

Work and Your Rights in New Zealand



This booklet is to help you understand your rights when working in New Zealand.

This booklet is for you to keep. You can write in it.

Write your name here.

This booklet was written in 2007 by People First New Zealand, Nga Tangata Tuatahi and IHC New Zealand, supported by the Ministry of Social Development.

It was revised and reprinted in 2009 by Works4Us, an Employment Advocacy Service set up by People First and supported by the Ministry of Social Development.

In this edition the booklet has been redesigned to follow a training course on Work and Your Rights.

Works4Us believes it is a valuable resource for all people with learning disability and others as they seek work and enter employment.

Nothing about Us without Us

For more booklets ring **0800 40 40 49** or
People First New Zealand on **0800 20 60 70**.

2011



What is in this booklet?

This booklet is to help you understand work and your rights when working in New Zealand. This is covered in 4 parts.

PART 1

Introduction: What is People First New Zealand and Works4Us

• What is People First New Zealand?.....	4
• What is Works4Us?	5
• What is work?	6
• What do you know about work?	7
• Are you an employee/worker?.....	8
• When are you not an employee/worker?.....	9
• What are the different types of employees/workers?.....	10
• Being a good worker.....	11

PART 2

Introduction: What are your rights when you are employed/working in New Zealand?

.....	13
• What is an Employment Agreement?.....	14
• Before you sign	15

PART 3

Introduction: How much you should be paid

• How much should you be paid for the work you do?.....	17
• What is the Minimum Wage?.....	18
• What is the Minimum Wage Exemption?.....	19
• What is the Minimum Wage Exemption Permit?.....	21

PART 4

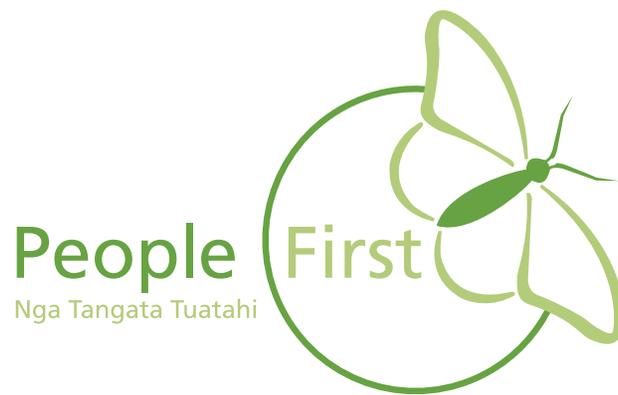
Introduction: Other rights at work

• Keeping healthy and safe at work.....	24
• Time off.....	25
• Problems at work	26
• Where to go for advice and help.....	27
Helpful words	28
Notes	29

PART 1:

What is People First New Zealand and Works4Us





What is People First New Zealand?

People First is a national organisation led by and for people with learning (intellectual) disability, with a focus on promoting self-advocacy and human rights.

People First members help each other to:

- Be respected
- Be listened to
- Learn about rights and responsibilities
- Have our ideas heard by both local and national government, councils and service providers
- Teach people in the community about valuing Disabled people
- Speak out on important issues

For more about People First New Zealand call:

0800 20 60 70 or **www.peoplefirst.org.nz**

Nothing about us, without us



What is Works4Us?

Works4Us was established by People First in 2008 to inform, educate and advocate for Disabled workers about Employment Rights.

Works4Us is committed to making sure Disabled people have the same employment opportunities and rights as everyone else, including knowing what help is available. This education is best to begin during the transition phase from school.

Works4Us has trained Advocates throughout New Zealand to assist Disabled people to:

- learn about rights at work
- understand Employment Agreements
- have information about what a job is worth
- have support through any assessment process
- have support with any work problems.

For more about Works4Us call:

0800 40 40 49

What is work?

There are a lot of things that people do in their lives that might be called work:

Things like:

- cleaning or gardening
- washing your clothes
- playing sport
- being a volunteer
- going to a day base (Community Participation).



BUT

There are other things that some people do which they call their real job.

Things like:

- serving people in a dairy or paint shop
- packing shelves at a supermarket
- typing letters in an office
- selling plants in a garden centre.

This booklet is to help you understand your rights in your real job.

What do you know about work?

