

A REP GUIDE TO EMPLOYMENT: THE BARN BROS LOOK FOR A JOB



community law

free legal help
throughout aotearoa

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SLIDE 1: BACKGROUND MATERIAL

Use this information to inform your teaching.

How to deliver a REP module

Kia ora! Thank you for being a REP volunteer. Your participation in The REP will help young Aotearoians become more aware of their legal rights and responsibilities. By connecting young people with local support services, you will also help build a stronger community for all of us. So... what do you need to need to know about delivering a module?

Know your Community Law Centre

- The most important thing about The REP is the connection you can build between members of your community and your local Community Law Centre.
- If a class takes only one thing out of a workshop, it should be that if they have a legal problem they can get help from a Community Law Centre.
- Use the REP modules as a way of talking about how Community Law Centres, other community-based services and lawyers can actually help. If anyone in your class asks for help or needs legal advice (which you are not allowed to give if you are not a lawyer), direct them to their local Community Law Centre.
- Consider going the extra step: go along with a student to the Community Law Centre so they don't feel alone or intimidated.

Know the audience

- The second most important thing about The REP is that our education is meant to be interactive and fun. Getting your audience to relax and have a laugh is as important, if not more important, than talking about the law.
- Treat this teaching resource as a guide only; try hard to deliver the material in a way that will suit your audience and that your audience will enjoy.
- REP modules are learner-led. There is no need to cover all the material in the time you have been given. See where the conversation goes, focus on what the class identifies as being important or relevant, and explore those ideas. Just to repeat: there is no need to get through all the material!
- Every group you work with will be different, with different levels of knowledge, different needs, and different expectations. Let the group both guide and teach you; work together to build a picture of how the law actually works in New Zealand.
- In general, everybody likes to know why they are here, whether it's relevant, and how long it will take. Make sure you signpost what the module is going to cover, by explaining or perhaps writing up a short plan on the board.
- Try and get to the heart of the matter: talk about the real world, and the greater social implications of the law. You will get much more out of it, and so will your class.

Know some different teaching styles

- Everybody learns differently. Very few people enjoy being lectured to!
- Some people like to visualise what they're learning (by seeing it written down, making a list, studying a face).
- Some people need to hear things to take them in (maybe by taking part in a role play or a discussion, or by using rhythm or sound as memory aids).
- Other people prefer to move around: they learn best if they're up on their feet and active.
- And others learn with their hands. They like to get creative, draw things, cut things out, make projects or demonstrations.
- The games in this module attempt to cater for every different kind of learner. Work hard at improving your own teaching practice so that everybody can get involved in the class.

Know the games

- These modules are structured so that all the important information can be covered using the games only.
- The games aim to get your class thinking about the issues being discussed and engaging with them in a practical way.
- Know and understand the way the games are run, so you can lead them smoothly and effectively.
- If you can think of more diverse, more engaging and more fun games and exercises, please do. Just make sure you feed these new improved games back to us at The REP.

Know the law

- You need to be up-to-date with the area of law this module covers.
- The background material in this guide is to help you learn the law. The Community Law Manual is also a fantastic guide to all the areas of "community" law. Check out a hard copy at your Community Law Centre or look up the online version: www.communitylaw.org.nz.
- It's always helpful to have some examples up your sleeve of how the law works in practice: if in doubt, talk to your friends, family, teachers, or the lawyers and other kaimahi at your Community Law Centre.

Evaluations

- Getting feedback is essential to improving the REP modules. Please ensure you leave enough time at the end of the class to hand out and collect the evaluation forms.
- And don't forget to fill in your tutor evaluation form!

Last, but not least...

... Smile! Enjoy yourself, have a laugh, and thanks again for volunteering your time.

