

FOREWARD

What is happening to our young workers?

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and lowest
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state.

From the experience of SA Unions, the situation for many young South Australian workers is bleak and disheartening. It is now widely recognised that young people are one of the most exploited groups in the workforce. In statistical terms, South Australia has set national records for young people in the school retention, training and industrial relations arenas. However, these statistics are hardly any to be proud of. In fact we should be ashamed that as a State which once led the way in social reform and social justice, we have allowed the training and work situation to deteriorate to such a degree for our young workers.

South Australia currently holds the records for:

- Highest youth unemployment (mainland State) at 27.9%, June 2005 (Australian average 19.8%)¹
- Highest youth casual employment² (48% male, 57% female)
- Lowest school retention rates in 2004 at 68% (Aust. Average 75.7%)³
- Highest % of young people not in full time work or study (20.2%, Aust. Average 15.5%)⁴
- Lowest rate of tertiary education participation (mainland State) at 13.7% (Aust. Average 18.2%)⁵
- Lowest % of 24-25 year olds with Certificate 3 or higher ⁶

The aim of highlighting these figures is not to be alarmist. Certainly the State Government should be commended for its initiatives in the areas of school retention and its commitment to youth employment. Rather, it is to highlight the enormous amount of work that still needs to be done if we are to promote the State as one which provides choice and opportunity to young people and one in which they desire to live and work.

It is our experience too that for those young people who do find work, it is often casual, with poor conditions and in highly exploitative and discriminatory environments. We believe the South Australian community is generally oblivious to the high level of exploitation that occurs within the 15 - 24 year old working demographic. The purpose of this report is to provide our perspective and that of the young people we represent on what young people in the modern workplace are experiencing in relation Occupational Health and Safety, Casual Work, Traineeships and Apprenticeships and Pay Inequity.

In order to inform our position on these key issues, we have drawn on the work of other organisations and labour market researchers from South Australia and interstate.

We hope the report's recommendations on these issues will inform and guide the future work of the State Government in relation to the State Strategic Plan, the Youth Employment Strategy and the review of the traineeship and apprenticeship system. We also hope that this report begins a process of education for other sectors within the South Australian community that may place upward pressure on Government, business and industry groups to dramatically improve the working environment and experiences for young people in this State.

¹ Labour Force, Australia (6202). Australian Bureau of Statistics (July 2005) page 21

² Pocock, B. and Liu, P Women and Casual Work in South Australia: Dimensions, Experiences and Consequences (2005) page 8, University of Adelaide, unpublished.

³ Schools, Australia (4221) Australian Bureau of Statistics (2005) page 18

⁴ How Young People are Faring Key Indicators (2004), pages 12,13 and 34, Dusseldorp Skills Forum

⁵ As above

⁶ As above



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BACKGROUND

In November 2002, SA Unions began the process of campaigning to improve the rights and working conditions of young South Australians. SA Unions and its affiliates were receiving anecdotal evidence from young union members that exploitation of young people was rife, particularly in some industries and that pay and working conditions were on the decline. The SA union movement knew that young people were not joining unions in large numbers, that many young people were not aware of their rights in the workplace and did not know where to go for assistance and advocacy in relation to workplace grievances or disputes.

SA Unions initiated a meeting of young Union Organisers, Union delegates and representatives of key youth sector organisations to commence a dialogue about the situation for young workers. From this meeting, a core group of young unionists and community activists formed what is now known as U-Who – the Young People and Unions Network.

SA Unions successfully applied for funding from the Office for Youth in 2003 to employ a part time Youth Project Officer to develop and expand the fledgling network. In 2003 the Network under the auspices of SA Unions applied for funding from the Foundation for Young Australians through its Partnerships Grants initiative. Of the 170 applications received by the Foundation nationally, it was one of only three organisations to receive 3 year funding. It was the only application of the 170 that addressed the needs of young workers.

U-Who has embarked on an ambitious three- year strategic plan with primary objectives to:

- Raise young people's awareness of their rights as workers,
- Assist young workers to improve their wages and working conditions, and
- Assist young workers to join and actively participate in unions.

A number of strategies have been implemented to achieve these objectives (see Appendix 1), including the establishment of the Young Workers' Legal Service (YWLS). In 2002, the Stevens Review of the SA Industrial Relations system recommended that a special service for young workers be established to advise young people of their rights and assist them with industrial advocacy ⁷. SA Unions established such a service in November 2003 on a limited basis in order to meet this need.

The YWLS provides free and confidential one to one and telephone advice on a range of employment areas to young workers under the age of 30. It operates one day a week with the assistance of law students from Flinders and Adelaide Universities. To date, approximately 80% of referrals to the YWLS have originated from Government services or Departments.

In addition to more action based and practical strategies, the U-Who network has surveyed young workers about their perceptions of work and unions and has gathered data about a number of issues. This research has been imperative due to the lack of qualitative and quantitative research available on young South Australian workers. Over the past two years and in two stages, the network has surveyed over 800 young people, the results of which are presented in this report.

⁷ Stevens G. Review of the South Australian Industrial Relations System (2002) Workplace Services, Government of South Australia

INTRODUCTION

SA Unions' Youth and Vocational Education and Training (VET) projects have identified that:

- Young people enter the workforce in large numbers while at secondary school – the perception of many people that you go to school and then you get a job is no longer applicable.
- Many students are now working anywhere between 10-15 hours on top of full time secondary study.
- Students from more affluent backgrounds are more likely to get a job while at high school than those from socio-economically disadvantaged areas.
- Young people's common experience of work is a combination of low paid irregular casual work and traineeships/apprenticeships which often gives them a negative introduction to being in the workforce.
- Young people are the most exploited and ill-informed workers in the workplace.
- The completion rate of young people in apprenticeships and traineeships is very low and most commonly relates to negative experiences and treatment on the job.
- Many young people are being injured at work, yet they are not reporting their injuries or poor Occupational Health and Safety practices or standards.
- Many young people experience bullying, harassment and discrimination on a regular basis at work.

