them down - some national dailies have jobs every day.

Registering with employment agencies - this is a difficult one. They may try to force you to register with agencies for casual / temporary work. If you agree to register, you are committing yourself to doing it. If you don't it might be used against you. We would advise people to resist this - see

Employment Agencies.

Other activities - this includes stuff like CV's; getting a reference from a previous employer; researching potential employers or occupations. On the value of CVs, see page 3. Obviously you can only get one reference once from a previous employer. "Researching" employers etc. could be as simple as photocopying a section out of the Yellow Pages. This would count as a job seeking step. But most of this stuff is one-off activity - so you could argue that you don't want it in your Agreement because you can't guarantee to do it every week. You can then use this sort of thing to provide evidence of job seeking activity when you need it.

Once signed, the Agreement can be changed but only if agreed by you and the Client Adviser. It seems likely that reviews and changes of the Agreement will only happen at Restart interviews, although you can request a change at any time.

ACTIVE SIGNING

● FORTNIGHTLY SIGNING

Fortnightly signing can be used to test your "availability for / actively seeking work" status.

It is possible that Job Centres will refuse to let you sign on if you don't have your JSA / UB40 card and proof of your job seeking activity - this is usually in the shape of a little booklet laid out like a diary. You can use your own sheet of paper instead. Legally all you have to do is show that you are actively seeking work. But it might be easier (and costs the government more) if you just fill up their forms.

The important thing to remember is the definition of actively seeking work - you should include all job seeking activity, not just applications. *Stand your ground if they say that only paper applications count - they're lying.* If you want to try and avoid some of the hassle, you could apply in writing or by phone for at least one job a week.

Because one of the aims of JSA is to monitor people more closely, the people signing you on will take more interest in what you're up to. If

they want to give you a hard time they may offer you a "Notified Vacancy" (see Can I Refuse to Apply for a Job?) or refer you to an Employment Service interview where a Job Seekers Direction can be issued. Signing clerks cannot issue Directions but they can offer you a "Notified Vacancy".

Hopefully it won't happen, but if the signing clerk thinks your "job search" is inadequate they could refer you to an immediate interview with an E.S. Adviser. If that person agrees with the signing clerk they can immediately suspend your benefit and you won't get a giro. Your case gets referred to an Adjudication Officer for a final decision. You should appeal against any decision they make. You should

sign on as usual the next fortnight and, provided you have sufficient evidence of "job-seeking", you will receive payment as usual.

Failure to sign on or attend interviews - if you don't turn up to sign on or to an Employment Service Interview your benefit will be cut off unless you visit the Job Centre within 5 working days and show that you had good cause - eg., because of misunderstanding due to language difficulties, misinformation by E.S. staff; attending a medical or dental appointment; attending a job interview; difficulties with transport and no alternative available, etc.

PENALTIES

This is a summary of the stricter system of benefit sanctions under J.S.A. The different "crimes" are explained in more detail in the relevant sections

| "CRIME" | "PENALTY" |
|--|--|
| <p>Not Available for Work</p> <p>Not Actively Seeking Work</p> <p>Not Completing Job Seekers Agreement</p> <p>Failing to attend Employment Service Interview or Restart (or show good cause why you haven't within 5 days)</p> | <p>Immediate 100% suspension of benefit for as long as you don't meet the required conditions.</p> <p>In practice this means your benefit is stopped from when you last signed on - so no giro. Your case is referred to an Adjudication Officer. Where the penalty concerns "Availability" and "Actively Seeking" they decide whether you lose all or only some of the money. If you can show, for example, that you were available for and actively seeking work for ten days you should get money for those days. You should also be able to sign on again at your next signing day as long as you can show you meet the requirements, though they can make you do a fresh claim and Job Seekers Agreement. If you miss a Restart etc. you will have to make a fresh claim. If your refuse to complete a Job Seekers Agreement you don't get any benefit till you do.</p> |
| <p>Voluntarily Leaving Work</p> <p>Refusing Notified Vacancy</p> | <p>100% disqualification for up to 26 weeks. For refusing a Notified Vacancy suspension is immediate. For Voluntarily Leaving Work it goes to an Adjudication Officer first. In both cases the Adjudication Officer decides how long the penalty lasts.</p> |
| <p>Refusing to attend Compulsory Scheme</p> <p>Failure to comply with Job Seekers Direction</p> | <p>Referred to Adjudication Officer. 100% disqualification for 2 weeks, 4 weeks for second & further refusals.</p> |
| <p>Hardship Payments - as a general rule if your claim hasn't been stopped but your benefit is suspended you can only get a hardship payment or access to Social Fund / Crisis Loans if you are in a vulnerable group (got kids, caring responsibility or your partner is pregnant, sick or disabled) or if the suspension is for longer than two weeks. Hardship payments are set at a reduced rate (40% or 20%) of benefit levels. Most single people will have zero access to help for the first two weeks of any suspension. But if in doubt tell them you want to apply for a hardship payment. Appeal against any sanction or suspension of benefit. Get advice & representation if you can.</p> | |

● JOB SEEKERS DIRECTION

The Job Seekers Direction is one of the new features of the JSA (although it carries forward and extends an old power known as an "Official Recommendation"). It can be issued even if you met the "actively seeking work requirement".