WHAT YOU WILL NEED:

- Projector and laptop
- Slides (Ctrl+L for fullscreen)
- Chocolate
- Scissors (ideally 1 between 2)

Printing:

- Teaching guide
- Evaluations x 1 per student
- Tutor self-evaluation x 1
- Game #1 (pg 8) A4 x 1 per flat group
- Game #2 (pg 11) A4 x 1 per student

SLIDE 2: INTRODUCING THE BARN BROS



GREETINGS

- "Kia ora, talofa lava, ni hao, hello" (introduce yourself, your name, a bit about yourself).
- "This session is brought to you by the Community Law Centre and The REP: the Rights Education Project".
- Introduce the Community Law Centre: Make sure everyone knows how to get to there – perhaps by drawing a map on the whiteboard.
- Introduce the REP.
- This module begins with an "icebreaker" to make it easier for participants to feel comfortable contributing to the workshop and for you to learn your students' names: don't forget them!

THE BARNYARD BROS

- The REP is based on some characters called The Barnyard Bros.
- Use either a hard copy REP Poster, the Powerpoint, or the Prezi show, to zoom in on the characters in this module, and to talk about what kind of animals they are.
- This Employment module mainly follows Sione the Sheep as he looks for a job, signs an employment agreement with a dodgy employer Frank the Pig, finds out about his employment rights and responsibilities, and how to deal with problems.

SLIDE 2: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Community Law Centres

- We provide free legal advice, on most topics. You can see a lawyer, for free, on anything to do with employment, family, criminal, tenancy, debt, and beyond.
- Community Law Centres are situated throughout New Zealand and you can locate your nearest one at www.communitylaw.org.nz/your-local-centre/find-a-community-law-centre/. Make sure the class knows where to find their local Community Law Centre. For example: Your nearest Community Law Centre is in Wellington Central at 84 Willis Street Level 2 or in Lower Hutt at 59 Queens Drive. Come in and see us some time!

The REP – Rights Education Project

- We are a team of volunteer students keen to let you know your legal rights and responsibilities.
- We can present the law on a number of areas, but if you have anything you are particularly interested in, we are always open to new ideas!

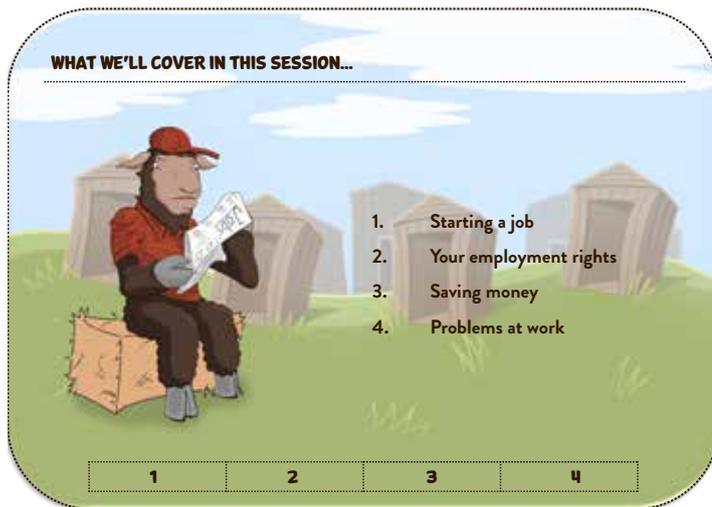
Community Law Manual

- Have a look through the Employment Law sections in Chapters 15-17 of the Community Law Manual.
- Check out a hard copy at your Community Law Centre or look up the online version: www.communitylaw.org.nz.

Meet the Barn Bros in this Module

- **SIONE THE SHEEP:** Sione is a happy, sensible sheep with a lot of get up and go. Like all of us, Sione sometimes gets into trouble, but unlike most of us, Sione doesn't ignore his problems. He's always up for trying to get justice for himself and his mates.
- **FRANK THE PIG:** Frank is a corporate hotshot who's always looking for the next business deal. He's rumoured to be a bit of a money shark around the farm. He's dodgy and doesn't care if people get hurt.

SLIDE 3: CONTENT OF MODULE



STORYLINE

- Use the storylines provided to ground each section of the module. Take turns reading out the storyline before starting the next game. The idea is to explain what the characters are up to in the slides – to give the class something to look at and think about while everything else is going on:
- “Sione the Sheep wants to buy some cool threads and mean kicks, but he only gets pocket money from his parents, which isn’t nearly enough. Sione’s out to find a job, but he’s never had one before and doesn’t know where to start. He’s down to learn more about employment law so he can avoid some of the dodgy problems his mates have had in their jobs.”

