



Young Workers
CENTRE



CRISIS WAGE-THEFT AT ANU

Student Experience of Wage-theft on Acton campus

The Young Workers Center is an initiative of

UNIONSACT

WE STAND FOR WORKING PEOPLE. ALWAYS.

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Cover image: UnionsACT, T Ryan

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UnionsACT acknowledges that Canberra has been built on the land of the Ngunnawal people. We pay respect to their Elders and recognise the strength and resilience of Aboriginal and Torres Strait Islander peoples.

Student and young worker experience of wage-theft

ABOUT THIS REPORT

The Young Workers Centre surveyed young workers employed by 20 ANU-based businesses. Almost 80% of respondents are current ANU students or recent alumni. Young workers were asked about their employment experiences in the previous 12 months. The survey was conducted via online and written forms and interviews.

This research is qualitative and does not seek to be a representative sample. Rather, it focuses on the individual and personal stories which contribute to, and are illustrative of, a broader systemic and cultural practice of wage theft and exploitation

ABOUT THE YOUNG WORKERS CENTRE

The Young Workers Centre is an initiative of UnionsACT and was launched in 2019. The Centre supports young workers in Canberra to develop the skills, leadership, knowledge and confidence to organise collectively and fight back against wage theft and exploitation.

More: www.youngworkerscbr.org.au

WAGE-THEFT AT ANU-BASED BUSINESSES

Young workers employed by ANU-based businesses are having their wages stolen and many are being threatened, harassed and forced to quit if they question their pay and conditions.

The Young Workers Centre has uncovered wide-spread, systematic and deliberate wage theft in our recent survey of young workers. And while they know these unlawful practices occur on campus, ANU executive leadership has declined to do anything.

Multiple businesses employing current and former ANU students on campus are exploiting young workers, ripping off wages and the ANU ultimately benefits from these commercial arrangements.

Employers are stealing wages by not paying superannuation, not paying the minimum legal hourly wages, not paying penalty rates, and paying well below the minimum hourly rate as cash-in-hand. In one case, an employee was paid in food.

The survey exposes a wide variety of illegal and unethical practices that rip off young workers including using cash-in-hand, off-the-books employment,

77%

77% of young workers have experienced wage theft at a business located at ANU.

1 in 5

Threatened or punished for asking questions about their pay

50%+

Not given pay slips within legal time frames and with required information

not providing pay slips and not paying workers for all the hours worked.

More than 80% of workers who told us about wage theft, bullying and harassment at work and dodgy employers are current ANU students or recent alumni. Student education and welfare is being endangered by dodgy businesses operating on campus. Young workers are forced to either put up with exploitation or search for work elsewhere.

One young cafe worker, when asked why they had left their job, said: **“Workplace bullying, and unfair pay, and unpaid super and being overworked.”**

INSECURE AND INFORMAL EMPLOYMENT

More than 65% of workers are precariously employed with only 36% of workers having a contract for casual employment. Casual work is insecure.. Questioning conditions or just asking to be paid the legal minimum often leads to getting much less work or none at all. Young workers are at the mercy of greedy and unscrupulous employers and are getting ripped off.

“They just stopped contact, no messages were returned no formal dismissal they just decided to ignore me.” Café worker, 27 y.o.

1 in 7 workers are employed “informally”: paid cash in hand and with no employment contract. 15% of all respondents were not sure whether they are casually employed or even if they have a contract. While cash in hand payment is not illegal if paid properly (including tax, super, workers compensation, etc), all of the forms of cash in hand observed at ANU were unlawful.

Cash-in-hand informal work means that young workers do not have standard legal protections and are not paid basic entitlements. They do not have the protection of a contract and may have difficulty proving that they were employed if they try to claim stolen wages or superannuation. Cash-in-hand informal work of the kind observed at ANU is illegal and unsafe.

WAGE THEFT

More than 77% of young workers reported having

wages or superannuation stolen.

Wage theft was reported in 14 of 20 businesses covered by the survey.

Young workers being paid cash in hand don't have legal employment contracts and are paid in cash or 'other' – in one case a young worker was paid in food instead of money. Payment in cash, without payslips is used to hide illegally low rates of pay and to avoid paying superannuation..

Non-payment of penalty rates or paying cash in hand on weekends and public holidays is common.

