

What are a casual employee's rights?

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An individual employment agreement sets out the terms and conditions of your employment. There are several types of employment – full-time, part-time, permanent, fixed term and casual. Often employees on casual contracts are unclear about their rights and entitlements given they have no set hours and work when required. Employers can also be unsure as to their obligations in terms of a casual employee's leave and holiday entitlements because casual employees sometimes go weeks without receiving work.

ANNUAL HOLIDAYS
 Most employees are entitled to four weeks' annual leave under the Holidays Act 2003. Casual workers are also entitled to four weeks annual holidays after they have worked for one year. Because casual employees have no clear work pattern and their hours of work cannot be anticipated, it is often impractical

for an employer to provide casual employees with four weeks of annual holidays. Instead, employers often choose to top up an employee's wages with 8 per cent of their weekly earnings as annual holiday pay. That is known as a "pay-as-you-go" arrangement, and should be included in the employee's employment agreement. The employer should pay the 8 per cent holiday payment each pay day and it should be recorded separately from the employee's wages on their pay slip.

SICK LEAVE AND BEREAVEMENT LEAVE
 Casual employees may also be entitled to sick and bereavement leave. To qualify, casual employees must have been working for the same employer for an average of at least 10 hours per week for at least six months. If a casual employee qualifies for sick leave, they will be entitled to five days' leave annually. If you are sick, but have not been working for six months, you can still ask your employer for annual leave or take unpaid leave. Casual employees who qualify for bereavement leave will be entitled to three days' leave on the death of their partner, parent, child, sibling, grandparent, grandchild or their partner's parent. For the death of any other person, the employee can be



It's important casual employees understand their rights and entitlements.

entitled to one day of bereavement leave if the employer is satisfied the employee is "suffering a bereavement". Pay for sick leave and bereavement leave will be at the employee's usual rate that they would ordinarily be paid on the

day leave is taken. What can you do if your rights and entitlements are not being met? If an employer is not adhering to your rights, you can contact your employer directly to try to resolve the issue. You may want to get advice on your rights first

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or if your employer does not agree with you. In any dealings with your employer, employees can take a support person with them, perhaps a parent, friend, advocate or a lawyer. If you are not confident enough to raise your dispute with your employer, your support person can speak on your behalf at meetings with your employer. They can also help with letters or emails and advice. If an agreement cannot be reached, you can attend mediation or alternatively take a personal grievance claim to the Employment Relations Authority. You can also approach a labour inspector at the Ministry of Business, Innovation and Employment for assistance.

Column courtesy of Rainey Collins Lawyers, 0800 733484 or raineycollins.co.nz. If you have an inquiry, email skrovetsy@raineycollins.co.nz. Our next free public seminar on health and safety, will be on June 15, 12.15pm till 1.30pm. See our website.