

Employing support workers to help in the home

An Easy Read guide for household employers



How to use this guide



The Western Australian Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) wrote this guide. When you see the word 'we', it means DEMIRS.



We wrote this information in an easy to read way.

We use pictures to explain some ideas.

Not bold
Bold

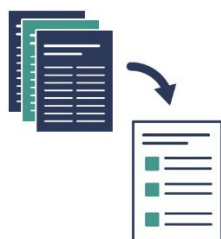
We have written some words in **bold**.

This means the letters are thicker and darker.



We explain what these words mean.

There is a list of these words on page 43.



This Easy Read guide is a summary of another guide. This means it only includes the most important ideas.



You can find the other guide on our website at demirs.wa.gov.au/householdemployers.



You can ask for help to read this guide.
A friend, family member or support person
may be able to help you.



We wrote this guide to:

- help you
- give you general information.



It talks about what household employers
of support workers need to do.



It doesn't tell you everything you need to know.



It isn't legal advice either.



We can't be blamed for any problems people have
if they use this guide.

What's in this guide?

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Who is this guide for?

This guide is for people who:



- live in Western Australia (WA)



- employ a **support worker** in a private home.

A support worker is someone employed to care for or support:



- a person with disability



- an older person.



We call a person who employs a support worker in a private home a **household employer**.



An **employee** is someone:

- who gets paid to do a job
- you employ.

Who is this guide not for?

This guide is not for people who employ someone to mostly:



- clean a home



- look after children



- do other work that is not support work.



This guide is not for businesses or organisations that employ support workers.



This guide is not for people who:

- are a **contractor**
- hire a contractor.



A contractor is a worker who:

- runs their own business
- is not an employee.

What is this guide about?



This guide talks about what you must do to follow the laws about working in WA.



You must make sure your employee gets what they are entitled to.



This means they have a legal right to get some things.

We call these things **entitlements**.



This guide is about entitlements for support workers you employ to help you in the home.

Contracts

An **employment contract** is when you:



- offer to employ someone



- they say yes.



It is a good idea to write the employment contract.



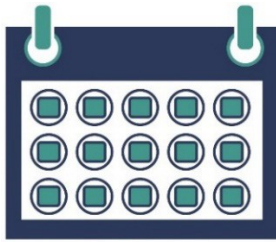
But you don't have to if you don't want to.



You can find more information about employment contracts on our website.

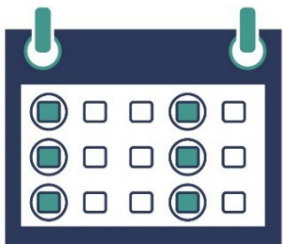
www.demirs.wa.gov.au/wageline

Different types of employees



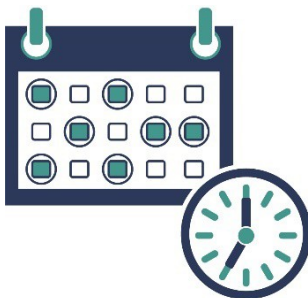
38+ hours

Some employees work full time – they usually work at least 38 hours each week.



38 hours ↓

Some employees work part time – they usually work less than 38 hours each week.



Some employees are casual – they only work when you need them to work.



Some workers are contractors.

This guide is not for people who hire contractors.



Employees get different entitlements based on what type of employee they are.



For example, your employee gets paid time off work when they are sick if they work:

- full time
- part time.



But they don't get paid time off work when they are sick if they are a casual.



Employees who have a **work visa** have the same entitlements as other employees.



A work visa is a document that says you can come to Australia from another country:

- for a certain amount of time
- work in Australia.

Paying your employees

How much should you pay your employees?



There are rules you must follow so you can pay your employees the right way.



The **minimum wage** is the lowest amount of money you can pay an employee.



It is against the law to pay your employee less than the minimum wage.



You can agree to pay your employee more than the minimum wage.



You must pay your employees for each hour they work.



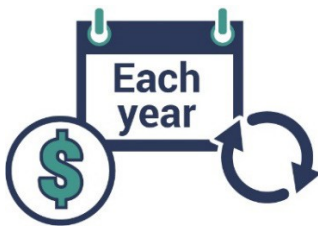
The minimum wage for a support worker you employ to work in the home is based on:

- their age
- what type of employee they are.



The minimum wage for a casual employee is 20% more than the minimum wage for:

- full time employees
- part time employees.



The minimum rate of pay usually changes each year.

You can get more information about the minimum rate of pay:



- on our website
www.demirs.wa.gov.au/minimumpayrates



- by calling Wageline.
1300 655 266

How must you pay your employee?

