

## Misleading job ads Small business



### How do I find out more?

To find out more, contact the ACCC Infocentre:

**Phone:** 1300 302 502

**Email:** [infocentre@acc.gov.au](mailto:infocentre@acc.gov.au)  
or visit the ACCC website at [www.accc.gov.au](http://www.accc.gov.au).

Hiring staff is an important part of most businesses—having the right people can make or break a small business!

While it is important that your message reaches a wide audience, it is crucial that your advertisements do not mislead or deceive jobseekers. A carefully crafted advertisement can save time and money for your business and for prospective job seekers.

Section 53B of the *Trade Practices Act 1974* (the Act) deals specifically with employment advertising. The section prohibits employers from misleading job seekers about employment, specifically about the availability, nature terms and conditions of employment.

Listed below are a number of simple steps that businesses can take to avoid inadvertently misleading job seekers.

### Advertise in good faith

The most important step you can take is to always advertise in good faith. Being upfront and honest about the position avoids misleading people from the beginning, saving time for both you and the applicant.

### Disclose all important information

While small businesses may not have the resources to place large, detailed advertisements, there are some key pieces of information that you should include:

- **Nature of the work**—what type of work is involved? People interested in childcare positions are unlikely to want to apply for a job as a mechanic!
- **Employment type**, such as fulltime, part-time or casual
- **Remuneration basis**—salary, contract, commission, piece rate (e.g. payment per 1000 catalogues delivered)
- **The location**

Other information, such as the name of the business or the industry you operate in can help ensure that only those interested in the position apply—saving you time dealing with inquiries.

### Contract positions

Businesses are increasingly employing staff on a contract basis. If the position you are offering is non-ongoing, this should be disclosed in your ad, along with the expected length of employment.

Advertising the possibility of extension or becoming permanent may help attract applicants, but this should

only be advertised if there is a genuine possibility of this occurring.

### Placement of your ad

The category that your advertisement is placed under is just as important as the actual wording. An ad for a commission-based position among offers of fulltime/part-time work can potentially mislead many job seekers.

When placing your ad, ask the operator what categories are available to which the position is most suited.

This is particularly relevant if you are offering a business opportunity rather than a genuine position vacant. Most publications have a section for business opportunities. You should ensure that your advertisement is placed under such a heading.

### Recruitment businesses

If you operate a recruitment business, you should be careful to only advertise **actual** positions that you have available. Advertising expected vacancies (which may never materialise) can mislead job seekers and breach the Act—on top of the ill-will it generates among your applicants.

If your business is seeking to add applicants to a database of potential candidates, ensure that this is disclosed.

### Training providers

If your business offers training services, you should make this clear in your advertisement.

Many training providers also offer a job placement service for successful graduates. While this can be a great draw card when advertising, always ensure that you are honest about future employment prospects. Statements like 'guaranteed employment upon completion' should only be used where you are certain that this can be offered.

### Where can I find further information?

Initially, discuss your requirements with the staff member taking your ad—most newspapers have guidelines which may assist you to ensure your ad complies with the law.

The ACCC's *Advertising and selling* guide explains your responsibilities under the Act when promoting and advertising your business. Hard copy (\$10)

### Did you know?

The ACCC's *Advertising and selling* publication is available free of charge from the ACCC website at [www.accc.gov.au](http://www.accc.gov.au) or by calling the ACCC Infocentre on 1300 302 502.