Some things you should know about your work:

Work is:

- Your real job
- What you do for money (pay/wages)
- What you agree to do
- When you are an employee/worker and you have an employer/boss
- When you have rights under New Zealand employment laws
- When you have the right to join a union.



Are you an employee/worker?

You are an employee/worker when:

- You are offered a job and you agree to take the job
- You have a date to start
- You have a written Employment Agreement
- You have signed your Employment Agreement
- You have an employer/boss
- You know the hours you work
- You are paid for your work
- You have a list of things you have to do (a Job Description).



When you are an employee/worker you have rights under New Zealand employment law.

When are you not an employee/worker?

You are not an employee/worker or employed/working when:

- You do not get paid any money
- You do not have an employer/boss
- You do not have a written Employment Agreement
- If you are self employed.

You might be:

- Doing volunteer work
- Doing your housework
- Learning or studying
- Going for a swim
- Going to a day base (Community Participation).



If you still think you might be an employee/worker talk to someone you trust or look at page 27 and phone an organisation that can help.

What are the different types of employees/workers?

There are different types of employees/workers. You have rights no matter what type of employee/worker you are:

Fixed term



You know the dates and the reason why your job starts and finishes

Casual

	MON	TUES	WEDS	THURS	FRI	SAT	SUN
Am	work						
Pm	work		work	work			
Eve				work			

	MON	TUES	WEDS	THURS	FRI	SAT	SUN
Am			work		work		
Pm				work		work	
Eve					work		

You work when needed and only on some days

Part time Employee

	MON	TUES	WEDS	THURS	FRI	SAT	SUN
Am	work	work	work	work	work		
Pm							
Eve							

	MON	TUES	WEDS	THURS	FRI	SAT	SUN
Am	work	work	work	work	work		
Pm							
Eve							

You work part of the week

Full time Employee

	MON	TUES	WEDS	THURS	FRI	SAT	SUN
Am	work	work	work	work	work		
Pm	work	work	work	work	work		
Eve							

	MON	TUES	WEDS	THURS	FRI	SAT	SUN
Am	work	work	work	work	work		
Pm	work	work	work	work	work		
Eve							

You work for a full week

You have the same rights as all other employees/workers in New Zealand.