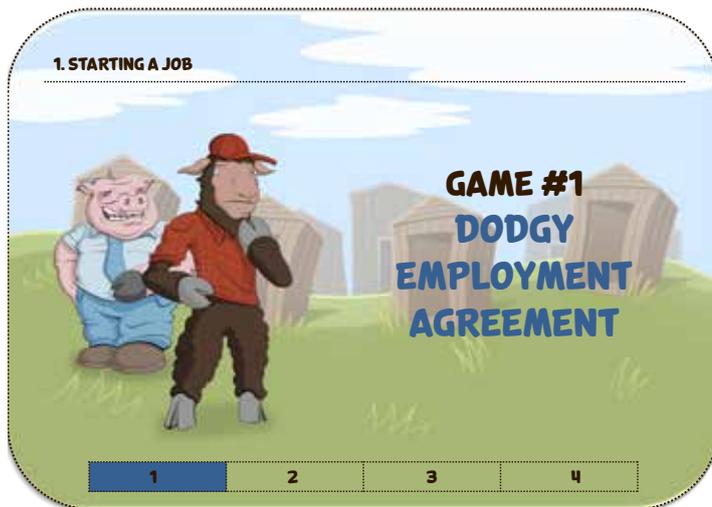
THIS MODULE WILL COVER

- Take a moment to explain the content of each of the four sections in your own words.
- Write this on the board if you think it will help ground the class.
- Let the class know how long each section will take - four games, each 10-15 minutes.
- The material you will cover is:
 - o Starting a job
 - o Your employment rights
 - o Saving money
 - o Problems at work

ICE BREAKER: “DREAM JOB BRAINSTORM”

- The idea of this icebreaker is to encourage participation and to introduce the class members. Work hard to remember the names of everyone in the class.
- Get started by asking each person to introduce themselves and answer one of the following questions (feel free to make up your own):
 - o If you have a job, what is the best part of your job?
 - o What do you think the best job in the world would be?
 - o The worst job in the world?
 - o The funniest job in the world?
 - o Would you rather do a job that you loved but paid very badly, or do a job you hate but paid very well?

SLIDE 4: STARTING A JOB



STORYLINE

- “Sione has landed himself a job! He’s about to start work for Frank the Pig who’s known for being a shifty boss. Frank has asked Sione to sign an employment agreement which says Sione will be a casual worker and that Frank can fire him whenever he wants. Sione doesn’t think this sounds fair and wants to know what his rights are.”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING CONTENT

- Employment agreements
- Casual workers
- Joining a union

GAME #1: “DODGY EMPLOYMENT AGREEMENT”

Presenters:

- The aim of this game is to get the group thinking about employment agreements.
- Divide the class into groups.
- Hand out the “Dodgy Employment Agreement” worksheets to each group: the instructions are on the sheet.
- Who can come up with the dodgiest employment agreement? The dodgiest agreement wins chocolate!
- As you go through each group’s answers, draw out the law about employment agreements: start a conversation about what the class thinks employers can actually put in an employment agreement.

EMPLOYMENT GAME #1: DODGY EMPLOYMENT AGREEMENT

Sione has just received a dodgy employment agreement from Frank. See if you can make a dodgier employment agreement using the template below!

- Dream up the dodgiest employment agreement and win chocolate!
- Finish the sentences below with the worst things a boss could ask you to do at work...



EMPLOYMENT AGREEMENT

Between

EMPLOYER: Frank the Pig
&
EMPLOYEE: Sione the Sheep

1. Job description:

Your duties will be to....

2. Pay:

You will be paid \$.... per hour

3. Trial period:

You will/will not be on a trial period (circle option). Your trial period will last for... weeks/months (circle option).

4. Leave:

You are allowed ... weeks of annual leave (holidays)

5. Hours and place of work:

You will work between ... o'clock and ... o'clock, at ...

6. Type of employee (e.g. contractor, casual, fixed-term, part-time, full-time):

You will be a....

7. Problems:

If you have a problem at work, you should follow these steps ...

