

Employment law

Years 8-12

NSW

Module [1/1]

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Youth Law Australia thanks DLA Piper for its generous pro bono support in developing this resource



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Survey link:

<https://www.surveymonkey.com/r/teachlaw1>

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Starting a new job



At what age can you start working?

- The requirements around minimum working age vary slightly between states and territories
- There is no minimum age in New South Wales
- If an employer does not hold an authority to employ people under 15, you cannot work more than 10 hours per week
- If you are under 15 years you cannot work during school hours and there are other restrictions on shifts and hours of work that apply
- You can work full-time after you have completed year 10 or when you turn 17, whichever occurs earlier



Key concepts



Types of workers

- Different types of workers have different rights
- An employee can be
 - Permanent full time
 - Permanent part-time
 - Casual
 - Fixed term
 - Apprentice or trainee
- Some workers are independent contractors
- Some workers are volunteers



Classifying types of workers



Anh Doh, Comedian



Leigh Sales, ABC Newsreader



Magnolia Muru, Model

What do you need to apply for a job?

- Apply for a Tax File number
- Think about your superannuation
- Prepare a Resume or Curriculum Vitae (CV)



Discrimination when applying for a job

Discrimination means unjust or prejudicial treatment of someone based on a particular characteristic or particular circumstances.

It is **against the law** for an employer to discriminate against people because of their:

- family responsibilities
- sexuality
- gender identity
- sex (whether they are female or male)
- relationship or parental status (whether they are married, single, widowed, divorced, separated or living with someone as if they were married (de facto, including same sex de facto), and whether they have children or not)
- race
- age (whether they are young or old)

Discrimination when applying for a job

It is **against the law** for an employer to discriminate against people because of their:

- impairment (whether they have or have had a physical, intellectual, psychiatric or mental disability, injury or illness, including whether they are HIV+, or use a guide dog, wheelchair or some other remedial device)
- religious belief or activity
- political belief or activity
- trade union activity
- pregnancy or breastfeeding
- association with or relation to someone who has any of these listed attributes or personal characteristics



Class Activity



Preparing a resume or CV

A good resume or CV will:

- Include your name, email address and contact phone number
- Be in a font that is easy to read
- Be no more than 2 or 3 pages
- Clearly set out your past education, achievements, any relevant work experience as well as your interests
- Clear set out relevant dates
- Be easy to read and understand

Unpaid work trial

- You may be asked to do a trial before you start your job
- Helps employer determine if you have the skills for the job
- It must to be:
 - ✓ no more than a demonstration of your skills for the jobs
 - ✓ only for as long as needed to demonstrate the skills required for the job
 - ✓ under supervision of the employer for the entire trial



Employment contract

Employment contracts have details such as:

- your duties at work
- what level you are (e.g. supervisor)
- your title (e.g. shop assistant)
- any work rules, practices or policies
- how much you will be paid
- your hours of work & breaks
- your employment status (e.g. full-time, casual or part-time)



Class Activity

Jessica's first job



Minimum wage

- Adult employees should get paid at least the minimum wage:
 - **\$18.29** per hour for full time and part time employees
 - **\$22.86** per hour for casual employees (25% more)
- Apprentices, trainees or employees under 21 years old may be paid less



Example pay slip



Pay Slip For:

Daniel Scott

Payment Date: 16/10/2009

Gross Pay: \$865.38

NET PAY: \$715.38

ABN: 123 456 789

DESCRIPTION	HOURS	CALC. RATE	AMOUNT	YTD	TYPE
Holiday Leave Loading				\$125.00	Wages
Holiday Pay				\$865.38	Wages
Sick Pay				\$173.08	Wages
Base Salary			\$865.38	\$12,980.70	Wages
PAYG Withholding			-\$150.00	-\$2,250.00	Tax
Holiday Leave Accrual	3.07			152.77	Entitlements
Superannuation			\$77.88	\$1,168.20	Superannuation Expenses

Other Employee Details:

Classification: Clerical Award Level 4

Annual Salary: \$45,000.00

Hourly Rate: \$21.6346

Pay Period From: 9/10/2009 To: 15/10/2009

Superannuation Fund: SunSuper

Getting paid

- How regularly should you be paid?
 - ✓ Either weekly, fortnightly or monthly
- How should I be paid?
 - ✓ By electronic funds transfer directly to your bank account (employee written authorisation required), cash or cheque
- When you get paid
 - ✓ Check you have received the right amount
 - ✓ Collect your payslip and check the details
- Cash in hand?



Workplace example - Laura

- Laura is **18 years old**. She approached GGA supermarket for a job. Sam, the Manager, said she could come in and do an **unpaid trial**. Laura did the trial from 9am - 5pm where she stacked shelves and worked on the cashier. Sam thought Laura was good and offered her a job the next day.
- Sam **did not give Laura any documents** about her job but told her the following details:
 - She will be **paid \$5.50 per hour**. Her responsibilities will be stacking shelves and working on the cashier.
 - She will be required to work 6 hour shifts from 8am - 2pm with **no break**. She will also need to start work at 7.45pm to open the supermarket, but **will not be paid for this time**.
 - If required, she **may need to come in for 2 hour shifts** if the supermarket finds they are short on staff.
- In her first fortnight, Laura works **7 shifts at GGA Supermarket**. Sam gives Laura an envelope containing her wages, paid in cash. Laura is unsure whether she has been **paid the right amount as she does not receive any other paper work**.

Workplace example - Laura

- Should Laura have been paid for the trial? Why or why not?
- What should Laura do before she starts working at GGA supermarket?
- What concerns do you have with Laura's employment arrangements?





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Summary

- There is no minimum age in New South Wales to start working but there are restrictions on certain types of work or working conditions (e.g. the number of hours you can work)
- Different types of workers have different rights (e.g. casual, full time, part time, contract etc)
- You will need a tax file number, and to consider writing a resume and covering letter to apply for a job
- It is illegal to discriminate against a person during the hiring process, or whilst they are at work
- Unpaid work trials can be legal in limited circumstances but generally a person is entitled to be paid for the time they work and to receive a written record of this (a payslip)

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