# Starting employment

Starting a new job is an exciting and challenging time. It's important for employers to use good hiring processes, and for everyone to follow minimum rights and responsibilities.

- Who is an employee
- Hiring
- Sample appointment letters
- Employment agreements
- Trial and probationary periods
- Unions & bargaining
- Rights and responsibilities
- Right to work in New Zealand



# Hours and wages

All about pay, hours at work, record keeping and what breaks employees are entitled to.

- Pay and wages
- Rests and breaks
- Hours of work
- Keeping accurate records



# Leave and holidays

Employees become entitled to annual holidays, public holidays, sick leave, bereavement leave, parental leave and other types of leave as long as they meet certain conditions.

- Minimum leave and holidays entitlements
- Public holidays
- Annual holidays
- Sick leave
- Bereavement leave
- Parental leave
- Other types of leave
- Calculating payments for leave & holidays
- Jury service

- Workplace policies

## Workplace policies

Clear workplace policies and procedures support employment agreements and mean everyone knows how things are meant to be done. This section provides help in some key areas.

- What are workplace policies?
- Employee performance
- Health and safety at work
- Productive workplaces
- Protected disclosures
- Workplace change
- Restraint of trade
- Work equipment and clothing
- Tests and checks
- Employment for disabled people

- Resolving problems

## Resolving problems

The best way to prevent employment relationship problems between an Employer and Employee.

- Employment relationship must do's
- Types of problems
- Steps to resolve
- Preventing relationship problems
- Escalating unresolved issues

- Ending employment

## Ending employment

There are several ways in which employment relationships may be ended, such as resignation, retirement, dismissal or redundancy.

- Resignation
- Abandonment of employment
- Constructive dismissal
- Retirement
- Dismissal
- Redundancy
- Giving and accepting notice
- Final pay

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# Volunteers

A volunteer is not an employee and therefore is not covered by employment law.

    - Contractor versus employee
    - Volunteers
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For somebody to be a volunteer they must not expect payment and they must not receive payment.

It is often obvious when someone is a volunteer, for example, volunteering once weekly for a charity or community with no expectation of payment. The situation can be much more complicated when it comes to work experience, work trials and unpaid internships.

# Legal positon of a volunteer

A volunteer is not an employee, so employment law does not apply to them (with the exception of Health and Safety law).

If the parties want a volunteer relationship, it's important they make it clear that the worker does not expect payment and does not receive payment. Otherwise, the worker may be judged to be an employee and will be entitled to minimum entitlements. For example, they will have to be paid minimum wage and cannot be dismissed unless it is justified.

Minimum wage has more information about the different types of minimum wage.

# Payment

If an employer pays volunteers then they may be deemed to be an employee. However, payment does not include:

- reimbursing the volunteer for the expenses they incurred when performing the volunteer work
- a koha or honoraria
- any personal satisfaction a volunteer may get from the work.

# Work experience, trials and internships

Work experience, short-term work trials and longer unpaid internships are increasingly common in some industries.

If an employer does not want to pay somebody to do these roles they must make sure that the person is a volunteer.

## Unpaid work experience, trials and internships

If an employer is thinking of having somebody do an unpaid work trial or internship, or work

experience,  they should:

- make absolutely clear that the position is a volunteer position and that the person does not expect payment or other reward. This should be done in writing.
- make sure that the volunteer does not receive any payment.
- avoid getting an economic benefit from the work done by the volunteer.
- avoid having the volunteer do work which is integral to the business, that is, work that a full-time employee would ordinarily do.
- limit the duration of work and the hours worked by the volunteer. The longer a person volunteers and the more hours they work, the more likely they are to be an employee.

### Paid work trials

If you are thinking of having a paid work trial you should use a trial period clause or a probationary clause.

Trial and probationary periods has information one this.

### Paid internship

If you are thinking of having a paid internship, you might be able to use a fixed-term agreement. However, you will still need a genuine reason for the fixed term.

Types of employee has information on the different types of employees.

## Health and safety for volunteers

For information on how health and safety law applies to volunteers, see the Worksafe New Zealand website (external link) .


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