You must pay your employee with money.

You might pay your employee:



- in cash



- with a cheque



- by putting money into their bank account.



You must give your employee a **pay slip** each time you pay them.



A pay slip is a document that shows how much you:

- paid your employee
- took out of their pay.



There are rules about the information you must include on pay slips.



You can learn more about pay slips on our website.

www.demirs.wa.gov.au/payslips

Taking money from your employee's pay

You can only take money out of your employee's pay if:



- you are following the law, like paying tax



- your employee agrees in writing to have money taken out of their pay for another reason.

Keeping employment records

You must keep a record of:



- your employee's work



- how much you paid your employee.



There are rules about the information you must include in your records.



You can learn more about the records you must keep on our website.

www.demirs.wa.gov.au/employmentrecords

Public holidays



You may need to pay your employee for not working on public holidays if they're:

- full time
- part time.



You must pay them for their normal work hours.



If your employee is a casual, you don't have to pay them for the public holiday if they don't work.



But if your employee works on a public holiday, then you must pay them for all the hours they work.



You can see what days are public holidays on our website.

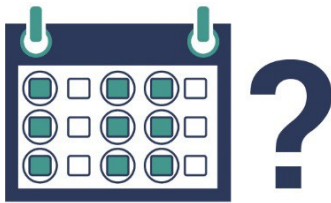
www.demirs.wa.gov.au/publicholidays

When can your employee work?

You and your employee can work out:



- how many hours your employee will work each week



- what days they will work



- what hours they will work.



You can only ask employees to work more than 38 hours if it is reasonable.



What is reasonable will be based on:

- your situation
- your employee's situation.



There are things you should think about if you want your employee to work more than 38 hours.

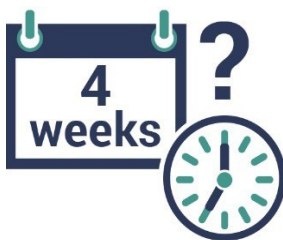
You must think about:



- how to keep your employee safe and healthy if they do more work



- what is happening in your employee's life



- how many hours your employee worked over the last 4 weeks.



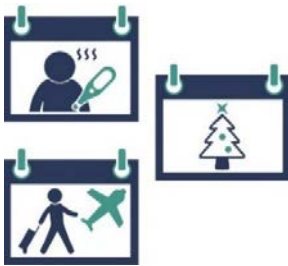
You can get more information about when your employee can work on our website.

www.demirs.wa.gov.au/workinghours

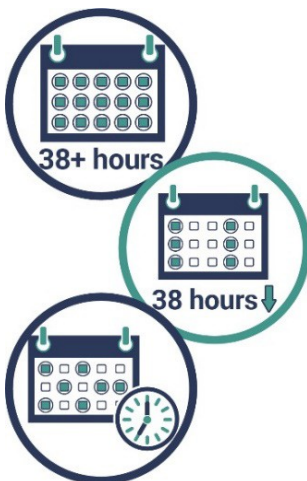
Leave entitlements



Leave is time off work.

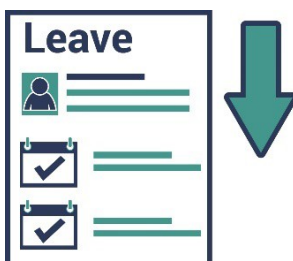


Leave entitlements let your employee have time off work for different reasons.



Employees can have different types of leave if they are:

- full time
- part time
- casual.



You must give your employee at least the lowest amount of leave entitlements.



You can read more about leave entitlements on our website.

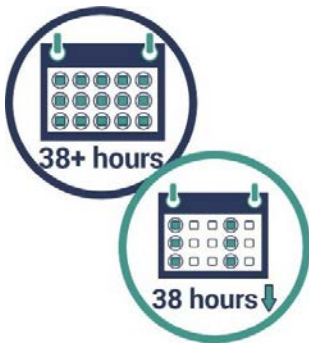
www.demirs.wa.gov.au/wageline

Annual leave



Annual leave lets your employee:

- have time off work each year for rest and holidays
- still be paid for that time.



Your employee can only have annual leave if they work:

- full time
- part time.



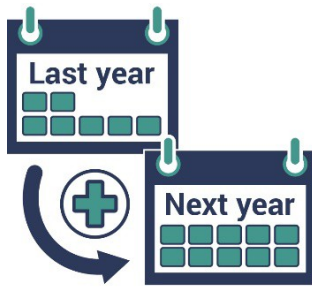
Casual employees don't get annual leave.



An employee gets 4 weeks of annual leave for each year they have worked for you.