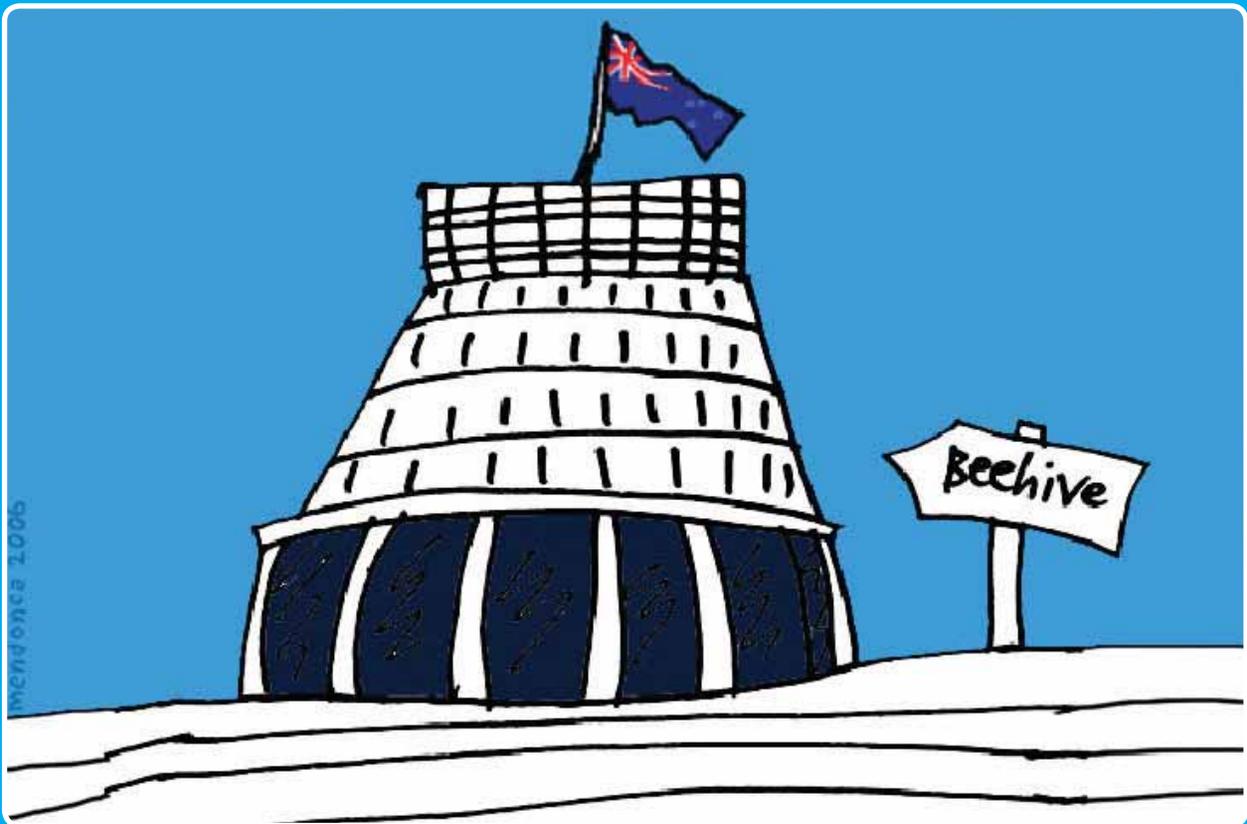
Being a Good Worker



A Good Worker is someone who:

- Arrives on time - finishes at the right time
- Asks for help
- Helps their workmates
- Tells the boss if they can't be at work
- Listens and follows instructions
- Looks after equipment and property e.g. tools and computers.

PART 2:
**What are your rights when you
are employed/working in NZ?**



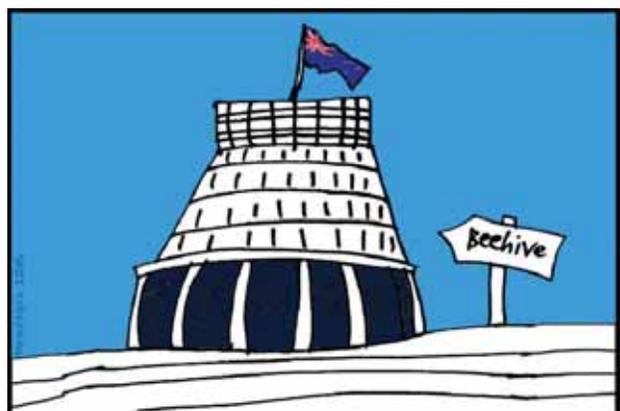
What are your rights when you are employed/working in NZ?

There are employment laws in New Zealand.
These laws give you employment rights.
You have these rights when you are an employee/worker.

New Zealand employment laws give you employment rights.

The right to:

- Be treated fairly
- Be treated with respect
- Be safe at work
- Join a union
- Ask for changes to your job or the place you work that would help you to do your job
- Have time off work for:
 - Annual Leave
 - Public holidays
 - Sick Leave
 - Domestic Leave
 - Bereavement Leave
 - Parental Leave.



An Employment Agreement must keep within the laws of New Zealand.

What is an Employment Agreement?

When you are an employee/worker you will have an Agreement with your employer/boss. This is called an **Employment Agreement**.

An Employment Agreement must be in writing:

- Have your name on it
- Have your employer's/boss's name on it
- Be signed by you and your employer/boss
- Have the place you will work at
- Say how much you will get paid
- Have a list of the things you will do in your job (Job Description)
- Have the hours you will work
- Keep to the laws of New Zealand
- Given to you on request.

An Easy Read Employment Agreement is now available on the People First website: www.peoplefirst.org.nz



Before you sign your Employment Agreement make sure you are happy with all the things written in it and show it to someone you trust.

What to do before you sign your Employment Agreement

It is important to know what is in your Employment Agreement.