The Direction is "a direction in writing given by an [ES adviser] with a view to ... assisting you to find employment [and/or] improving your prospect of being employed". It is used where they suspect that you're not trying hard enough! In practice they will use them at Restarts or, occasionally, at extra Employment Service Interviews - after trying to persuade you to do what they want voluntarily. An ordinary signing clerk cannot issue a Direction.

Like the old Official Recommendations it can be used to get you to:

Apply for a specific vacancy, advertised through the Job Centre or in the local press. See **CAN I REFUSE TO APPLY FOR A JOB?**

Approach one or more named employers on a single site - provided they are within a specific industry or trade.

Prepare a CV and submit it to a number of named employers

Register with a named employment agency - see "EMPLOYMENT AGENCIES"

Attend an interview at a given time at a local ES office in connection with an existing vacancy

The Job Seekers Direction cannot be general, e.g. apply for 10 jobs this week. A requirement like that would have to form part of the Job Seekers Agreement. So the Direction must be specific - a particular job or course of action, written and specific, to include information like details of particular jobs, names & addresses of employers / agencies referred to, guidance on methods to be used in applying for vacancies or approaching employers, and the date by which the recommendation should be carried out.

The Employment Service intend to use the Direction to instruct people to apply for jobs of less than 24 hours pw. This is because they can use the "Notified Vacancy" system for jobs offering more than 24 hours pw, and the penalties for refusal are much higher. If you are ordered to apply for a part time job and you refuse you will face the penalty for refusing to obey a Direction - but

you don't have to accept the job if it is offered to you. See **CAN I REFUSE TO APPLY FOR A JOB?**

Another new feature of the Job Seekers Direction is the bit about "improving your employment prospects". This can be used to:

Order you on to a so-called voluntary training scheme

Order you to make yourself presentable to employers - in terms of clothes, hairstyle, jewelry etc. No one knows exactly how they will use this. It is one of the most offensive bits of the new law.

If you refuse to carry out a Direction you face a sanction of between 2 - 4 weeks without benefit. See **PENALTIES**. When they give you a Direction they **MUST** warn you that refusal to comply will be punished. If they don't you can complain / appeal.

● CAN I REFUSE TO APPLY FOR A JOB?

When you first sign on you can look for work in your usual occupation for up to 13 weeks - unless you are a school leaver; have never worked before or your trade no longer exists.

You don't have to justify refusing a job of less than 24 hours every week and they do not count as "Notified Vacancies". But under the JSA they can order you to apply for these by issuing a Job Seekers Direction. If you don't apply you get treated as having refused a Direction. But if you apply and are offered the job you can't be sanctioned for refusing to take it. Sounds odd but the thing is people signing on are agreeing to look for full time work not part time work. If the job offers less than 24 hours each week you can refuse it.

You are not obliged to apply for jobs you have found in your job seeking activity, i.e. from the papers, by asking around or off the Job Centre boards. But if they know you've applied for and been offered a job and then refused it, they can argue that you are refusing suitable employment and may offer you the job as a "Notified Vacancy". Also, if you ask about a Job at the Job Centre it gets put on the computer and they can treat it as a Notified Vacancy.

Notified Vacancy - this is when Employment Service staff tell you to apply for a specific job. It is not the same as a Job Seekers Direction. Be warned that just enquiring at the desks about a job off the boards could be treated as a Notified Vacancy if they consider it's reasonable employment for you. If you refuse to apply for a Notified Vacancy you could face up to 6 months without benefit - unless you can show either:

That you don't have the required skills and qualifications, or
That you have good cause (see below).

A Notified Vacancy **MUST** be a job offering more than 24 hours pw (for ones under 24 hours they can only issue a Job Seekers Direction - see above). A Notified Vacancy **MUST** be one that it is reasonable to expect you to do, but should also reflect conditions generally available locally. ES Advisers should always offer those vacancies with highest rates of pay for that type of work before offering one that pays less. Also the

Employment Service should not handle jobs or expect you to apply for / take jobs : which involve sexual or racial discrimination; where the premises raise doubts under the Health & Safety Act; where claimants' complaints suggest that it might be "doubtful, undesirable or not genuine." Undesirability can include: allegations of unfair dismissal; non-payment of wages or expenses; sexual harassment, misrepresentation of pay and conditions and oppressive contracts of employment.