SIGNED:

Piggy

Sione

SLIDE 4: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Employment agreements

- Employment agreements are contracts between employers and workers; they cover things like hours of work, etc.
- Employment agreements must be provided and should include:
 - A description of the work (e.g. you can't be asked to clean the kitchen all day if you were employed to make coffee)
 - Whether you are on a 90-day trial period
 - Whether you are a full-time, part-time or casual employee
 - Location of your place of work
 - Rate of pay
 - Holiday entitlements
 - The process for solving problems (who to complain to, what happens next)

Why you need one

- A written employment agreement ensures that employees know what is expected from them by their employer and what their duties are.
- It protects both the employee and the employer. If a dispute arises you can refer to a signed copy of the employment agreement.
- If you never receive a written employment agreement you still have rights and your employer might be liable for a fine.

Getting a copy of the employment agreement

- Employers are required by law to provide an employment agreement to all employees. If an employer doesn't provide one, you are entitled to ask for a copy.
- Employers can't take away a job offer because you asked for a copy of the agreement.
- You should take time (overnight is reasonable) to consider the agreement, and ask other trusted people to take a look. You can also come to Community Law and have it looked over by an employment lawyer for free!

Rights for casual workers

- Casual workers work when and if needed, and can say "no". There's no expectation they will keep the job indefinitely.
- An employment agreement is still necessary.
- Casual workers might actually be considered part time or even permanent workers, with more employment rights, if they've worked over a long enough period of time or their work is more like regular work.

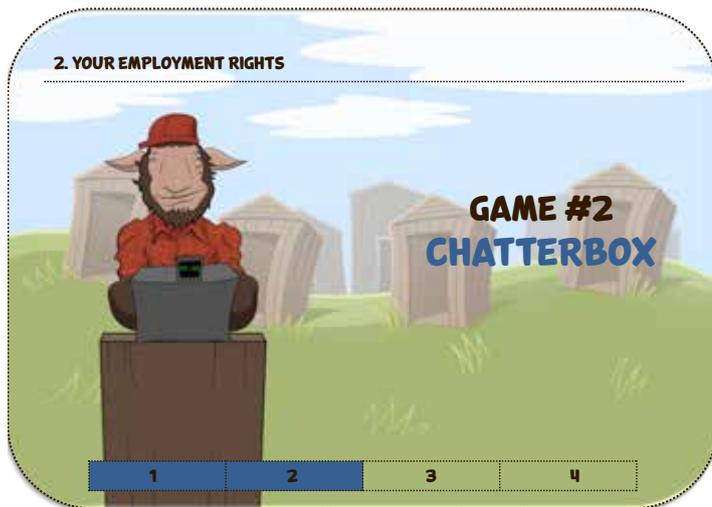
Rights for contractors

- Contractors don't have an employment agreement with an employer, but they do have a contract for service.
- Contractors rights are what the contractor has agreed with the other party. If you are a contractor it is a good idea to have a written contract.
- Contractors don't have access to minimum employment rights, for example, paid annual holiday or sick leave.

"Collective" agreements (See Unions in next section)

- A "collective" agreement means there is one agreement for a group of workers, rather than everyone having their own agreement with their own "terms and conditions".
- The idea is that together, workers have more "bargaining power" and can ask for a fairer deal.
- If there is a "collective" or "union" agreement at a workplace, the employer must tell you about it.
- Employees automatically start on this contract, and after 30 days you can choose to join the union or change to an individual employment agreement.

SLIDE 5: YOUR EMPLOYMENT RIGHTS



STORYLINE

- “Sione has started his new job working for Frank. Sione’s employment agreement said he was on a trial period and he is working really hard to make a good impression. Frank told Sione he was only allowed to take one half-hour lunch break, but by the end of an eight hour shift Sione is so tired he’s sure this can’t be right!?”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING CONTENT

- Trial periods
- Minimum wage
- Minimum breaks
- Holidays (Annual leave)
- Other leave (including sick leave, parental leave and bereavement leave)

GAME #2: “CHATTERBOX”

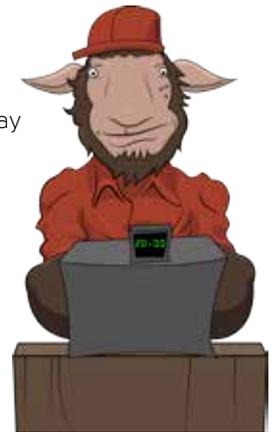
Presenters:

- There is a chatterbox template with folding instructions on the next page.
- Hand out the chatterboxes and scissors. Once the class has finished cutting and folding, ask the class to move into pairs to ask each other the questions.
- Field a discussion about the questions using the answers, and if participants can remember the answers (without looking at the chatterbox) they can win chocolate.