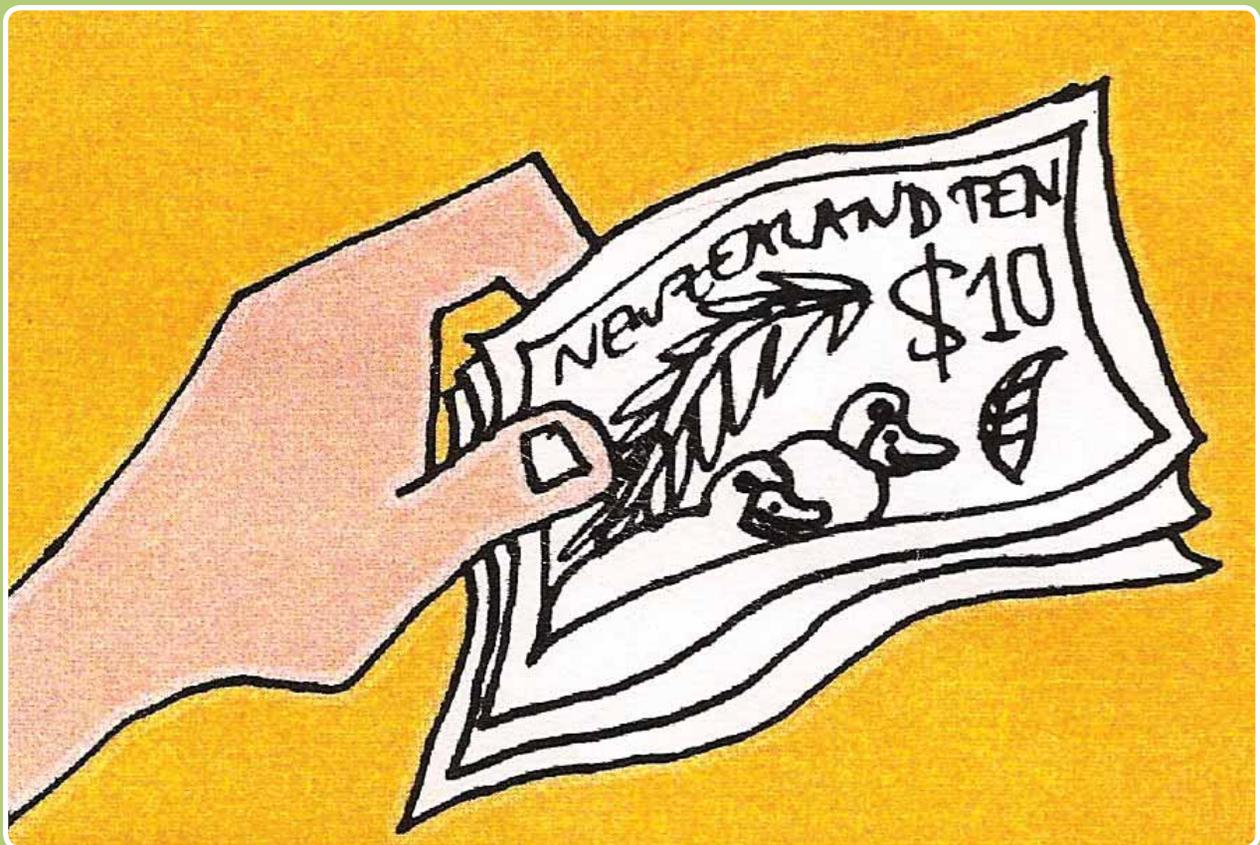
Make sure you are happy with what is in it **before you sign it!**
Show it to someone you trust – talk about who this could be.

Who can give advice about your Employment Agreement?

- Family/whanau members
- An employment Advocate like Works4Us Advocates
- Your Union representative
- Your support person.



PART 3:
How much should you be paid?



How much should you be paid for the work you do?

If you are an employee/worker you have a right to be paid money for the work you do.

When you are negotiating your wage, there are a lot of things an **Advocate** can help you think about.

Some of these things include:

How much money you need to live on? How much money you need for your:



• Food?



• Power?



• Phone?



• Transport?



• Treats & Leisure?



• House, Rent?

This is called the **Cost of Living**

What is the hourly rate that other workers get when they do a job like yours? This is called the **Market Rate**.

An Advocate is a person who you choose to help you when you talk to your boss about your Employment Agreement.

Are you an employee/worker? If so, do you know how much you are paid per hour?

You can't be paid less than the **Minimum Wage**.

What is the Minimum Wage?

In New Zealand an employee/worker must be paid either, **The Minimum Wage** or more. At the moment the minimum wage is \$..... per hour. This is the smallest amount per hour that can be paid to an adult in New Zealand.

There are 2 other minimum wage rates:

1. **The new entrants minimum wage** applies to employees aged 16 and 17.
2. **The training minimum wage** applies only to employees aged 16 and over who are doing recognised industry training.