The amount of annual leave is based on how many hours they usually work.



If your employee doesn't use all their annual leave in one year, it goes into the next year.



You can find more information about annual leave on our website.

www.demirs.wa.gov.au/annual-leave

Personal leave

Personal leave is when an employee takes time off work because they:



- are sick or injured



- must care for a family member who:
 - is sick
 - is injured
 - had an emergency.



You pay your employees for personal leave if they work:

- full time
- part time.

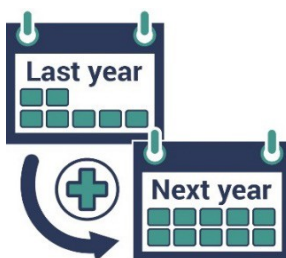


Your employees get 2 weeks of personal leave each year if they work:

- full time
- part time.



The amount of personal leave is based on how many hours they usually work.



If your employee doesn't use all their personal leave in one year, it goes into the next year.



All employees can take up to 2 days of unpaid leave for caring purposes each time if they:

- have no paid personal leave
- are not entitled to paid personal leave.



Your employee can't take unpaid leave if they can take paid personal leave.



You can ask your employee to explain why they need to take personal leave.



You can find more information about personal leave on our website.

www.demirs.wa.gov.au/personal-leave

Leave when someone dies



All employees can take up to 2 days of paid leave if someone in their family or home dies.

This could be their:



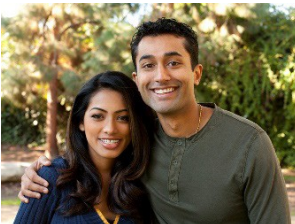
- husband, wife or partner



- child, stepchild or grandchild



- parent, stepparent or grandparent



- brother or sister.



An employee can also take paid leave if someone they live with dies.

Parental leave



Parental leave is when your employee takes leave to care for:

- a new baby
- an adopted child.



All employees can have unpaid parental leave if they have worked for you for at least 12 months.



Your employee can take up to 12 months of parental leave.



Your employee can ask to work in a different way when they come back from parental leave.



For example, they might work less days.

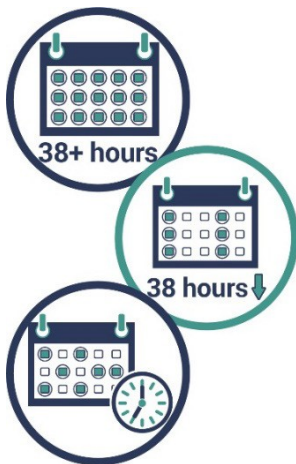
Long service leave



If your employee has worked for you for a long time, they might be able to have long service leave.



Your employee can have paid long service leave when they have worked for you for at least 10 years.



Employees can have long service leave if they're:

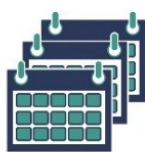
- full time
- part time
- casual.



If your employee stops working for you after at least 7 years, you might have to give them long service leave based on how long they have worked for you.



Laws about long service leave have applied to household employers for a long time.



If your employee has worked with you for a long time, they may already be entitled to long service leave.



You can find more information about long service leave on our website.

www.demirs.wa.gov.au/longserviceleave

Family and domestic violence leave



Family and domestic violence is when someone hurts someone close to them, such as:

- their boyfriend or girlfriend
- their husband or wife
- a member of their family.



It can also be where someone:

- says they will hurt someone close to them
- does something to make people close to them scared.



Family and domestic violence leave is for an employee who:

- experiences family and domestic violence
- needs to do something because of the family and domestic violence
- needs to take time off work.



All employees each year can have:

- up to 10 days paid leave; and
- up to 5 days unpaid leave,

for family and domestic violence leave.

What happens if the work stops or changes?

There are things you must do if:



- your employee stops working for you



- you want to change how your employee works.

When an employee chooses to stop working for you



Employees can choose to stop working for you for any reason.



If an employee chooses to stop working for you, they must tell you before the time they will stop work.

If your employee stops working for you, you must pay them any money you owe them for:



- their work
- any annual leave they haven't used
- any long service leave they haven't used.

When you end an employee's job



When you decide to stop your employee from working for you, you must tell them before the date they will stop work.



There are time periods for telling your employee they won't work for you anymore if they're:

- full time
- part time.



These time periods are based on:

- your employee's age
- how long they have worked for you.



If your employee stops working for you, you must still pay them any money you owe them for:

- their work
- any annual leave they haven't used
- any long service leave they haven't used.



You must also give your employee a **separation certificate**.