EMPLOYMENT GAME #2: CHATTERBOX

Use the chatterbox below to help Sione learn about his employment rights!

- Cut out the chatterbox below.
- How to fold the chatterbox:
 - o Place the chatterbox face down and fold in half, then open and fold in half the other way
 - o Open the chatterbox up and fold each corner into the middle point
 - o Turn the paper over and fold the corners into the middle point
 - o Fold your small square in half and open, fold the other half and keep closed
 - o Place your thumb and forefingers under the four flaps and pop it open
- Once you have finished, find a partner and ask each other the questions.
- Try and remember the answers to win chocolate!



W	1. NO EMPLOYMENT AGREEMENT? <i>YOU STILL HAVE MINIMUM RIGHTS!</i>	2. WANNA JOIN A UNION? <i>GOOD IDEA. PAY A FEW BUCKS...</i>	O
5. TRIAL PERIOD? <i>MUST BE IN YOUR AGREEMENT & MAXIMUM OF 3 MONTHS AND PAID!</i>	MAKE IT YOUR BUSINESS TO KNOW YOUR EMPLOYMENT RIGHTS!		6. NEED A BREAK OR A SITDOWN? <i>2-4 HRS: 10 MINS PAID & 4-6 HRS: 30 MINS UNPAID 6-8 HRS: 2X 10 MINS PAID & 30 MINS UNPAID</i>
8. SICK? <i>5 DAYS LEAVE (AFTER 6 MONTHS)</i>	7. PAID LESS THAN \$11.40/HOUR? <i>THE "STARTING OUT" WAGE IS \$11.40 TO THE MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT</i>		
K	4. HOLIDAY? <i>THERE ARE 17 PUBLIC PAID HOLIDAYS A YEAR ANNUAL LEAVE (AFTER 12 MONTHS) IS FOUR WEEKS PAY</i>	3. FIRED FOR NO REASON? <i>VISIT YOUR COMMUNITY LAW CENTRE FOR ADVICE</i>	R

SLIDE 5: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Trial periods

- 90-day trial periods can be offered to anyone who has never worked for that particular employer or business before.
- The trial period must be written in the employment agreement, otherwise you are not on one.
- You can be fired during the trial period and your employer doesn't have to give a reason, but a process must still be followed. In "good faith" an employer should still give you a reason if you ask for one. The employer must still listen to your thoughts about any problems before you are fired.
- If you suspect an employer is abusing the trial period (as a way of firing people before the employer has to take full responsibility for them as an employee), it is worth seeking legal advice at a Community Law Centre.

Minimum wage

- The "Starting Out" pay rate affects three different groups of people:
 - 16 & 17 year olds starting their first job
 - 18 & 19 year old beneficiaries who have received their benefit for more than six months
 - 16-19 year olds who are training for 40 credits a year with an approved provider such as an industry training programme
 - 20 years old or over who are training for at 60 credits a year with an approved provider such as an industry training programme
- Starting Out Wage: \$11.80 an hour (May 2015).
- People in these groups can be paid no less than 80% of the adult minimum wage.
- Adult Minimum Wage: \$14.75 an hour (May 2015).

Minimum breaks

- Employees are entitled to rest and meal breaks which:
 - Give you a reasonable chance during the work period to rest, refresh and take care of personal matters and
 - Are appropriate for the length of time you have worked for an employer
- However there are no specific rules for how long, or when, rest and meal breaks should be. Employers and employees should bargain in good faith over the timing and length of breaks.
- Common practice is that rest breaks are 10–15 minutes long and meal breaks at least 30 minutes long, but these times vary across industries and occupations.
- An employee and employer can agree to compensation instead of breaks. However employers must compensate employees if no break is given where a break would be appropriate. There are no set rules as to what appropriate compensation is but where provided it must be reasonable. Compensation is reasonable if of similar value to the break.