Or

Less than \$..... per hour because of a law

**This law is called the
Minimum Wage Exemption.**

What is the Minimum Wage Exemption?

The Minimum Wage Exemption is an agreement between a **worker and their employer, approved by the Department of Labour**. It only applies to Disabled workers. A Minimum Wage Exemption happens when all people agree to a payment of less than the minimum wage.



Before you agree to a Minimum Wage Exemption a lot of things have to happen first.

Negotiating is talking with your boss to get a fair Employment Agreement

As part of negotiating you can talk with your boss about what your hourly rate could be, should it be more? or should it be less?

- Negotiating starts when your boss or supervisor asks you to talk about your pay or your hourly rate
- This should happen every year
- If the boss does not **ask** you, **you** have the right to ask to talk about your pay.

When you talk to your boss about your hourly rate it will help to have an Advocate with you.

As part of negotiating your wage, your boss may want to talk about a Minimum Wage Exemption.



A Minimum Wage Exemption will only happen when all other reasonable accommodations have been considered.

- Are you doing the right job?
- Are you getting the proper support?
- Are you getting any training?

The boss may want you to take part in a Wage Assessment Process. You have the right to have your Advocate with you during this process. This will mean your productivity and your competency will be looked at.

Productivity means you will be timed:



- Doing the jobs that you do most when you are at work
- At least two times but at different times of the day or week.

The person who times you will be someone who you know, like your supervisor or team leader.

Competency means being a good worker:



- Being on time for work
- Listening carefully
- Asking questions at the right time
- Getting on well with other people.

What is the Minimum Wage Exemption Permit?

Your boss has to apply for your Minimum Wage Exemption Permit. Then a person from the Department of Labour called a Labour Inspector will meet with all the people involved to talk about the Minimum Wage Exemption Permit .



The Labour Department Inspector is a person who has to sign the Minimum Wage Exemption Permit.

The Labour Inspector will look at a whole lot of things and only issue a permit if:

- Your disability limits you from earning the minimum wage
- You have had the opportunity to have a support person and/or Advocate when you are talking about your wages.

- The job is right for you.
- You have had the right supervision and training.
- You have a written Employment Agreement that keeps within the employment laws of New Zealand.
- Your hourly rate is right for how you do your job.
- Your boss has thought about the hourly rate that other workers get to do a job like yours - the market rate.
- Your boss has done everything to help you do the job to the best you can.



A Minimum Wage Exemption Permit will only happen if all the people involved agree.

PART 4: **Other Rights at Work**



Keeping healthy and safe at work



There are laws in New Zealand about keeping safe and well at work. Some of these laws are:

- Being safe from unwanted attention
- Being safe from hazards



You and your boss must know about this information. If you find anything that you think is not safe you must tell your boss.

If you get hurt at work you must tell your boss as soon as you can. You must do this because in New Zealand we have an insurance scheme called **ACC**.

