

International Students Work Rights Legal Service



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JobWatch Inc

TODAY'S TOPICS

1. What is the International Students Work Rights Legal Service?
2. What is the minimum rate of pay?
3. What are pay slips?
4. I have been asked to get an ABN – what does this mean?
5. Do I have any rights if I have a cash-in-hand job?
6. What is superannuation?
7. What if you don't feel safe at work?
8. What are some common traps when job searching?
9. How can I make an appointment for legal advice with the ISWRLS?

DISCLAIMER



The information provided in this presentation is not legal advice

WHAT IS IT?

- Legal advice about your work rights (not migration!)
- Free
- Confidential
- Independent

WHERE IS IT?

- Study Melbourne Student Centre
- 599 Little Bourke Street (Near Southern Cross Station)
- **Make Appointment**
- Ph 1800 056 449 (Free Call From Landline Phones 24/7)
- Email:
Info@studymelbourne.vic.gov.au

WHAT IS MY MINIMUM RATE OF PAY?

- Must be paid for all hours worked, including trial work
- The national minimum wage (current August 2017) is:
- **Over 21:** \$18.29 per hour if part-time; \$22.86 for casuals
- **20 year olds:** Part-time employees - \$17.87 | Casual employees - \$22.34
- **19 year olds:** Part-time employees - \$15.09 | Casual employees - \$18.86
- **18 year olds:** Part-time employees - \$12.49 | Casual employees - \$15.61



- To find out what **your** minimum pay rate is:
Call the **Fair Work Infoline: 13 13 94 OR**
Visit the Pay and Conditions Tool (PACT) @
www.fairwork.gov.au
- Information to provide:
 - Your employer
 - Your job title
 - Whether you are casual or permanent
 - Your age (if under 21)

WHAT ARE PAY SLIPS?

- You should get pay slips within 1 working day of your pay
- Details **must** include:
 - employer's and employee's name
 - pay period
 - date of payment
 - gross and net pay (before & after tax)
 - Your ordinary hourly rate & how many hours you worked at that rate
 - Higher rates of pay & how many hours you worked at those rates
 - any superannuation contributions paid for the employee's benefit

Company
Pay Slip

Company address:
Phone: 011 959 0244
Fax: 011 959 0245
For the Student from:
2014 New Zealand Government

company
Logo Here

Name of Employee: _____

Period of Payment: _____

Item	Description	Days	Rate/Amount	Amount (NZ\$)
Standard Working Hours in a Month	Bank Pay for ordinary			9000.00
Standard Working Hours on Daily Rate	Daily Pay Rate			800.00
Training Rate	Final amount			100.00
Disruption of Day Salary to be Paid for This Month:				
Company and/or employee's holidays	Salary not paid on daily basis			1000.00
Approved overtime	Salary for overtime working			200.00
Contractual holidays	Salary for holiday entitlement			100.00
Prescribed public holidays	Salary for public holiday			100.00
Total paid hours	Salary for all paid hours			100.00
	Total of Gross Salary			9500.00
Break Up of Deductions for this Month:				
	Contribution to superannuation			
	Contribution to health insurance			
	Cost of Work for Superannuation			
	Amount of withholding tax			
	Income tax			1000.00
	Net Salary			8500.00

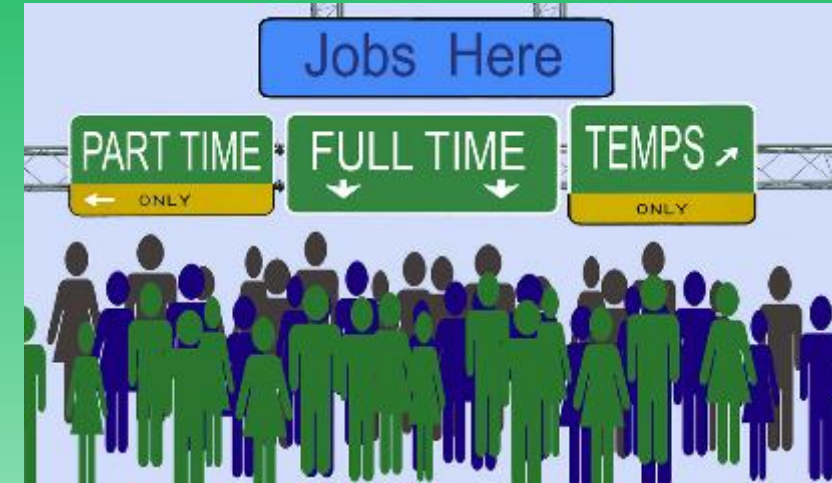
Prepared By: _____ Received By: _____

Pay Slip Template

I HAVE BEEN ASKED TO GET AN ABN – WHAT DOES THIS MEAN?

CONTRACTORS

- If you use an ABN you may NOT be an employee!
- Usually contractors control their business:
What work they do, how to do it, when & where to do it
- Contractors use their own equipment
- Contractors pay their own tax and submit invoices before they get paid



EMPLOYEES

- Employees have their work controlled by the employer: where, when, how and what
- Employees are entitled to a minimum pay rate
- May be entitled to higher pay on weekends or public holidays
- Paid wages at least monthly and have tax taken out by the employer
- Entitled to pay slips
- Equipment or tools are provided by the employer
- May be entitled to paid leave

Is Jerry an employee?

- Jerry is working as a pizza delivery driver.
- He has an ABN and gets paid after he gives his boss an invoice for the hours worked each week.
- He has to wear the company uniform and is told what to deliver & when to do it.
- He doesn't get to control his workload.
- If he's sick and can't work he doesn't get paid.
- He uses the company's motorbike to make the deliveries.

Answer: yes



Do I have any rights if I have a cash-in-hand job?

- You are still protected by law BUT if anything goes wrong, you don't have much proof (evidence) of:
 - How many hours you worked &
 - How much you were paid
- You may have to pay a lot of tax at the end because your employer has not taken tax out of your wages
- Keep a diary or a list of all your hours worked and all the payments received



What is superannuation? (super)

- Extra 9.5% paid on top of your wage to a retirement fund
- Employees 18 or over who earn more than \$450 per month are entitled to receive super
- International students can apply to transfer this money overseas after leaving Australia, when the visa has ended



What if you don't feel safe at work?

Example 1: Jamira works as a cleaner. Her boss constantly asks Jamira out and has started sending her sexually suggestive text messages. Jamira is embarrassed and doesn't like going to work but she needs the money.



Example 2: Leon works as a kitchen hand in a restaurant. One of the chefs screamed at him yesterday. He threw boiling soup in Leon's direction and then hit Leon across the face.

You have rights! Get legal advice!

What are some of the common traps when job searching?

- Being asked for an ABN
- Unpaid trial work
 - You are entitled to be paid even on a trial
- Scams
 - Be careful providing personal information especially in response to online job ads (e.g. Gumtree)
 - Ask for detailed information about the employer and the job first

HOW CAN I MAKE AN APPOINTMENT FOR LEGAL ADVICE WITH THE ISWRLS?

Underpaid?
Not receiving pay slips?
Told to use an ABN?
Worried about your health & safety?

Make an appointment with the

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Work Rights Legal Service!**

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Email: Info@studymelbourne.vic.gov.au