Annual leave

- Every full-time worker is entitled to four weeks annual holiday.
- You can take these with the agreement of your employer and you should be allowed to take at least two weeks of your leave in a row.
- When you leave your job, you get paid for the holidays you haven't taken.

Public holidays

- There are 11 public holidays each year for example: Christmas, Easter and New Years day.
- These days are paid days off (if you would usually work on the day of the holiday) and this is in addition to your annual leave.
- You can be required to work on a public holiday if it falls on a day you would ordinarily have worked and is required in your employment agreement. If you are required to work on a public holiday, you will be entitled to an alternative paid day off in lieu of the public holiday worked, in addition to payment of at least time and a half for the time actually worked.

Sick Leave

- Employees are entitled to a minimum of five days' paid sick leave a year.
- Employees can take sick leave if:
 - o They are sick
 - o Their spouse or partner is sick
 - o Someone who depends on them for care is sick or injured
- If you are sick for more than three days, an employer can ask for proof (a medical certificate). But remember that if you get sick on a Monday or Friday, the weekend is treated as two consecutive days! If the employer is willing to pay for a doctor's appointment, they can ask for proof after one day.

Parental leave

- For mum or dad (or shared).
- Same-sex couples are also able to get parental leave (the pregnant partner is entitled to the mother's entitlements).
- If adopting the couple can nominate a 'primary carer' who will be entitled to the mother's entitlements.
- For mum or nominated partner: 14 weeks paid leave, if you've worked for that employer for more than 12 months, and up to one year unpaid leave (means the employer must keep the position open for you) if you have worked at least 40 hours per month for six months for that employer.
- For dad or partner: up to one week if you've worked for that employer for more than six months, or two weeks if you've worked for more than 12 months.

Bereavement leave

- If an immediate family member passes away you are entitled to three days' paid leave (if you have been working there for six months).
- If someone close to you passes away you are entitled to one day of paid leave (if you have been working there for six months).

SLIDE 6: SAVING MONEY



STORYLINE

- “Sione is getting paid \$11.40 an hour. He wants to buy the latest version of Call of Duty on Xbox, which costs \$110 brand new. He figures that if he works for 10 hours, he’ll have enough money to buy it. But when he gets his pay from Frank there is a fair bit less than \$114. Sione asks Frank for his payslip to find out why...”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING CONTENT

- Payslips
- Tax and other deductions (child support, student loan, fines)
- Kiwisaver

GAME #3: “TWO EXTREMES”

Presenters:

- Draw an imaginary line from one side of the room to the other.
- One end of the line represents “YES” and the other “NO” in response to each question.
- Ask the students to move to a point on the line, to show what they think about each particular issue.
- During the game, field a discussion about:
 - o Payslips: what are they, what do they tell you, and who gives them to you?
 - o Deductions: types of deductions, automatic deductions, whether an employer may deduct from your wages?
 - o Kiwisaver: why you would join and how much it costs?
- Reward good contributions to the discussion with chocolate!

EMPLOYMENT GAME #3: TWO EXTREMES

NO ←————→ YES

ARE YOU THE KIND OF PERSON WHO...

- ...would like to buy a house one day?
- ...would join a union?
- ...thinks that income tax should be lower?
- ...would look at your payslip?
- ...is worried about retirement?
- ...would pay the maximum 8% of your pay into Kiwisaver?



SLIDE 6: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Payslips

- The payslip tells you what the employer is paying the employee, and what the employer is paying on the employee's behalf (for example, tax, ACC, other deductions).
- If you don't get a payslip, ask your employer to give you one as they are legally required to pay you.

