

# Workers' basic rights

Everyone has minimum rights they are legally entitled to in their employment.

Every employer must:

- Provide each employee with a written employment contract (and give them a reasonable chance to look it over and get advice on it before they sign).
- Pay at least the minimum wage.
- Provide annual, sick and bereavement leave.
- Compensate for any public holidays worked or if they normally work on that day.
- Not deduct money from wages without agreement in writing.
- Provide paid tea breaks and unpaid lunch breaks.
- Provide a safe and non-discriminatory workplace.

## Written employment contract

A written employment contract sets out all of the terms and conditions of your employment.

There are several types of contract:

- **Fulltime:** a fulltime employee will normally work between 35 to 40 hours a week.
- **Part-time:** a part-time employee can work as many hours a week as agreed upon by their employer.
- **Permanent:** a permanent employee is employed for an indefinite time.
- **Fixed term:** a fixed-term employee will be employed for a certain period of time. The period must be clearly set out in their employment agreement and there must be a genuine reason why they are

employed in this type of contract. Reasons may include if the employee is only needed to fill the position while another is on maternity leave or because a project will only last for a certain period of time.

■ **Casual:** a casual employee has no set hours and works only when required. That means an employee could go days or weeks without receiving any work, but is also not obliged to work any set hours or days.

## Minimum wage

The adult minimum wage is \$14.75 and applies to all employees over the age of 16. For employees from 16 to 19 there is a starting wage level of 80 per cent of the minimum wage.

For employees below the age of 16 there is no minimum wage. However, all of their other employment entitlements still exist.

A minimum training rate of \$11.80 an hour applies to employees over the age of 20, who are doing recognised industry training.

## Deductions

Deductions from pay should not happen unless the employee consents in writing to the deduction.

Even then, this consent can be withdrawn by the employee giving notice that they no longer consent to deductions in writing.

There are some exceptions where an employer does not need consent.

For example, an employer is required to deduct child support, tax, student loan repayments and ACC. Employers can also recover overpayment of wages, but must notify the employee.

## Breaks

How many and for how long an employee can take a break is determined by agreement between the employer and employee.

The employer must provide rest and meal breaks that are reasonable to enable the employee to rest, take refreshment and deal with personal matters.

These must be appropriate for the duration of the employee's work period.

Breaks are therefore by agreement or at reasonable times and for a reasonable duration. There is no official guidance as to what is reasonable. The old rules of 10-minute breaks for morning and afternoon tea and a half-hour or an hour for lunch would be a reasonable position to adopt.

An employer can specify when breaks are to be taken and for what duration, but must give employees a reasonable opportunity to negotiate on those issues.

Employers and employees can agree on compensation (eg, money or another period off) if breaks are not to be given or cannot be given due to the nature of the work.

■ Column courtesy of Rainey Collins Lawyers, phone 0800 733 484. If you have a legal inquiry you would like discussed, email Alan on [aknowsley@raineycollins.co.nz](mailto:aknowsley@raineycollins.co.nz).

## Council yes to

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