What is required to better align the needs and aspirations of young people to current and future work is to ensure that the current market driven training and employment approach is modified to ensure that industry development and industry planning can occur in a way that links together training, employment, regional development and industry development.

We support the aim that young people should stay in school, go into training or be able to find quality, meaningful employment. In all of the planning that has occurred to provide alternative curriculum, improving VET in schools, tracking students and creating pathways, there is no provision of a valuable aspect of work education, which is the provision of advocacy and support for young workers when the pathway fails or there is a workplace grievance or dispute.

In the important drive to keep young people at school or in training or employment we often give the message that any training or employment experience is useful to their futures. Often this is not the case. There is a real mix of very good to very bad training and employment opportunities out there. In order to navigate the complex employment and training landscape, students need to understand their rights, how the system works and who to go to if they are in difficulty or dispute. This should be an integral part of transition plans and the school to work, work experience/ education that all young people receive.

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D I R T C H E A P
A N D D I S P O S A B L E

STAGE 1 SURVEY RESULTS 2003

Sample size - 239 respondents

- 64% of respondents were employed
- 33% of respondents were employed in Hospitality, with 72% of this group aged 15-19 years.
- 25% were employed in Retail Trade, with 67% of this group aged 15-19 years.
- Respondents were asked to identify the importance of a number of work related issues, with the following results:
- Improved workplace rights: 66%
- Job security: 62%
- Right to representation: 58%
- Better wages: 57%
- Access to education and training: 35.5%

STAGE 2 SURVEY RESULTS 2004

Sample size - 576 respondents

Gender was evenly represented with 52% female and 48% male.

Ages ranged from 15 to 35 years, with:

- 52% aged between 15 – 19 years
- 33% between 20 – 24 years and
- 15% between 25 – 35 years

Work Status

- 94% of participants indicated they had worked at some time in their life
- 9% of the 15 – 19 year olds had never worked
- 2% from both the 20 – 24 year old and 25 – 35 year old groups had never worked.

The following results indicate employment status and number of hours worked by age group. These results were highly significant.

15 – 19 year olds

- 53% of the were more likely to have casual employment
- 18% had part time employment
- 14% looking for work and
- 12% employed full time
- 40% worked 10 – 25 hours per week
- 34% worked less than 10 hours per week, and
- 11% worked more than 40 hours per week.

20- 24 year olds

- 47% were more likely to have casual employment
- 26% had full time employment
- 12% part time and
- 9% looking for work
- 34% worked 10 – 25 hours per week
- 19% worked less than 10 hours and
- 20% worked more than 40 hours.

KEY FINDINGS

U-WHOSURVEYS

25 –35 year olds

- 51% were employed full time
- 11% in part time employment
- 9% in casual employment and
- 7% looking for work
- 46% worked 25-40 hours per week
- 33% worked more than 40 hours and
- 10% worked less than 10 hours per week.

There is a significant difference between gender and work status.

- FEMALES are more likely to be casual workers (50%, with 18% part time, 15% looking for work and 12% working full time. Females were also more likely (40 per cent) to work between 10 - 25 hours per week at 40%, with 10% working more than 40 hours per week.
- MALES were slightly more likely (36 per cent) to be casual workers at 36%, with 34% full time and 12% part time. Males hours of work are evenly spread at 25% for each of the four categories: less than 10 hours; between 10 -25 hours; 25 - 40 hours and more than 40 hours per week.

Difficulties experienced at work

Pressured to work overtime without pay

- 25% of 15 – 19 year olds felt they had sometimes been pressured
- 19% of 20 – 24 year olds sometimes felt pressured
- 36% of 25-35 year olds sometimes felt pressured.

Pressured to work while sick

- 26% of 15 – 19 year olds were sometimes pressured to work while sick
- 25% of 20 – 24 year olds were sometimes pressured
- 43% of 25 – 35 year olds indicated they were sometimes pressured to work.

Forced to work through meal break

- 29% of 15 – 19 year olds were sometimes forced to work through meal breaks
- 42% of 20 – 24 year olds were sometimes forced
- 40% of 25 – 35 year olds were sometimes forced.

Fired for reasons that were unfair

22% of participants answered they had been fired for reasons they felt were unfair. There was no significant difference between age groups.

Fired or lost shifts after a birthday

17% of participants indicated they had been fired or lost shifts following a birthday. There was no significant difference between age groups.

36% of 25-25 year olds sometimes felt pressured to work overtime without pay and 43% of the same age group indicated they were sometimes pressured to work while sick.

KEY FINDINGS

U-WHOSURVEYS

Occupational Health and Safety Issues

Injured at work: A significant difference exists between the age groups and injured at work.

Of all participants 35% indicated they had been injured at work, with:

- 30% of the 15 – 19 year olds injured
- 33% of the 20 – 24 year olds injured and
- 57% of 25 – 35 year olds injured at work
- 24% of females were injured at work, and
- 49% of males had been injured at work.

If injured at work, was injury reported

50% of injuries at work were reported. However there is a significant difference between the age groups and the reporting of injuries with:

- 66% of the 15 – 19 year olds more likely not to report the work injury with,
- 56% of the 20 – 24 year olds and 75% of the 25 – 35 year olds more likely to report the injury.