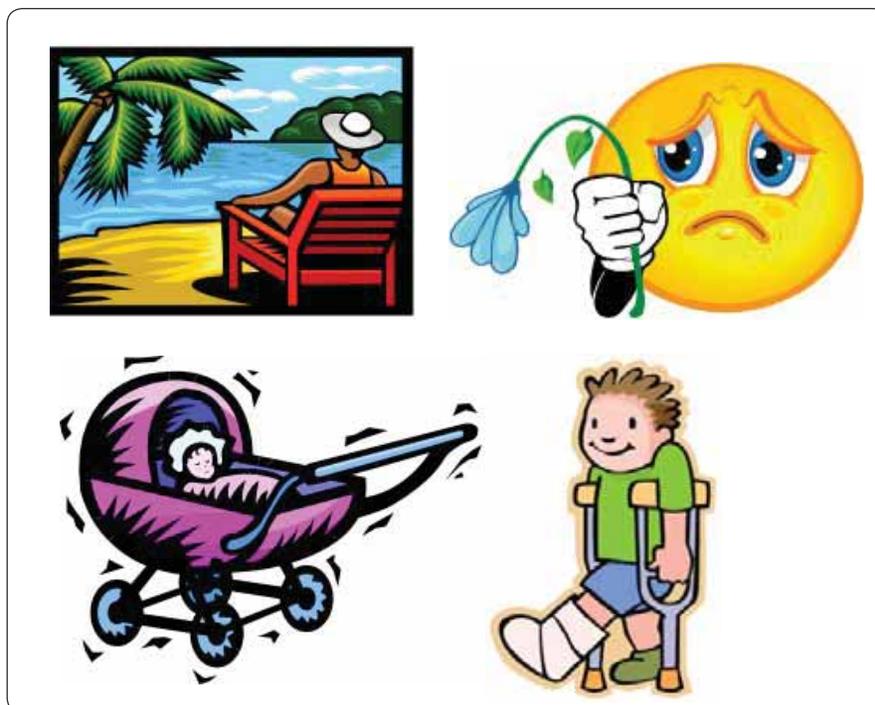


ACC stands for the Accident Compensation Corporation and provides comprehensive, no fault personal injury cover for all people in New Zealand. It is a very good insurance scheme that covers all workers and employers and means if you hurt yourself at work most or all of your Doctor bills will be paid and if you cannot return to work you will be paid 80% of your wages.



If you injure yourself at work it is very important that you talk to your boss and fill out an ACC form.

Time Off



Workers are able to have time off or leave. The NZ Employment Laws say **'this is for all workers'**.

There are different reasons for getting leave or time off work:

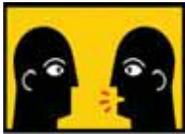
- Annual Leave: Time off when you want a holiday
- Public Holidays
- Sick Leave: Time off when you are sick
- Domestic Leave: Time off when your partner or children are sick
- Parental Leave: Time off if you or your partner has a baby
- Bereavement Leave: Time off when someone in your family dies or someone close to you dies.

How much leave can I have?

Look at your Employment Agreement.

Problems at Work

What will happen if there are problems at work?



If you have any problems at work tell your boss as soon as you can.



You can have support with you when you talk to your boss.

Sometimes there are problems called **Personal Grievances**.



Personal Grievances are things like

- Losing your job for no good reason
- Being discriminated against
- Being treated unfairly
- Sexual harassment
- Racial harassment
- Feeling pressured about joining a Union or not.



If you have a problem at work you need to talk to someone you trust as soon as you can.



You have to talk to your boss about your personal grievance within 90 days of the situation happening.



If you can't fix your workplace problem or your Personal Grievance with your boss you can get help from The Department of Labour's mediation service.

Where to go for advice and help

To find out more about advocacy you can;

- Ring Works4Us on **0800 40 40 49**
 - Talk to People First New Zealand **0800 20 60 70**
 - Talk to IHC Advocacy **0800 442 442**
 - Ring the New Zealand Council of Trade Unions (CTU) on **04 385 1334**
-

To find out what other services are in your area talk to:

- The Association of Supported Employment in New Zealand (ASENZ) on **06 343 3669**
 - Workbridge **0508 858 858**
-

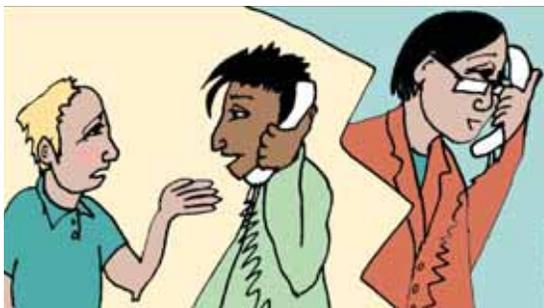
To find out what benefit you are entitled to ring:

- Work and Income New Zealand (WINZ) on **0800 559 009**
-

To talk to a Labour Inspector phone:

- The Department of Labour on **0800 20 90 20.**

Ask someone you can trust!!



Helpful words

Employee	Worker
Employer	Boss
Advocate	A person you choose to help you when you talk to your boss about your Employment Agreement
Employment Agreement	A written agreement for your job
Negotiating	Talking with your boss to get a fair Employment Agreement
Job Description	The list of tasks for your job
Labour Inspector	A person who works for the Department of Labour and makes sure employment things are right
Minimum Wage Exemption	An agreement between you, your employer and the Labour Inspector about your pay
Unions	Organisations that look after workers' rights
Parental Leave	Time off when you or your partner have a new baby
Bereavement Leave	Time off when someone in your family dies
Self employed	When you have your own business
Cost of Living	How much money you need to live on
Market Rate	The rate other workers get when they do a job like yours

Notes

