

**EMPLOYMENT LAW  
SESSION 1 ACTIVITIES  
WAGES AND OTHER  
ENTITLEMENTS**

**ACTIVITY A**

**Watch the video and answer these questions:**

1. Why is Jill happy about her job?
2. What does Andrea get paid if it is a quiet night?
3. What does Jill say about Andrea's pay rate?
4. Name three things that Andrea's employer is doing that may be against the law:
  
5. What can Andrea do if she wants to find out about her legal pay rate?
  
  
6. How could Andrea try to get any money that her employer owes her?

## ACTIVITY B

Match the words with their meanings:

A) Award	1) The lowest amount of money that an employee can get paid for their ordinary hours of work. It is illegal to pay an employee less than the minimum wage, even if the employee agrees.
B) Penalty rate	2) Document that shows details of pay. Employers must give this to employees every time they pay them for their work.
C) Minimum wage	3) Legal document that sets the legal minimum wage and conditions. There are different Awards for different jobs.
D) Pay slip	4) Extra money an employee gets on top of their normal pay to cover special duties or money they spent on work things. For example, food, tools, travel costs, first aid costs.
E) Superannuation	5) Money paid for work done.
F) Wage	6) Extra pay set out in an Award or Enterprise Agreement for working at particular times. For example, working night shifts or working on weekends.
G) Allowance	7) Money an employer pays into an employee's superannuation account. The employee can use this money when they retire. Under the law, employers must pay superannuation. The amount of superannuation paid should be shown on the employee's pay slip.

## **ACTIVITY C**

**Read the statements and circle true or false:**

1. If you contact a legal service, they will contact your employer without your permission. True / False
2. If a restaurant does not get any customers, they can pay the waiter less than the minimum wage. True / False
3. An employer can choose not to be covered by an Award. True / False
4. If you work as a casual employee in a restaurant, you do not get superannuation. True / False
5. All employees must receive a pay slip within one day of being paid. True / False
6. Employees should be paid for all the hours that they work – including training. True / False
7. Employees should receive all their wages in the form of money. It is against the law for employers to give them food instead of wages. True / False
8. Employees should be paid regularly (at least monthly), for the work they do. True / False
9. It is against the law to treat an employee badly because they ask about their pay. True / False
10. Your Award says you are entitled to \$20 per hour and the minimum legal wage is \$16.87 per hour. You signed a contract that says you will be paid \$10 per hour. You should be paid \$10 per hour. True / False

## **ACTIVITY D**

**Discussion. Andrea seems reluctant to enforce her rights. What barriers are there for Andrea? How could she overcome these barriers?**

## **ACTIVITY E**

**(this activity is adapted from Fair Work Ombudsman resources – see [www.fairwork.gov.au](http://www.fairwork.gov.au))**

In pairs, read the story below. Imagine one of you is the worker and one of you is the boss. Practice a conversation where the worker tells his/her boss about his/her concerns.

You work in a busy restaurant. You get paid \$15 an hour. Your friends work in restaurants too and they get paid more than you. Your friends tell you that they also get extra pay for working late nights and weekends. You think your pay is less than minimum wage but you are worried that your boss will be offended and angry if you raise your concerns. You want to maintain a good relationship with your boss and cannot afford to lose your job.

What should you do?

TIPS:

1. Arrange a time to speak to your boss privately
2. Be clear about the problem
3. Let your boss explain her/his point of view
4. Be assertive and specific about your problem
5. Don't be rude or aggressive
6. Set a timeline for when the issue will be discussed further or resolved
7. Make sure both you and your boss leave the conversation with a clear understanding of what has been decided and when the issue will be resolved or discussed again

## **ACTIVITY F**

**Watch the video again. Watch for the screen that tells you where to get help. Where are some places that you can get free legal help?**

## FURTHER ACTIVITIES:

### ACTIVITY F: WHO SHOULD BE PAID?

- 1 Your teacher will explain what these types of work mean. Then work in a group and decide if these workers should be paid. Tick your answer.