“My boss sat me down and told me he wouldn't pay penalty rates, and if I wanted penalty rates I'd have to work elsewhere. He originally insisted that I be paid all cash in hand.” Café worker, 20 y.o.

More than 50% of young workers told us they didn't get pay slips within the legally required timeframe or that their payslips were incomplete.

“Co-workers were threatened and punished for repeatedly asking about pay and payslips.” Café worker, 19 y.o.

Payslips are crucial for workers to know that they are getting paid the correct rate for all their work, and that superannuation is being paid. Many young workers who reported not getting pay slips were also unsure about whether they were getting paid correctly for all their work..

Not providing pay slips covers up wage theft. 15% of respondents weren't sure if they were getting paid

for all their hours because they didn't get pay slips or the payslips didn't show the legally required details.

More than half of young workers said that their employer did not make the required superannuation contributions for them or that they were not sure due to not getting proper payslips or any payslips at all.

“My colleagues and I have had to be assertive with the boss just to be paid.” Café worker, 20.

BULLYING AND HARASSMENT

32% of young workers reported being bullied or harassed at work or witnessed their colleagues being bullied or harassed.

“The workplace was extremely stressful because of understaffing, the supervisor had serious anger management issues, I wasn't paid penalty rates and it was affecting my mental health badly.” Café worker, 20 y.o.

20% of young workers were threatened or punished in some way for asking about their pay and conditions. Adverse action of this kind is expressly prohibited in the Fair Work Act.

“I was pushed to leave my job here because I spoke up against the lack of consistency with pay. I had co-workers who were left with less than a dollar in their bank accounts because pays were consistently late. The boss's reaction to my comments were to victimise themselves, accusing us for attacking and bombarding them with questions. I have been patient and exhausted all polite means of raising such issues. Each time, my

concerns were dismissed and not taken seriously. It reached a point where I needed to take a stronger stance against the issue.” Café worker, 21

STOPPING YOUNG WORKERS FROM SPEAKING OUT

1 in 5 were threatened or punished in some way for asking about their pay and conditions and reported feeling like they could not ask about their pay and conditions without risk of losing their job.

Young workers generally are aware they are being ripped off and that employers are not meeting their legal obligations, but have low levels of awareness of their specific rights.

For the 74% of young workers who are employed on a casual basis, employed informally and paid cash in hand, or who are unsure about their employment status, a very effective way of stopping workers from speaking out is to stop providing work. Casual and informally employed workers have no right to ongoing work and can easily lose shifts altogether if they speak up.

More than 95% of these young workers are not union members with 20% saying they were not aware there was a union that could represent them. Young workers who were union members were more likely to have their entitlements met.

“I left because I stood up for my co-workers. I spoke up against the lack of pay slips and inconsistent/late pays. It was implied that I should leave because I was not happy...” Café worker, 20 y.o.

CONCLUSION

Wage theft is at crisis levels in businesses operating at ANU and young workers who are ANU students are being ripped off, under the nose of ANU executives. Presently, ANU financially benefits from the rents paid by businesses that steal wages from workers, most of whom are also ANU students.

ANU must not benefit from commercial arrangements at the expense of young student workers. ANU has a moral responsibility to protect the welfare and safety of students on campus, and also a responsibility to ensure lawless businesses do not operate from its property.

ANU must take urgent action to stop wage theft and exploitation by businesses on campus, by working with the Young Workers Centre and unions. ANU must not defer action or attempt to avoid responsibility. Student workers are being ripped off, on campus, now, and it must stop.

“I finally quit because I was sick of working like a slave and not getting paid the correct money and being treated poorly.” Café worker, 24 y.o.

RECOMMENDATIONS

ANU must take urgent action to ensure that businesses operating on the ANU, from which ANU derives financial benefit, are not exploiting and stealing from young workers.

The Young Workers Centre is calling on ANU to:

- Conduct a comprehensive, independent and

urgent audit of employment arrangements in businesses operating on the Acton campus, in cooperation with the Young Workers Centre and unions.

- Take effective ongoing compliance action to require ANU-based businesses to comply with all relevant industrial laws, for example by including a clause in all lease agreements making the lease conditional on ongoing compliance with all relevant workplace laws.
- Provide resources and support for ANU students who are young workers to know their rights and how to enforce them.



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