If injured was workers compensation form submitted

Of the participants that were injured, 25% submitted a claim for Workers Compensation claims There is a significant difference between the age groups, with:

- 86% of 15 – 19 year olds more likely not to submit a claim if injured
- 78% of the 20 – 24 year olds more likely not to submit a claim, and
- 46% of 25 – 35 year olds not submitting claim forms.

Harassment

Bullied at work

25% of all participants were bullied at work, with:

- 21% of 15 – 19 year olds bullied at work
- 25% of 20 – 24 year olds bullied, and a significant,
- 37% of 25 – 35 year old bullied.

Sexually harassed at work

21% of all participants experienced harassment at work. There is a highly significant difference between the age groups and sexual harassment at work, with:

- 16% of the 15 – 19 year olds experiencing sexual harassment at work
- 28% of 20 – 24 year olds experiencing harassment, and
- 36% of the 25 – 35 year olds experiencing sexual harassment.
- A significant 13% of males had experienced sexual harassment.

when injured at work 78% of 20-24 year olds were not likely to submit a Workers Compensation claim. 28% of the same age group were experiencing sexual harassment at work and 25% were being bullied.

KEY FINDINGS

U-WHO SURVEYS

Union

Belong to a union:

62% of all participants did not belong to a union.

There is a significant difference between age groups and union membership with the younger age groups more likely to be non-union, with:

- 69% of the 15 – 19 year olds more likely not to belong to a union
- 59% of the 20 – 24 year olds more likely not to belong, and
- 48% of 25 – 35 year olds were only slightly more likely not to belong to a union than belong

Know what a union is

74% of all participants knew what a union was. There is a significant difference between age group and knowing what a union is with the younger age group being less sure.

- 65% of the 15 – 19 year olds knew what a union was
- 80% of the 20 – 24 year olds knew what a union was, and
- 85% of 25 – 35 year olds knew.

Where learnt about union

- 43% of all participants learnt about unions through school
- 33% through their employer.

Believe unions are effective

- 87% of all participants always or sometimes felt unions were effective. There was no significant difference between age groups and the belief that unions were effective.



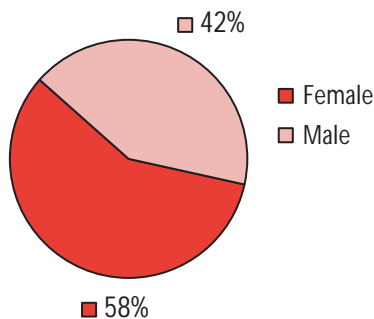
YOUNG WORKERS LEGAL SERVICE

Client Statistics

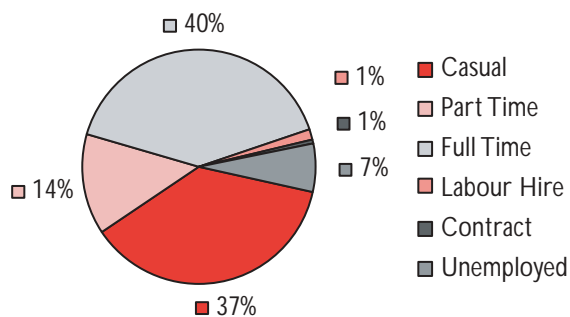
In addition to quantitative data, we have collected qualitative data in the form of the stories of Young Workers Legal Service clients. While the statistics from the YWLS mirror the survey data, the treatment and experiences of some of these young workers are often shocking, even to the most experienced union officials. Along with the client statistics below, we have included many of these stories throughout the report to demonstrate the appalling behaviour and work practices of some employers and business operators.

The following statistics are for the period of operation November 2003 – January 2005 for 157 clients:

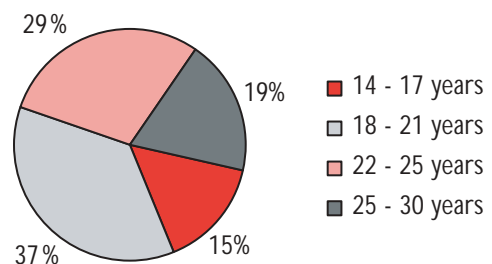
1. GENDER



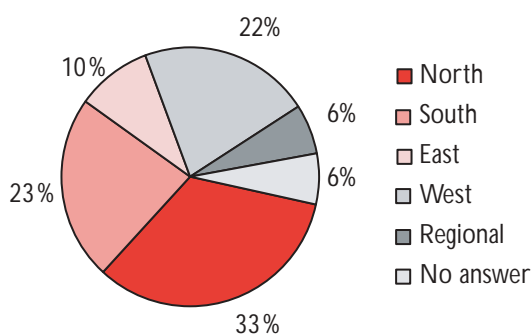
2. EMPLOYMENT STATUS



4. AGE

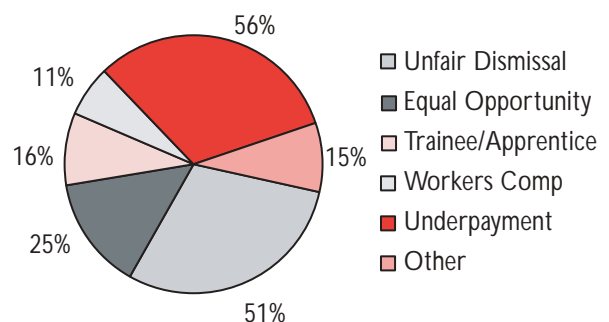


3. RESIDENTIAL LOCATION



5. TYPE OF MATTER

(Note: 12% of clients had more than one matter)



U-who?