Deductions

- Employers (of permanent staff) must deduct Pay As You Earn (PAYE - income tax) tax and ACC Levies (tax collected to help people who are injured in accidents) from your pay.
- Contract workers may need to manage their own tax – don't ignore it or you'll end up with a huge tax bill!
- Employers generally can't deduct money from an employee's pay without the employee's permission, or without a court order. Automatic deductions may be:
 - o Student loans
 - o Child Support
 - o Fines/Debts
 - o ACC levies

KiwiSaver

- KiwiSaver is a government savings scheme that helps you save for retirement or to buy a house. Part of your pay goes towards savings that can be used in the future.
- When you start a new job, you are automatically signed up to KiwiSaver. You don't have to join, but if you don't want to sign up, you must OPT OUT. You have up to 30 days to opt out.
- The Government offers a \$1,000 kick-start (this may not last) to your savings when you first start earning.
- You can choose if you want to contribute 3%, 4% or 8% of your wages.
- The employer also pays an extra 3% into your KiwiSaver off your wages every week, however, if you are under 18 your employer does not need to make any contributions.
- Generally, if you join KiwiSaver, you are locked into the scheme, and the money is locked into a savings account until you turn 65 or buy your first house.
- But, you can apply for a "savings holiday" if you lose your job, become terminally ill, or are going through tough financial times.
- You can apply to get some or all of your Kiwi Saver savings (except for the \$1,000 kick-start government contribution) to put towards buying your first home.
- For further Kiwisaver advice:
 - o www.sorted.org.nz
 - o Budget advisors can give advice for free

Unions

- Employees have the right to join a union, and employers can't stop you from joining (but you don't have to join).
- Unions can be helpful:
 - o If you are on a "collective" agreement you have the benefit of the union campaigning for better wages and better working conditions
 - o A union rep can attend meetings between employers and employees
 - o The union can help you to lodge formal complaints and help you with the Employment Relations Authority
- To join, you pay fees on an on-going basis.
- Visit www.unions.org.nz to find out which union is best for you.
- Most unions can't help if you are not a member. It's best not to wait until there is a problem to join a union.

SLIDE 7: PROBLEMS AT WORK



STORYLINE

- “Sione is really liking his job, but lately Frank has started making his life pretty difficult. He’s begun watching Sione closely, like he’s trying to catch him doing something wrong, and last week he accused Sione of stealing from the register. He says if he catches Sione up to any mischief, he’s going to lose his job.”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING CONTENT

- Employee/Employer obligations
- Good faith and good conduct
- Problems at work
- Personal grievances
- Discrimination and harassment

GAME #4: “HORRIBLE BOSSES”

Presenters:

- Get the class into pairs and ask each pair to decide who will be Frank the Pig and who will be Sione the Sheep.
- Read out each storyline prompt on the next page and let each pair act out what happens next.
- If the class is struggling, you could prompt them with the options on the next page, or make up your own.
- Ask for a volunteer pair to replay their role-play for the class and field a discussion about what Sione and Frank could have done better... Chocolate for volunteers!

EMPLOYMENT GAME #4: HORRIBLE BOSSES

FRANK AND SIONE: PROBLEMS AT WORK?

1. Sione asks Frank for the weekend off so he can go to a gig with his mates...
What does Frank say?
Does Frank tell Sione to get lost or say he will look at the roster and try and find cover..?
2. Sione is stacking shelves and Frank walks past and calls him a “stupid, clumsy sheep”... What does Sione do?
Does Sione get angry and call Frank a “smelly old pig” or does Sione play it cool and tell Frank he shouldn’t talk to him like that....?
3. Sione walks into work one morning and Frank fires him... How does Frank fire Sione and how does Sione react?
Does Frank chuck Sione out the door by the scruff of his neck or take him into the office for a meeting...?
Does Sione lose it and punch Frank or stop in to his local CLC on his way home?



SLIDE 7: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Employee / Employer obligations

- The law makes it quite difficult for an employer to fire an employee.
- Employers and employees must always "act in good faith".

"Good faith"

- Commonsense: Having a good relationship.
- Treating each other well (for example, being communicative and being honest).
- You need to do what an employer asks so long as it's reasonable, doesn't endanger your safety, and doesn't break the law.
- Doing the job carefully and properly.
- Not doing something which makes the employer look bad or damages their business.

