

# ORGANISE AND KNOW YOUR RIGHTS

Secure Work = Better Futures

## Knowing your rights = Power

From the Ministry of Business, Innovation, and Employment

### Fixed-term employees (full or part-time)

A fixed-term (temporary) employee's employment will end on a specified date or when a particular event occurs. A fixed-term employee might be someone who is brought in to replace another employee on parental leave, to cover a seasonal peak or to complete a project.

There must be a **genuine reason based on reasonable grounds** for the fixed term and the employee must be told about this reason.

A genuine reason for ending an employment:

- on a specified date might be that the fixed-term employee was covering for another employee on parental leave. In this situation, the fixed-term employee's employment agreement should specify that in the event that the employee on parental leave returns to work early, the date of termination of the fixed-term agreement will also move forward.
- when a particular event occurs might be the completion of a project.

You can't use a fixed-term agreement instead of a probationary period to test whether or not an employee is right for the job. This wouldn't be a genuine reason for a fixed term.

### Casual employees

'Casual employee' isn't defined in employment legislation, but the term is usually used to refer to a situation where the employee has no guaranteed hours of work, no regular pattern of work, and no ongoing expectation of employment. The employer doesn't have to offer work to the employee, and the employee doesn't have to accept work if it's offered. The employee works as and when it suits both them and the employer. This can sometimes happen because it's hard for the employer to predict when the work needs to be done, or when the work needs to be done quickly. Each time the employee accepts an offer of work it is treated as a new period of employment.

If you are employed to do casual work, the arrangement must be made clear in your employment agreement.

Employment rights and responsibilities also apply to casual employees, but the way in which annual holidays, sick and bereavement leave are applied can vary for these employees.

**#SecureWork #BetterFutures**

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# Taking Action = Secure Future

## One member's story

"Recently Daniel Benson-Guiu, TEU organiser, came to campus to speak with TEU members – to those of us who were on fixed-term agreements – about our own understanding of the security and permanence of our jobs. He encouraged us to discuss with one another the likelihood of our jobs and the programmes we worked within continuing into the next year. He suggested we each write a letter to the Chief Executive outlining why we believe our roles were in fact permanent positions and why our fixed-term status was unfair and unnecessary.

We sent the letters and asserted the confidence we have in ourselves and our positions. After much back-and-forth between myself, management, the Chief Executive and with support from TEU, myself and two other staff members on fixed-term agreements were offered permanent positions.

In terms of what securing a permanent position has meant for me, even though there is still a lot of uncertainty at Whitireia, I now have job security. I know that I have a continuing salary and I know I can support my son and my family. My parents aren't working at the moment and they still have a mortgage, so I know that by supporting myself I reduce the risk of them one day having to support me if a fixed-term contract is not renewed.

My son will have a Christmas that will be planned with a level of certainty and security. I will be able to take a holiday with him before school starts. I know with certainty that I will be free to support him in that exciting but difficult first week. I'll be able to do all of this with the knowledge that I won't be spending that time worrying about work, applying for a new job, or wondering where my next pay cheque is coming from."

**'I was once told that casual work is a gift, that I was lucky to have it.**

**I was always made to feel like I had to toe the line – or someone else would have my job.'**

**SECURE WORK**

**= BETTER FUTURES**

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