It is unfortunate that many young people commence their working lives via highly exploitative and precarious employment, with low wages, no training opportunities, poor working conditions and no real potential for

THE WORK EXPERIENCE FOR YOUNG PEOPLE

Many young people are first engaged in or have their first contact with work between the ages of 15 and 19 years and while studying either at high school or in further education. It is the commencement of their transition to financial independence and during the teenage years, income generated from employment is an essential and sometimes only resource for young workers. The working experience is an important one as it provides young people with the opportunity to develop basic work skills through training and standard work practices. It also enables the young worker to develop interpersonal and social skills in an environment that is quite different to that of home or school. The development of work and social skills is critical to the future 'employability' of the young worker.

The first working experience for young people is often a benchmark for the rest of their working lives. It is therefore unfortunate that many young people commence their working lives via highly exploitative and precarious employment, with low wages, no training opportunities, poor working conditions and no real potential for them to increase their earning capacity.

Further impacting on the situation for these particular workers is a lack of knowledge about basic workplace rights, lack of awareness of where to go for advocacy and assistance about employment issues and little to no understanding of the role of unions in the workplace.

These types of experiences do not encourage a positive attitude in young people to work. It also does not encourage a responsible attitude of employers to ensure young people have a decent experience of work and are provided with opportunities to contribute to an enterprise in a constructive way. Instead, young people are often viewed as dispensable and the fear of unemployment and the high level of youth unemployment in some regions can be used by some employers as an opportunity to create unlawful working conditions and treat young workers appallingly.

Through the work of U-Who and the YWLS, we have been able to identify common issues for young people. These are explained in detail below and include case studies from the Young Workers Legal Service.

them to increase their earning capacity.





CASUAL WORK CASE STUDIES

BELINDA* had been working casually in a café for three weeks when her employer offered her a traineeship in Retail Operations. In her fourth week of employment, Belinda went to work despite feeling unwell. On her lunch break, Belinda rang her mother to tell her that she was feeling sick and she wanted to see a doctor. Her mother advised her to tell her employer, which she did and also told her employer that she would return the next day with a sick certificate. Her employer then asked her if she was pregnant. A few days earlier, Belinda had told an assistant manager that she thought she might be pregnant and assumed that the assistant manager had told her employer. Belinda told her employer that she wasn't sure if she was pregnant. Her employer then informed her she was irresponsible for getting pregnant and that she would lose her contract of training.

A pregnancy was not confirmed and Belinda returned to work the next day with a sick certificate. Her employer told her that she was no longer needed as she had found someone to replace her.

SARAH* had been working as a permanent part-time cleaner for four months, working a regular 15 hours per week. Due to a range of personal and family illnesses, Sarah had taken 5 days sick leave in this time. Two months into her employment Sarah received a written warning for not vacuuming under a chair. Towards the end of her fourth month of employment, Sarah's employer began alleging poor work performance and attempted to get Sarah to sign a second written warning. Sarah disagreed with the allegation and refused to sign the warning. A week later she received a call from her employer and was told not to bother coming into work that night as she had been removed from that particular job and would now be put onto casual relief work. Her employer explained that she would be given two hours notice of shifts and was required to work wherever she was needed. Sarah contacted the Young Workers Legal Service and was advised that she had been unlawfully demoted, that she had not been given any procedural fairness in relation to the written warnings and that the terms of her contract of employment were varied without her agreement.

** Names have been changed*

Sarah had been working as a permanent part-time cleaner for four months, working a regular 15 hours per week. Due to a range of personal and family illnesses, sarah had taken 5 days sick leave in this time. Two months into her employment sarah received a written warning for not vacuuming under a chair. Towards the end of her fourth month of employment, Sarah's employer began alleging poor work performance...

In May 2004
214,800 young
Australians were
in part time (or
casual) work,
looking for
work, or not in
the labour
market. The ABS
definition of a
casual employee
is someone who
does not have
access to paid
annual or sick
leave.

⁸ Kryger, T. Casual Employment: trends and characteristics
www.aph.gov.au/library/pubs/rn/2003-04/04rn53.htm June 2004

⁹ Pocock, B. and Liu, P. Women and Casual Work in South Australia: Dimensions, Experiences and Consequences (2005) page 8, University of Adelaide, unpublished.

¹⁰ Dusseldorp Skills Forum, page 24, 2004

¹¹ Profile of Young Australians, (2004) Chapter 11, page 35, Foundation for Young Australians.

CASUAL WORK

The level of casual employment of young people should be documented, publicised and dealt with as a major concern for the future employment direction of our State. How can young people establish themselves in South Australia and contribute fully to the economy and their community if they have no job security, no basic entitlements and rights or greater earning potential?

Statistical Summary

The rate of casual employment, both State and nationally has risen consistently over the past two decades.

- Since 1988, 54% of all new jobs created in Australia have been casual.⁸
- South Australia has the highest casual employment levels in the country at approximately 30%, five percentage points above the Australian average.
- 35% of South Australian women workers are employed casually and young people's casual rates are much higher, growing from 39% for males and 49% of females in 1992 to 48% males and 57% of females in 2003.⁹
- These figures are much higher for young people working in particular industries, most notably accommodation, cafes and restaurants, retail and transport and storage.

