

# What's the law?

Australian law for new arrivals

## Answer sheet 13: **Employment**

October 2016

**Requirements:** A copy of the DVD

.....

### **Pre-teaching**

**Vocabulary:** pay slip, superannuation, tax, hourly rate, penalty rates, rights at work, cash in hand, Fair Work Ombudsman

**Warm up activity to introduce topic:** ask the class what different types of work they have done in their lives.

.....

### **Key messages**

1. In Australia, everyone has rights at work, including the right to be paid at least a minimum hourly wage and the right to a safe workplace.
  2. By law, an employer must give an employee a pay slip each time they get paid.
  3. A payslip must show the hours the person has worked, the amount paid, the amount of tax taken out for the government, and the amount of superannuation the employer has paid into the employee's retirement fund.
- .....

### **Answers**

**Activity A** – Watch the story again. Match the right ending to the right sentence.

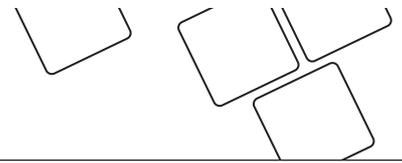
1. c
2. a
3. b
4. e
5. d

**Activity B** – What is the important information? Read the statements and circle True or False.

1. False
2. True
3. True
4. True
5. True

**Activity C** – Watch Employment and answer the questions:

1. Alice gets paid cash in hand or with a meal.
2. Alice has a right to be paid money – at least a minimum hourly wage. Alice may not be protected if she gets hurt at work. Alice may not be receiving superannuation she is entitled to. Alice may not be paying tax on her earnings and could end up owing the government a lot of money.
3. Jobwatch
4. Tom could be fined or taken to court.

**Activity D** – Discussion

**Activity E** – Look for the screen that tells you where to get help, then complete the missing information in the boxes.

Service	Web address	Phone number
Jobwatch	www.jobwatch.org.au	Metro (03) 9662 1933 Regional 1800 331 617
Fair Work Ombudsman	www.fairwork.gov.au	13 13 94
Federation of Community Legal Centres	www.communitylaw.org.au	(03) 9652 1500
Translating and Interpreting service	www.tisnational.gov.au	131 450

**Script for Employment story**

*Alice is working in a pub kitchen. Her boss, Tom comes into the kitchen.*

**Tom** Alice, we haven't had many customers tonight so we can't pay you any cash. Instead, we will give you a free meal for your work. The chef has made delicious fish and chips tonight!

**Alice** Oh. Ok.

*Alice is walking along a laneway when she sees her friend Lyn.*

**Lyn** Alice, hi!

**Alice** Hi Lyn! How's your new job at the call centre?

**Lyn** Great. I've been there for six months now. And I just got a promotion. What about you?

**Alice** I'm still at the pub, working in the kitchen.

**Lyn** Is it good pay at the pub?

**Alice** It depends on whether it's a busy night. If they can't pay me, they give me a meal instead.

**Lyn** But a meal is not pay! Do you get paid an hourly rate when you work?

**Alice** If nobody comes into the pub, how can they pay me?

**Lyn** They have to pay you. What about penalty rates: do you get paid more when you work weekends?

**Alice** No

**Lyn** Do you get paid superannuation?

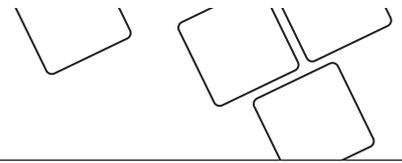
**Alice** I don't think so. I know it sounds bad but they're really nice people. And I like working there.

**Lyn** Listen, do you have a pay slip I could look at?

**Alice** What's a pay slip?

**Lyn** It's a document you get every time you get paid. I get mine by email. See? I also put the hours I work each day into my phone so I can check to make sure I get paid for all the hours I have worked.

**Lyn** It says the hours you have worked and how much you get paid. It also says how much tax you pay to the government. And how much superannuation your boss pays for you.



**Alice** I don't get a pay slip. I usually just get cash at the end of every week.

**Lyn** You have rights at work, you know. Like the right to be paid properly and to get a pay slip.

**Lyn** If you are being paid cash in hand, your boss might not be paying proper tax for you, and you could end up owing a lot of money. And it might be harder for you to get some things that you have a right to when you have a job.

**Alice** Like what?

**Lyn** Well, usually if you get hurt at work you can make a Work Cover claim, then you might get money to help pay for medical bills or payment if you can't work. It might be hard to do this if you get paid cash in hand and don't have a pay slip. You should get some advice about your pay and your rights at work.

**Alice** Where can I get advice? I don't want to get into trouble with my boss.

**Lyn** There are free services that can give you information and advice. You won't get in to trouble for getting help. They won't say anything to your boss unless you want them to.

*Alice is at home on the phone to a Victoria Legal Aid lawyer.*

**Alice** Hello, my name is Alice. I need some advice about my pay at work.

**Lawyer** Sure, Alice. Let's go through the details and work out how we can help you. In Australia, the law sets a minimum wage for all workers. A minimum wage is the lowest amount that you can legally get paid. The amount will depend on what sort of work you do. So firstly, can you tell me about your job, and what your duties are? Once we've done that, you may want to talk to your boss about your pay and your rights at work. It's also a good idea to email, text or write a letter. Keep a copy of all your emails, texts or letters so that you have proof about when you raised your concerns and what you said.

**Alice** But what if that doesn't make any difference, and my boss continues to pay me the same?

**Lawyer** If your boss still doesn't pay you properly, you could make a complaint to the Fair Work Ombudsman. They might talk to your boss, or send him a letter or ask your boss to meet with you to talk about it together. They might also take your boss to court for doing the wrong thing. If that still doesn't change anything, you could take your boss to court. The court can order your boss to pay you any money he owes you, and a fine as well. You can get an interpreter, if you need one, when you speak to the Fair Work Ombudsman or if you go to court. If you lose your job or have all your shifts cut suddenly after you have complained to your boss or the Fair Work Ombudsman, call us back straight away. You only have a short time to file an unfair dismissal claim.