

## LING IS NOT GETTING THE RIGHT PAY

Ling applied for a job at a restaurant and was told she had to be 'on trial' for 3 days. She did not get paid for this trial. Ling worked after the trial, and her boss told her she would get paid \$12 an hour. Ling talked to her friends who told her she should be getting paid more, but Ling was scared about losing her job if she asked for more pay.

### What can Ling do?

An employer is allowed to put an employee on 'trial' this is sometimes called a 'probationary period'. This gives the employee a chance to decide whether they like the job. The employer can also see how well the employee can do the job. You should always be paid during your probationary period. It is against the law to make someone work and not pay them.

There are rules about how much employees should get paid. This is called the 'minimum wage' and depends on what type of work you do. For example, if you work at a restaurant, you may have a different minimum wage to somebody who works as a cleaner.

If you work on weekends, late at night or more than 38 hours a week, you might be entitled to extra pay on top of the minimum wage. This is usually called a 'penalty rate'. How much extra money you get will depend on the rules that cover the type of work that you do.

In Ling's case, getting paid \$12 an hour is below the minimum wage.

If you think you are not getting paid correctly, you can call the **Fair Work Ombudsman** on 13 13 94.

You have **6 years** to claim your money in court from the date it should have been paid to you.



### You can get free legal help from:

**KINGSFORD LEGAL CENTRE** – Call 9385 9566 or 1300 722 795

**LEGAL AID NSW** – [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au) or call Law Access

**LAW ACCESS** – Call 1300 888 529 or 1300 889 529 if you are hearing/speech impaired