Full time Vs casual/part time job growth

While the number of casual and part time jobs has and continues to increase, it is at the expense of full time employment. Across the country 58% of young males aged 15-19 years are in full time employment (down from 72% in 1986), with a dramatic 20% decrease for females, currently 42%. While some of the growth in casual and part time employment has been attributed to increases in the number of young people combining work with full time study, statistics show a consistent increase in casual and part time employment for young people not in full time study, particularly young women.¹⁰

For 20-24 year olds, full time jobs have also declined with the greatest impact on women with a 10.7% decrease in the number of jobs between 1993 and 2003. Financial stability, job security, career pathways and disposable income are particularly important for this age group. We can only imagine what impacts the increase in precarious employment will have on a significant proportion of young people in terms of their financial, emotional and mental well being. As the Foundation for Young Australians writes:

"Secure employment which enables young people to utilise their skills and training and which is adequately and appropriately remunerated provides the most reliable means of ensuring full participation in the social and economic life of their community".¹¹

While the implications of a reduction in full time jobs available to young people are broad in terms of job security and access to entitlements, of greater concern is the growth of casual and part time work in industries with a prevalence of low skilled jobs.

The attributes of these types of jobs include low wages, poor Occupational Health and Safety regulations and high exploitation of young workers due to their lack of knowledge about their rights and low union membership.

D I R T C H E A P
A N D D I S P O S A B L E

The Casual Experience

The differences between casual and permanent employment status are many and relate mostly to entitlements, working conditions and the rights of the worker. While some young workers may prefer casual work due to the flexibility of working whilst studying, recent research shows that many casual workers see their work as exploitative and unfair, preferring the benefits and stability that permanent part time and full time work offers.¹²

Casuals are not entitled to paid leave of any kind, despite the ABS definition which only defines it as annual or sick leave. They are not entitled to redundancy payments and depending on how much they earn per month, may not qualify for superannuation contributions. While the casual loading, applied in lieu of paid leave, may appear attractive, the reality is that many young workers are not aware of their entitlement to it and therefore may not be receiving it. For those that do, research by Pocock (2005) indicates that many casual workers commence on base rates of pay and classifications much lower than their permanent co-workers. However, as Pocock writes, the issues for casual workers not only relate to wages and entitlements:

'...a lack of respect at work, a lack of voice, lost promotional and training opportunities, and vulnerability to bullying and unfair dismissal. Many casuals go to work sick, and put off having holidays.'¹³

Lack of Power

Young casuals are less likely to question or speak up about issues in the workplace due to their lack of awareness about their rights, lack of experience in workplace negotiation, unpredictability of shifts and also the constant concern of losing their job altogether. With youth unemployment so high, young people are often reminded by employers as to how untenable their employment is and how replaceable they are. As Pocock (2005) writes about one of the research respondents, a young woman:

" Sarah feels she 'allowed herself' to be exploited in her previous employment as a restaurant casual not only because she didn't know her rights, but also because she was afraid of losing shifts..."¹⁴

Reduced Rights

Unfair dismissal laws are designed to protect workers against harsh, unjust or unreasonable termination by an employer. Permanent employees can access unfair dismissal laws after completion of a probationary period, which is usually 3 months. Under the South Australian Industrial and Employees Relations Act 1994 casual employees are eligible to lodge an unfair dismissal application provided they have been employed on a regular and systematic basis for a minimum of six months.

Now that the Federal Liberal Government has a majority in the Senate, all workers, regardless of their casual or permanent status, who work in small to medium businesses of less than 100 employees who come under the Federal jurisdiction will be affected by new unfair dismissal legislation. The implications of this legislation are that workers will not have the right to the procedural fairness principles associated with unfair dismissal. These principles include entitlements to warnings about performance or conduct, valid reasons for termination and an opportunity for the worker to prepare and present a rebuttal to the termination.

¹² Pocock, B. & Liu, P. Women and Casual Work in South Australia: Dimensions, Experiences and Consequences, (2005) page 20, University of Adelaide, unpublished.

¹³ Pocock, B.; Prosser R.; Bridge K.; Only a Casual... How Casual Work Affects Employees, Households and Communities in Australia (2004) page 47, University of Adelaide

¹⁴ Pocock, B. et al; (2004) page 43

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The legislation will have a significant impact on young people in particular. Many of the young workers who come to the Young Workers Legal Service are employed in small enterprises and family-owned businesses. SA Unions is concerned that the legislation will place young workers in an even more vulnerable and powerless position and deter young people from speaking up about workplace issues or practices they deem unfair or unreasonable.

As a community we should be deeply concerned about the potential consequences of this reduction in basic rights. Will the legislation sanction further harassment, discrimination and inequitable treatment of young workers by employers? Will it prevent young women from protecting themselves against sexual harassment and abuse? What impact will it have on economically disadvantaged young people who simply cannot afford not to be employed? Will it further marginalise young people of culturally and linguistically diverse backgrounds?

Termination of employment can be extremely distressing experience for workers, not only in terms of immediate loss of income, but also in terms of the impact on family, relationships, loss of self esteem and confidence and other emotional and psychological issues. When the termination is unfair, unreasonable or without justification, the negative effects mentioned above are amplified. Particularly in terms of the worker being unable to tell their side of the story and having an opportunity to some legal recourse.

The new laws will be unfair and nonsensical. Why should workers in a small enterprise of less than 100 employees have less rights than workers of businesses employing 101 employees? Length of service and size of the enterprise are not reasonable justifications to prevent a workers' entitlement to natural justice.