Problems at work

- When an employee can be fired:
 - If the employer is unhappy with the quality of your work, they must give you several warnings and give you a real chance to improve
 - Your employer can't have unreasonably high expectations of you: what they expect must be achievable
 - An employer can also fire an employee if they have done something serious wrong: this is called serious misconduct
- Serious misconduct:
 - If you have done something very serious like theft or assault, an employer can fire you immediately
 - This should be provided for in the employment agreement
 - The employer still has to find out what happened by listening and taking into account your side of the story
- Serious misconduct includes, for example:
 - Dishonesty and theft
 - Violence or abuse
 - Sexual / racial harassment
 - Abandonment / punctuality
 - Use of illegal drugs at work
 - Anything sufficiently serious that it undermines the trust and confidence that the employer has in you
- If the employer does any of the following things, you have the right to complain and can get support to "raise a personal grievance":
 - Treats you so badly you want to leave work (called "disadvantage")
 - Treats you so you feel like you have to leave, for example by cutting your hours or refusing to pay you (called "constructive dismissal")
 - Fires you for no reason, or says there was serious misconduct when there wasn't (called "unjustified dismissal")

Raising a personal grievance

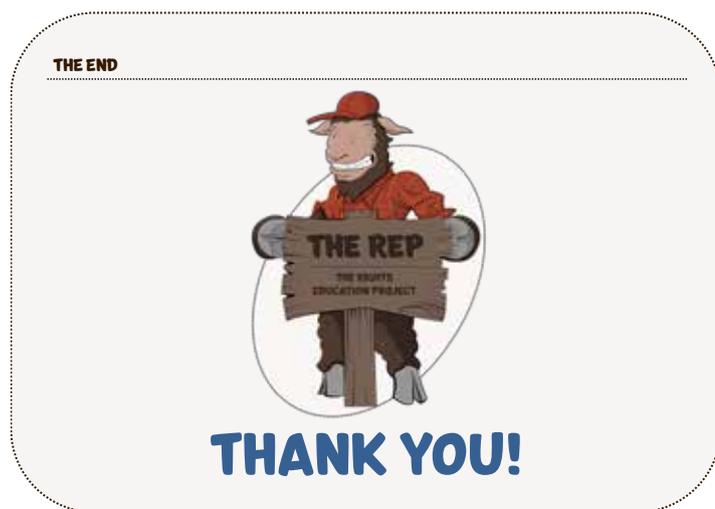
- This is a formal written protest about something that's happened at work.
- It is worth writing everything down and getting some advice (Community Law Centre, YouthLaw or the Employment Relations Service).
- This must be given as a letter to an employer within 90 days of the event or from finding out about the event.
- Personal Grievances can kickstart the formal dispute resolution process, which includes mediation (provided for free by the Ministry of Business, Innovation, and Employment).
- You can ask for an apology, your job back, compensation for lost wages or "hurt and humiliation", or a written reference.
- If no personal grievance is raised, you can't access any of these solutions. You can raise a Personal Grievance and then decide how you want to proceed.

Discrimination and harassment

- When someone is treated differently from someone else in the same situation, because of something that is “inherent” (unchangeable) about them.
- What’s unchangeable? Your age, gender, pregnancy status, ethnicity, religion, sexual orientation, political beliefs.
- It is illegal to be picked on at work because of something like this.
- Exceptions:
 - For example, if gender is a genuine occupational qualification such as women-only employees in a lingerie shop
- No one should ever put up with harassment or discrimination. If you feel like you have suffered harassment or discrimination at work you can raise a personal grievance OR complain to the Human Rights Commission (you can only choose one option).

Note: Employees might also experience harassment in the workplace. Harassment is investigated in more detail in the “Sex, Health and the Law” module.

SLIDE 8: CONCLUSION



WRAPPING UP

- Hand out the evaluation forms: make sure everyone fills one in (Note: explain that chocolate can't be their favourite part).
- Find your own way to wrap up the class: thank everyone for participating.
- Remember to link people in with the Community Law Centre if needed.
- Follow up on any questions or issues: bring the correct answers to your next class.
- Fill in one tutor evaluation form between the two presenters.
- Have a rest!