

Your Rights

Your Time: Your Pay



InfoSheet 2

Shop, Distributive and Allied Employees' Association, NSW Branch

- ◆ Write to **PO Box K230, Haymarket NSW 1240**
- ◆ Phone **131 SDA***
- ◆ Fax **(02) 9281 7050**
- ◆ E-mail **secretary@sdansw.asn.au**
- ◆ Log onto **www.sdansw.asn.au**

A Message from Your Secretary, Gerard Dwyer



"Everyone has a right to be paid for all work done.

"While this may seem obvious to us, some employers expect employees to work off the clock without pay.

"The rule is simple. All time worked must be paid for by your employer.

"If you experience any problems in regard to unpaid overtime or other underpayments and you can't resolve the matter with your immediate manager, involve the SDA. Talk to your workplace Delegate, Organiser or phone the SDA Information Centre."

*That's 131 732.

You must get paid for all work done.

This is the legal position. This is your legal entitlement. And this is the legal obligation of your employer – to pay you for all work done. You must get paid either ordinary rates or overtime, depending on the circumstance. In no circumstances should a person work without pay.

It is clear and simple, but increasingly the Union is finding examples of employers expecting employees to "work" without paying them.

How Workers are Losing Out!

There are many examples of employees working and not getting paid, or not getting paid the correct overtime penalty rate. They include:

- ◆ coming in and working before your rostered shift commences;
- ◆ working through rest pauses or meal breaks;
- ◆ "clocking off" and then going back to work;
- ◆ taking work home, like paperwork;
- ◆ working after your rostered ceasing time, say 10 or 15 minutes and not getting paid;
- ◆ coming in on your day off or while on leave and not getting paid; and
- ◆ allowing your employer to change your roster – potentially disentitling you to overtime payments.

The effect of these and similar changes is very clear:

- ◆ employees are not getting paid for work actually done; and
- ◆ in some cases employees are not getting correct overtime payments.

Not Optional

You must get paid for all work done.

This is not an option, it is a right. Be it ordinary rates or overtime rates, you have to get paid for all work done.

Furthermore, employers can't avoid paying somebody by telling them, "it was not authorised". The Union is finding that some employers are using this as a device to not pay employees.

If you are expected to complete the particular job or task and you do, you must get paid.

Check your Enterprise Agreement or Award

Your Enterprise Agreement or Award contains specific provisions relating to payment for time worked. Your employer is obliged to know what these entitlements are and apply them to all employees.

If you want to know what your entitlements are, or if you need help in getting paid for time that you have worked, speak to your workplace Delegate, Organiser or contact the SDA Information Centre on 131 SDA*.

Your work, your pay.

Make sure that you get paid for all work done.