

Guaranteed hours

Frequently asked questions

If my employer doesn't provide enough work to fill my guaranteed hours do I get paid for them?

Yes, you must be paid for at least your guaranteed hours every pay period and any additional hours/overtime worked.

Can my employer roster me on at any time and day to make up my guaranteed hours?

No, the days and hours you work must either be agreed when you agree on your number of guaranteed hours or at the time of offering the work.

Can my employer send me to any location to fill my guaranteed hours?

No, guidelines should also be agreed in advance for any exceptional travel. Your employer also has a contractual obligation to roster travel efficiently.

Do I have to sign up to guaranteed hours?

No - but if you don't sign up to guaranteed hours you may slowly lose hours as the work will be given to those on guaranteed hours first. You are either casual (as and when required) or permanent (with guaranteed hours).

How will my initial offer of guaranteed hours be set?

The employer must offer you the greater of two calculations (see separate handout). The number of guaranteed hours will be by agreement and must be recorded in writing as part of your employment agreement.

What happens if I pick up more permanent hours in the future?

If you work the same set hours/client for at least six weeks which are not already included in your guaranteed hours and are not someone else's set hours/client, these will become guaranteed. Your employer could also offer you more guaranteed hours at any point (which would be subject to your agreement).

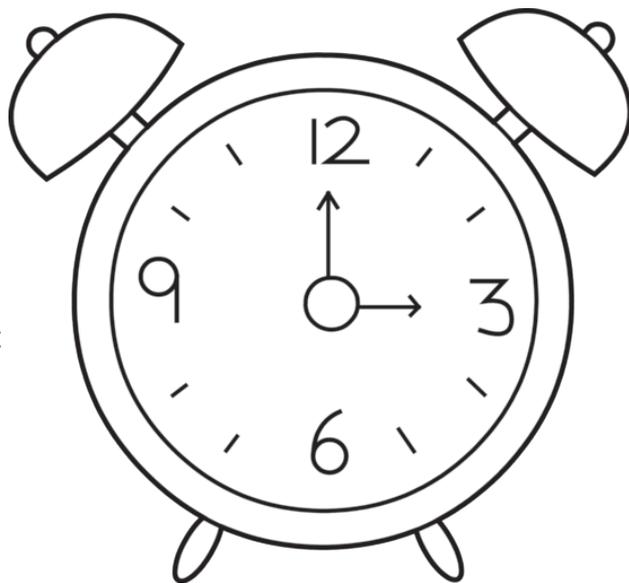
Can my employer reduce my guaranteed hours?

Yes, but only after making reasonable efforts to provide replacement hours (on-going, not as a one off) or redeployment which may include discussing different days and hours or locations to maintain guaranteed hours going forward. There must be a genuine inability to find you alternative work and then only after consultation and reasonable notice can your guaranteed hours be reduced.

Note: you must be paid your guaranteed hours during the consultation and notice periods.

What happens if a client, whose hours are part of my guaranteed hours, doesn't need support on any particular day?

Your employer will find you alternative work during the same day/time (unless you agree to work a different time) or pay you for at least your guaranteed hours.



- Continued on the other side -

Please contact your union for more info:

E tū: support@etu.nz 0800 1 UNION (0800 186 466)
PSA: enquiries@psa.org.nz 0508 367 772

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What happens if my employer offers me guaranteed hours and doesn't agree when those hours will be worked (e.g. days and times)?

Either they pay you an 'availability payment' or you can turn down any shifts/hours that don't suit you and still be paid your guaranteed hours.

Some examples of 'availability' are being on call, or having to be available for hours outside your agreed days and times without being able to turn down the work.

Do I have to accept alternative work if offered to me during my guaranteed hours?

Yes, during agreed days and hours unless there is a health and safety reason you cannot do the work or you do not have the training requirements to support the client given to you. Replacement work could be household management or personal cares.

Can my employer require me to be available outside my agreed days and hours of work?

Only if you have guaranteed hours, only with your agreement and if they pay you reasonable compensation for the availability.

How are my guaranteed hours recorded once they are agreed?

They will be recorded in a letter that forms part of your employment agreement. This should be signed by both parties and you should keep a copy. Every time there is a permanent change (increase or decrease) to your guaranteed hours this letter should be updated and signed by both parties.

If I have guaranteed hours can my employer stop me having a second job?

In some rare situations they can, but only if there is genuine reason to do so. This is a high threshold for your employer to meet. If your employer does this you should contact your union as soon as possible. If you have agreed days and hours with your employer you must be available to work them.

What if I want fewer hours guaranteed than I am offered?

You can discuss and agree to something different with your employer. If you are a Union member we can assist you with this.

If I was employed after November 2016 how will they calculate my offer of guaranteed hours?

They will use a similar calculation but over a different/shorter period of time – i.e. the time you have been employed for.

Can I be forced to work weekends?

No, only by agreement.

Can they roster me to work with different clients under guaranteed hours?

Yes, provided they are during the agreed days and hours and you have been trained to deliver the support needed.

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