<p>a Workers working for a specified task or for a specified period</p>  <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>	<p>b Casual employees</p>  <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>	<p>c Volunteers</p>  <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>
<p>d Contractors</p>  <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>	<p>e Apprentices</p>  <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>	<p>f Employees on probation</p>  <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>
<p>g Workers on trial</p>  <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>	<p>h Trainees</p>  <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>	<p>i Permanent employees</p>  <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>
<p>j Students doing work experience</p>  <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe</p>		

- 2 Discuss your answers with the class and your teacher.

## ACTIVITY G THE FAIR WORK SYSTEM

1 Read this information about the National Employment Standards.

- There are 10 minimum employment standards for permanent employees:
1. Maximum weekly hours of work = 38 hours + reasonable additional hours
  2. Annual leave = 4 weeks (pro rata for part time)
  3. Public holidays (provided you normally work on that day)
  4. Notice of termination (or payment in lieu) / redundancy pay
  5. Right to request flexible working arrangements
  6. Long Service Leave
  7. Parental Leave
  8. Personal / Carers / Compassionate Leave
  9. Community Service Leave
  10. Supply of Fair Work Information Statement

2 Match the word with the meanings. Use your dictionary to help.

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|---------------------------|--|
| a maximum                 | ▪ time off work  |
| b annual                  | ▪ extra leave you get after 10 years working for one organisation (or payment if your job ends after working more than 7 years with the one organisation). |
| c leave                   | ▪ written information to explain   |
| d termination             | ▪ money you get when your job ends because the business does not need your position any more (for example because the company is closing or downsizing)    |
| e redundancy pay          | ▪ ending   |
| f flexible                | ▪ the most   |
| g long service leave      | ▪ giving someone something   |
| h parental leave          | ▪ time off for some types of work for the community eg: as a volunteer fire fighter  |
| i compassionate leave     | ▪ can be changed   |
| j community service leave | ▪ leave you may get if you have a baby or adopt a child  |
| k supply                  | ▪ yearly   |
| l statement               | ▪ time allowed off work if someone in your family or household dies or is very sick  |

- |   |                  |   |  |
|---|------------------|---|--|
| m | pro rata         | ▪ | how much warning employers have to give when your employment is ending |
| n | right to request | • | payment instead of something   |
| o | notice           | ▪ | part of what a full time employee receives                             |
| p | payment in lieu  | ▪ | right to ask your employer   |

3 Match the beginnings and endings of these sentences.

- |   |  |   |  |
|---|--|---|--|
| a | Employees can only be asked to work  | ▪ | of paid annual leave per year.   |
| b | Employees are generally allowed to be away from work on a public holiday and still be paid | ▪ | a maximum of 38 hours per week (plus extra hours if it is reasonable).   |
| c | Full time permanent employees are allowed to take four weeks                               | ▪ | the mother and the father may be entitled to take a period of unpaid parental leave.   |
| d | If a permanent employee is fired   | ▪ | if they normally work on that day.   |
| e | An employee may ask  | ▪ | the employee is entitled to a period of compassionate leave.   |
| f | If an employee volunteers to fight a bushfire  | ▪ | a copy of the Fair Work Information Statement.   |
| g | If an employee has more than 10 years continuous service with one employer                 | ▪ | they may take the time off as community service leave.   |
| h | Employers must give all new employees  | ▪ | to change their working arrangements to care for their child (if the child is at school or younger or has a disability).       |
| i | When a member of an employee's immediate family dies                                       | ▪ | they are entitled to take a period of long service leave.  |
| j | When a baby is born  | ▪ | they could get up to 5 weeks' notice of termination (or payment in lieu) and, if termination is by redundancy, redundancy pay. |

4 Discuss the National Employment Standards in class with your teacher. Ask your teacher about anything you don't understand.