They MUST tell you that they are offering you a Notified Vacancy and that there are penalties for refusing to apply for it.

You can refuse a Notified Vacancy with "Good Cause" if you refuse:

- To be a scab provided that the specific vacancy is one caused by the dispute.
- On religious or conscientious grounds, which can include:
- Objecting to not being a member of a trade union in a work place where non membership is a condition of employment
- Objecting to work with material which may be used for the destruction of human life

Working in abattoirs etc.
On health grounds eg. "excessive physical or mental stress"
Due to excessive travelling time to work (more than one hour each way)
If the job's hours and days of working differ significantly from those set out in your Job Seekers Agreement.

You can't refuse to apply for a job because it is badly paid!!

● CREATIVE JOB SEARCH

If you have to apply for a job you don't want, don't despair.

Remember - there are probably loads of other people going for the same job, several of whom will be better suited for it and actually want it.

You're the one who fills in the application form. If you don't want the job make sure your application is nondescript or contains information about your work history or references that

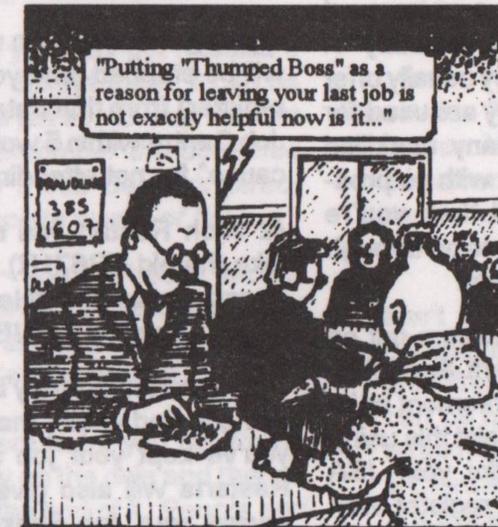
will put the employer off interviewing or hiring you.

If you get an interview be equally (un)imaginative. Ask employers which union represents their workforce and whether they would object to you joining it, or, if there isn't one, starting one up. Also ensure, for your own well being, that Health & Safety is up to scratch.

Above all, go out of your way to make sure the employer realises exactly what sort of a person you are and the kind of benefit they could expect for their business by employing you.

Take care : under JSA and especially with Job Seekers Directives the Employment Service can say that you deliberately spoil your chances of getting a job by:

- Deliberately writing a crap application
- Making unreasonable conditions for accepting a job
- Creating an unfavourable impression at interview by being deliberately aggressive, obstructive, apathetic or drunk
- Refusing to give references
- Delaying acceptance of job if offered.



Remember - they have to prove that you spoil your chances. So be subtle. If they do treat you as actively refusing they will ask you to complete a form writing down your reasons for refusal. You don't have to complete it there and then, you have a month to return it. Get advice before filling it in.

● EMPLOYMENT AGENCIES

For some people employment agencies are a good route to work. But there are real problems with them. They are used by employers to get casual labour rather than having a permanent workforce with rights and the possibility of organising against exploitation. They usually offer lower pay than the going rate. They are used for strike breaking. Above all, for many unskilled workers, you get a few days work with no prospect of secure employment and then you're dumped back on the dole and have to go through all the hassle of sorting out a giro etc.

Under JSA there may be more pressure put on people to register with Employment Agencies, either through the Job Seekers Agreement or by way of a Job Seekers Direction. Resist this using the arguments above, especially for your JSA Agreement. If you are ordered to register with one under a Direction, even after arguing against it, you have to do it. But remember you don't have to accept any job that offers less than 24 hours work pw. So if you're offered 3 days work this week you can refuse it because there is no guarantee of work next week etc. For temporary jobs offering more than 24 hours where the work is guaranteed for an extended period, see CAN I REFUSE TO APPLY FOR A JOB? and CREATIVE JOB SEARCH.

● WHAT IF I'M FORCED INTO WORK?

EMPLOYMENT ON TRIAL - After being unemployed for 13 weeks, you can take a full time job (over 16 hours) and leave after 4 and before 12 calendar weeks - **THEY CAN'T TREAT YOU AS VOLUNTARILY LEAVING WORK!**

Otherwise - well, they've made you into a wage slave, we recommend you pay them back any way you can. Organise, agitate, disrupt - its still a Class War!

