

# JURY Service

Employees may at some stage require time off to attend jury service. Jury service is almost impossible to evade, and, in the majority of cases, the courts regard the need to attend work as insufficient reason for exempting an employee from jury service.

Worse still if you run your own business you can lose a lot of money if you are called upon for Jury Service.

Persons are randomly selected from the electoral roll and their name placed on the jury roll. A person can appeal to the Local Court against their name being placed on the jury roll, but the reasons for granting an exemption are severely restricted.

In most states and territories those ineligible to serve include lawyers, judicial officers, MPs, police, correctional services officers and people who have been to jail in the past 10 years.

A larger group also have the right to be excused if they wish, including clergy, dentists, pharmacists, medical practitioners, emergency services personnel, people over the age of 70, pregnant women and people with carer responsibilities or the responsibility for any children under the age of 18.

On top of that is a list of other acceptable excuses involving "any matter of special importance or any matter of special urgency". These include that the potential juror has booked and paid for a holiday during the period of the trial, is suffering a temporary illness, has university or TAFE commitments or examinations, cannot be replaced in their employment because of staff shortages or other important business commitments.

If required to attend and await allocation to a case individuals are usually entitled to a small payment (it varies from state to state). If empanelled a higher payment is offered and may include some travelling allowance and meals.

Employers generally are expected to pay the difference between what the employee would have earned at work and what they have been paid for jury service.

**While most state awards have a clause related to jury service the Workplace Relations Act sets jury service as a non allowable matter.**

**You must determine if you are covered by this Act.**

**If so, you should defer to State legislation covering Jury Service. If not, you should seek advice to ensure your treatment of the employee complies with an appropriate award provision.**

A typical Award provision dealing with jury service looks something like this:

## **Jury Service**

An employee on weekly hiring required to attend for jury service during his/her ordinary working hours shall be reimbursed by the employer an amount equal to the difference between the amount paid in respect of his/her attendance for such jury service and the amount of wage he/she would have received in respect of the ordinary time he/she would have worked had he/she not been on jury service.

An employee shall notify his/her employer as soon as possible of the date upon which he/she is required to attend for jury service. Further, the employee shall give his/her employer proof of his/her attendance, the duration of such attendance and the amount received in respect of such jury service.

If you have an CWA or other form of approved industrial agreement, and it does not include a provision for Jury Service seek professional advice on how to deal with the situation if it arises.