Financial Planning and Independence

For many young people, particularly those who still live at home, casual and part time work whilst studying provides them with some financial freedom. However, there is a significant amount of young people, particularly in the 18-24 age group who are not studying, who do not live at home and who rely heavily on the hours they receive every week to cover their basic living expenses. Unpredictable hours and pay are a constant reality for these young people resulting in them finding it hard to budget, plan their finances, borrow money and save for the future. As the Foundation for Young Australians writes:

" ...many children and young people have experienced serious disadvantage as a consequence of growing inequalities in employment and income in the adult labour market. Joblessness, low pay for those with limited educational qualifications, insecure employment and reliance on youth Allowance all contribute to increased vulnerability to poverty for young people." ¹⁵

¹⁵ Profile of Young Australians (2004)
Chapter 4 page 3, Foundation for Young
Australians

School to work transitions

The Dusseldorp Skills Forum's 'How Young People are Faring' presents statistical based arguments about the impacts low school retention and low educational attainment levels have on young people's ability to navigate and create successful pathways from school to secure and meaningful employment. Young people are more likely than ever before to be employed part time or casually as a result in the decline of full time jobs and as the Forum writes:

" The financial well-being associated with full time work is increasingly being denied to young Australians." ¹⁶

We are yet to see the full consequences or impact this trend will have on young people in terms of their ability to establish themselves independently within the community and contribute fully to society. Will this trend force young people into poverty or long-term disadvantage? As the Foundation for Young Australians writes:

'Young people who fail to make the transition into the workforce, or who are in marginal employment, are at risk of long-term disadvantage which is likely to be passed onto their offspring.'¹⁷

This is backed by McKenzie (2001) who found that young people are less likely to make the transition to full-time employment if they have been in casual or part time work, unemployed or disengaged from the workforce in their first year after leaving school.¹⁸

Summary

There is an urgent need for the collection of data relating to casual work. Despite the increasing rate of casual work over several years in this country, it is a difficult task to obtain quality data on casual work by age and industry. Currently the ABS definition of casual work as someone who does not have access to paid annual or sick leave is inadequate.

The implications of an increasingly casual workforce in Australia are far reaching. The Federal Government and business lobby continue to argue that casual work provides flexibility and increases productivity. But this is only to the benefit of employers. The government never speaks about casual work in terms of any benefits to workers.

Increasing numbers of workers, particularly young workers do not have access to paid annual leave, paid sick leave, redundancy, superannuation and the basic rights that permanent workers enjoy. The precarious nature of casual employment creates an environment of fear where young workers are afraid to negotiate better pay and conditions or speak out about workplace issues as they are continuously reminded by employers of their replaceability in times of high youth unemployment. Is this really the type of orientation we want young people to have to the world of work?

¹⁶ How Young People are Faring (2004) Page 7, Dusseldorp Skills Forum

¹⁷ Profile of Young Australians (2004) Chapter 11, page 35, Foundation for Young Australians

¹⁸ McKenzie P, (2001) Pathways for Youth in Australia, Vocational training and life-long learning in Australia and Germany, NCVET

PAY INEQUITY CASE STUDIES

When Li was offered the job she was required to sign an Australian Workplace Agreement or AWA. This agreement gave Li fewer rights by offering less pay for the work she did, no extra pay for any overtime she worked and fewer leave entitlements.

Li* began working for a fast food shop as a full time employee when she turned 22. When Li was offered the job she was required to sign an Australian Workplace Agreement or AWA. This agreement gave Li fewer rights by offering less pay for the work she did, no extra pay for any overtime she worked and fewer leave entitlements. After working there for almost a year Li decided that she wanted start her own business. After leaving the shop Li's partner made a comment about how little she got paid and told her she should go and see someone to check if the pay rate was right. Li came to the Young Workers Legal Service for advice. The Office of the Employment Advocate (OEA) was contacted to check if Li's AWA was registered. The OEA informed her that it wasn't. Li was advised that because her employer had not registered the AWA she should have been treated as an Award employee and therefore be paid the Award rate.

After calculating the underpayment the Service recovered several thousand dollars through direct negotiation with her former employer.

ROSS* worked for a security company in installation for a period of time until he injured his wrist in a non work related incident. As a result of the injury, Ross took six weeks off work to recover. After the six weeks, Ross was cleared by his doctor to return to work. However, when Ross attempted to return to work his employer failed to fulfil his obligation and provide Ross with employment. Instead he unlawfully refused to allow him to return arguing that he didn't believe Ross could have possibly recovered from his accident, even though Ross had been approved by a doctor. As a result, Ross faced a situation of no income. Concerned about meeting his financial obligations, Ross sought assistance from the Young Workers Legal Service. The Service legally argued that the contract of employment still existed between Ross and his employer and therefore Ross was entitled to be paid for the time he was locked out of work. This dispute went to trial where Ross was awarded the full amount of the underpayment.

** Names have been changed*



PAY INEQUITY

Regardless of a young person's individual situation, the income that can be derived from employment is an important resource for young people. For those living with their parents, it provides the freedom to make decisions independently of their parents in relation to savings and spending. However, not all young people working do so by choice or can rely on parents for financial support. Many young people work part time or casually because there are no other employment options available to them. Many commence their working lives in low skilled occupations with little job security.

Once a young person finds a job they are then discriminated against on the basis of age in relation to rates of pay. They are also faced with a number of pay related issues that further undermine their ability to earn a decent wage including wage underpayments, unpaid overtime and unauthorised wage deductions.

There is increasing pressure on young people, largely from the business and industry sectors, to be 'job ready' when they leave school. Essentially this means that they want young people to have the necessary skills and knowledge to undertake work without requiring extensive training. Despite this, our society continues to expect young people to be paid at hourly rates significantly less than older workers. Many predictably argue that abolishing the junior rate will result in massive job losses, resulting in even higher youth unemployment. It is the same argument that the business sector and the Federal Liberal Government use every year to oppose minimum wage increases for award employees. Yet every year it is proven that there is insufficient evidence to connect wage increases with job loss. And every year company profits and CEO salaries continue to rise.