This is a document that explains:

- how long your employee worked for you
- what type of job they did.



You can't stop your employee from working for you:

- for an unfair reason
- in an unfair way.



If your employee thinks you stopped their work for an unfair reason, they can contact the Western Australian Industrial Relations Commission (WAIRC).



Your employee can also contact WAIRC if they think you've stopped their work in an unfair way.



You can find more information about unfair dismissal on the WAIRC website.

www.wairc.wa.gov.au



The reason you stop your employee working for you must follow the law.



You can't stop your employee working for you for reasons that are against the law.



These reasons that are against the law might be things like:

- your employee's race
- your employee's age
- your employee being sick or injured.



You can find more information about unlawful termination on the Fair Work Commission website.

www.fwc.gov.au

What if you decide to change your employee's work?

If you decide to change your employee's work in big ways, you must:



- tell them in writing



- talk to them.

How well your employee does their job



Sometimes you might think that your employee isn't doing their job well.



You should think about how to help your employee do their job well before you stop them working for you.

You might end an employee's job straight away if they:



- are not being safe



- steal things



- hurt other people on purpose.

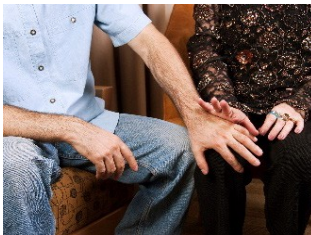
Bullying and sexual harassment



Bullying at work is when someone:

- acts in a bad way towards a worker over and over again
- puts a worker's health and safety at risk because of that bad behaviour.

Sexual harassment is when someone acts badly towards a worker in a sexual way, like:



- asking the worker to do sexual things they don't want to do



- saying sexual things the worker doesn't want to hear.



Employees can ask the WAIRC for a document that says:



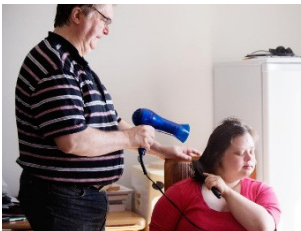
- bullying must stop
- sexual harassment must stop.

We call this document an **order**.

What else must you do?



This guide is only about some of the laws for employing a support worker in WA.



There are other laws for household employers.



You must make sure your work is safe for your employees.

You can contact WorkSafe for more information about health and safety.



1300 307 877



www.demirs.wa.gov.au/worksafe



You can contact WorkCoverWA for information about:

- workers' compensation
- managing an injury.

WorkCoverWA



1300 794 744



www.workcover.wa.gov.au

You can contact the Equal Opportunity Commission for more information about:



- equal opportunity



- discrimination.

Equal Opportunity Commission



9216 3900



www.eoc.wa.gov.au

You must follow laws about:



- tax



- superannuation.

You can contact the Australian Taxation Office (ATO) for more information.



13 28 65



www.ato.gov.au

Word list

This list explains what the **bold** words in this document mean.

Bullying at work



Bullying at work is when someone:

- acts in a bad way towards a worker over and over again
- puts a worker's health and safety at risk because of that bad behaviour.



Contractor

A contractor is a worker who:

- runs their own business
- is not an employee.



Employee

An employee is someone:

- who gets paid to do a job
- you employ.



Employment contract

An employment contract is when you:

- offer to employ someone
- they say yes.



Entitlements

You must make sure your employee gets what they are entitled to.

This means they have a legal right to get some things.

We call these things entitlements.



Family and domestic violence

Family and domestic violence is when someone hurts someone close to them, such as:

- their boyfriend or girlfriend
- their husband or wife
- a member of their family.

It can also be where someone:

- says they will hurt someone close to them
- does something to make people close to them scared.



Household employer

A household employer is someone who employs a support worker in a private home to care or support:



- a person with disability
- an older person.



Leave

Leave is time off work.



Minimum wage

The minimum wage is the lowest amount of money you can pay an employee.

Pay slip

A pay slip is a document that shows how much you:



- paid your employee
- took out of their pay.



Separation certificate

A separation certificate is a document that explains:

- how long your employee worked for you
- what type of job they did.

Sexual harassment

Sexual harassment is when someone acts badly towards a worker in a sexual way, like:



- asking the worker to do sexual things they don't want to do
- saying sexual things the worker doesn't want to hear.

Support worker

A support worker is someone employed to care for or support:



- a person with disability
- an older person.

Work visa

A work visa is a document that says you can come to Australia from another country:



- for a certain amount of time
- work in Australia.

Contact us



1300 655 266



household.employers@demirs.wa.gov.au



www.demirs.wa.gov.au/wageline



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