RESTARTS & INTERVIEWS

From now on most people will get a full Employment Service Interview after 13 weeks. After that you will get a Restart at 26 weeks (6 months on the dole) and then every six months after that.

If you ignore a written notice to attend, your claim will be stopped (and you'll be off the unemployed register) from that date, unless you turn up at the Job Centre within 5 working days and show "good cause" for not attending.

At each Restart you may have to fill in a form (like the old UB671R). This has much the same questions as the "Helping You Back to Work Form" - see THE QUESTIONS.

During a Restart they'll look at what you've been doing to find work - that shouldn't be a problem if you've kept your job seeking diary up to date. Restarts will also give them the opportunity to review your Job Seekers Agreement. Remember any changes have to be agreed by you (see above). Under the old system they would try to persuade you to go on a voluntary scheme. Now they may well just issue a Job Seekers Direction that you've got to go on one. See DIRECTIONS and SCHEMES. If you refuse to go on a "voluntary" scheme at your second Restart (12 months) they can refer you to one or other of the Compulsory Schemes (see below).

If you agree to do something at a Restart (rather than being ordered to do it) and they find out you didn't do it - you may be called back for a follow-up interview and your Availability / Actively Seeking Work questioned.

Remember - you have the right to have someone with you at an Employment Service Interview / Restart for support or advice - if you want you also have the right to appeal against any decision they make.

● "VOLUNTARY SCHEMES"

Job Search Plus; Job Review Workshops; Job Clubs

You don't have to take part in any of these schemes unless you have been ordered to do so as part of a Job Seekers Direction. Provided you can show you're actively seeking work, refusal to voluntarily participate can't be used against you. *Some people find these schemes useful, most think they're rubbish. They involve CV's and learning to be "flexible" i.e. doing worse jobs for less money, and grovelling to the bosses.*

Once you agree to do them, you may get hassled if you leave. If you walk out or disrupt them, it can be reported to the ES. You could get a follow up Restart and be asked to explain. *Remember the schemes are voluntary, except under a Job Seekers Direction, - just say it was a complete waste of time.*

Job Interview Guarantee: - you are told of vacancies and guaranteed interviews. Refusing interviews or offers might be used as evidence of not being available / actively seeking work.

Work Trials: allow employers to try you out for up to 3 weeks while you stay on the dole and there's no guarantee of a job at the end of it. *People end up working in kitchens for scumbag employers who have no intention of ever taking on properly paid staff.*

● COMPULSORY SCHEMES

These schemes are compulsory "re-motivation programmes" and don't require a Job Seekers Direction. You are usually ordered on to them if you refuse a place on a voluntary or training scheme at a Restart interview. They are like the voluntary schemes in terms of content and are used to break down people's resistance to accepting low paid and crap work.

Case - Loading: Case-loading lasts for 8 weeks and is aimed at people unemployed for 6 months+ who have been identified as needing "extra help" at a Restart interview. This means people who:

- Decline all offers of help,
- Are long-term unemployed and "lack motivation or appear to have low confidence,"
- Need "encouraging" to take low paid work,
- Have raised a doubt about their availability for / actively seeking work.

Job Plan Workshop: lasts a week. You can be required to attend if you are over 25 and have been unemployed for 12 months.

1-2-1: 18-24 year olds can be compulsory referred at the 12 month Restart after refusing to go on a voluntary scheme. This also applies to over 25's who can be referred to either this or JobPlan at the 18 month Restart. It involves up to 6 interviews with a Client Adviser over a 6-12 week period. You will be asked to do things like prepare a CV, research the local labour market, etc. and be re-interviewed on whether you've done these.

Workwise (Worklink in Scotland): A 4-week course. You can be referred if you are 18-24 and unemployed for 1 year. Usually they send you on a 1-2-1 first but they don't have to.

Restart Course: A 2 week course, usually consisting of supervised morning sessions and afternoon job search assignments. You can be made to attend if you've been unemployed for 2 years, or after 18 months if a Client Adviser thinks you should and there are places available.

Much of these courses consist of CV writing; pseudo-psychological analysis (what's wrong with you that you can't get a job) and the belief that the long term unemployed are "weak," lacking in self-esteem and moral fibre, etc. Most people resist this humiliating process, if only by asking questions like "I'm a fully qualified plumber - why are you trying to make me apply for a job in Burger King?" or "There aren't any jobs available - what's the point of putting us through this rubbish?"

These courses are contracted out by the Employment Service to the private sector. *The trainers might get paid peanuts for acting as soft cops but their bosses are profiting from mass unemployment. Don't let them get away with it.*

You can only be asked to leave for disruptive behaviour / misconduct, which can lead to a PENALTY. But disruption and non-cooperation are not necessarily the same thing.