So why the double standards with the junior wage? Junior rates continue to be exempt from the age discrimination prohibition in the Workplace Relations Act 1996 (Cth). Yet young people have to pay the same prices for goods and services and be subject to the same taxes and increases as other workers. What message does this send to young workers? Are we deliberately forcing young people into poverty and economic hardship? As the Human Rights and Equal Opportunity Commission (HREOC) writes:

" ... junior rates cause hardship and poverty among young workers and place growing pressure on low income families. There are for work of equal value and reinforce negative and inaccurate stereotypes about young workers." ¹⁹



¹⁹ Age matters? A discussion paper on age discrimination, Human Rights and Equal Opportunity Commission (1999) page 39

U-Who has collected considerable anecdotal evidence through its school talks and the Young Workers Legal Service which suggests there is widespread use of trial work by employers and that for some, it is standard practice within their enterprise.

Junior wage versus Training Wage

A comparison between junior rates and training rates (based on part-time hourly rates):

Junior Employees	\$	Trainees (year 10)	\$
Under 17 years	6.68	School Leaver	5.95
17 years	8.01	1 year after leaving	6.51
18 years	9.35	2 years +	7.60
19 years	10.68	3 years +	8.75
20 years	12.02	4 years +	10.36
		5 years +	11.71

A shop assistant employee who is over the age of 20 years and not on a traineeship earns \$13.35 per hour. Apart from the many financial supplements offered to employers by the Government to take on apprentices and trainees, there is considerable incentive for employers to put young workers on a training wage in terms of the lower hourly rate.

Trial Work

U-Who has collected considerable anecdotal evidence through its school talks and the Young Workers Legal Service which suggests there is widespread use of trial work by employers and that for some, it is standard practice within their enterprise. Young people are often told by employers that completing trial work, anywhere from one or two days to several weeks is required before they can be offered a position. Other employers require young people to undertake unpaid training before they can be offered employment. The word 'unpaid' is often never used or the young person is reassured that they will receive payment at the completion of the trial. However, in our experience, the young person is often told at the end of the trial that they are unsuitable, there has been a downturn in business, or their work performance is unsatisfactory as reasons for not being employed. It is usually at this point that the young person realises there will be no payment of wages for the time they have worked.

Based on our evidence, we believe that trial work is widespread in the hospitality, retail and hairdressing industries. We also believe that some employers rely heavily on 'wage-free' workforces. In other words they operate with regular turn over of young people performing trial work. Trial work is now outlawed in the new South Australian Fair Work Act. There are also principles in the Act in relation to child employment. While we are yet to determine how this part of the legislation will be regulated by the government, we hope that the legislation will send a strong message to employers that there is no place in our community for this highly exploitative practice.

Another emerging and highly exploitative trend is the payment of wages in vouchers. We are aware of two teenage girls recently employed by a promotion-based company to work at the Clipsal 500 race in Adelaide who were paid in vouchers. These young women were required to stay in a hotel for the duration of the race and their movements and even what and where they could eat were controlled by the company.

Underpayment of Wages and Other Entitlements

Based on evidence from Young Workers Legal Service clients and in speaking to young people, we believe that underpayment of wages and non-payment of entitlements including unpaid overtime is an increasing reality for young workers.

The U-Who
Stage 2 survey
data found
that 43% of
respondents
did not know
which award
they were paid
under and 30%
had been paid
less than the
award.

This may be due to young people simply not being aware of what they are entitled to in their award or agreement including paid overtime. It also may be due to young people being forced onto AWA's which are designed to undercut award conditions.

The U-Who Stage 2 survey data found that:

- 43% of respondents did not know which award they were paid under
- 30% of respondents had been paid less than the award
- 17% who had been fired or lost shifts after a birthday and,
- 25% who sometimes felt pressured to work overtime without extra pay²⁰

A survey of young people employed in the fast food industry by employment rights legal service JobWatch found similar results:

- 43% of the respondents did not know whether they were being paid correctly
- 40% of respondents no longer working in the industry did not know if they had received correct entitlements on departure
- 28% did not know whether their employer was making superannuation contributions
- 17% were not paid overtime
- 10% were not paid the legal minimum rate of pay

There is also a trend of some employers not paying overtime beyond the rostered shift. We have had clients present to the Young Workers Legal Service where their employer engaged in the practice of requiring staff to log off and then stay behind to clean up or prepare the enterprise for the next day's trading. Similarly, Job Watch found examples of this in their survey.

Unauthorised Deductions

Another issue for young workers is when money is deducted from their wages without their written consent. Again this is an area where young people simply do not know their rights. Several young workers have come to the Young Workers Legal Service because they have had money deducted from their wages for the following reasons:

- Tills or cash registers that do not balance at the end of a shift
- Damaged goods or accidental breakages
- Cost of repairs to company vehicles
- Shortfalls in sales targets
- The cost of petrol when people drive off at service stations without paying

The most extraordinary case of unauthorised deduction was a client whose employer sought to deduct \$2000 from his wages because, despite it being no fault of the young client, a car that appeared abandoned was removed from his employers' premises and squashed for scrap metal.

The JobWatch survey also found other examples of unauthorised deductions including food wastage, misdemeanours and overtime budgets being exceeded.²¹

²⁰ Fast Food Industry: A Research Study of the Experiences and Problems of Young Workers page 1 (2004) JobWatch

²¹ JobWatch (2004) page 58

Despite wage
increases for
other workers
on awards and
Enterprise
Agreements
over the past
few years,

young people's
wages appear
to be going
backwards.

Summary

When asked the question "Why do you work?" most young people respond with one word: "money". For young people at school, it provides them with some financial independence from their parents. For others who live in low income households their wage contributes to the family income. For those studying at University it helps with study related expenses, fees and living expenses. And for others who live independently, their livelihood depends on it.

Yet at every turn, young people are reminded of how under-valued they are in terms of what employers believe they are worth on an hourly rate. As if the Junior Wage wasn't bad enough, we are now seeing increasing numbers of young people being put onto non-traditional traineeships in the retail and fast food industries. We have to question whether this is because there are genuine career paths for young workers in these industries or simply because they are cheap labour.

And with the Federal Industrial Relations changes, more and more young people will be forced onto AWA's. We have already seen evidence of young people with AWA's that contain lower rates of pay, unpaid overtime, no penalty rates, no site or uniform allowances and other basic minimum entitlements removed. Despite wage increases for other workers on awards and Enterprise Agreements over the past few years, young people's wages appear to be going backwards.



u-who?

APPRENTICESHIPS/TRAINEESHIPS CASE STUDIES

The trainees
did not receive
their first
payment of
wages until
more than 12
weeks after
commencing the
employment.
More than 100
trainees were
involved.

Young workers were sourced through employment agencies and training institutions. The workers (fresh out of school) had to enter into Contracts Of Training (COT) as a condition of their employment. Young workers were attracted by the advertisement to get a highly rewarding career in computer operations like IT and Web design. When signing the young workers found that the COT was for a Certificate II in Business with a promise to complete this COT in 16 weeks and a new COT for Certificate III in Web design to follow. The young workers were not provided with any information about their rights at the time of signing the COT.

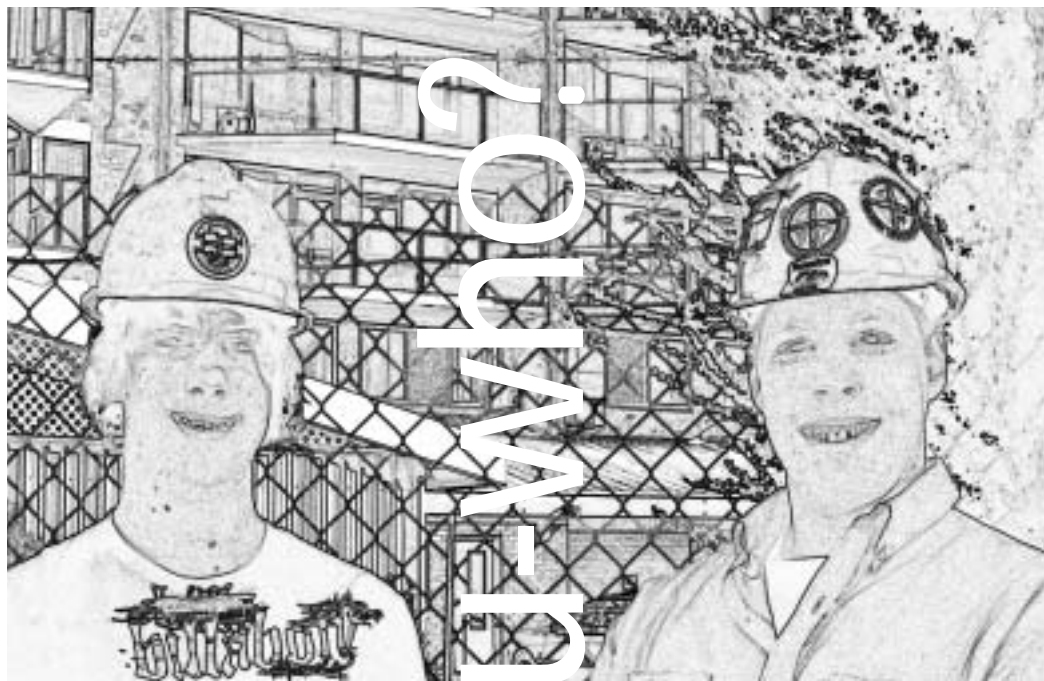
In this specific case more than 40 young workers were involved. The employer, also the Registered Training Organisation (RTO) were maximising their return on employment incentives and user-choice funding. Training was delivered via a workbook (tick and flick) with little if any properly organised education and training. The workers were not informed that because they were only working 15 hours per week their COT's would have an actual duration of more than 2 years and 6 months rather than the 12 month traineeship they thought they were signing up to.

The owners of the company, based in Victoria were also the Principals of the RTO which provided the training and had no knowledge that in South Australia a trainee or apprentice must serve at least 70% of the actual duration of the COT.

A well known employer representative organisation in South Australia assisted an employer to establish a business which conscripted young trainees into AQF II traineeships in Business. The trainees were employed subject to AWA's even though there were part-time training wage arrangements in both state and federal awards in the retail industry.

The form of the training and employment was delivered via a School-Based New Apprenticeship (SBNA). Most trainees were trained via a workbook (tick and flick). The trainees did not receive their first payment of wages until more than 12 weeks after commencing the employment.

More than 100 trainees were involved. The employer "hosted" the trainees into businesses/occupations like stacking shelves in supermarkets.



TRAINEESHIPS AND APPRENTICESHIPS

In 2004 a record \$2.1 billion of taxpayer's funds will be spent on Vocational Education and Training (VET) in Australia. In 2003 approximately \$220 million of taxpayer funds went into VET in South Australia.

SA Unions recognises and understands the direct connections between the acquisition of skills, life long learning, improvements in wages and conditions for workers and improvements in the social economy. The union movement was one of the original architects of the VET system and has taken a leading role in its inception and past development.

The Federal Government's new apprenticeships scheme however, has confused the landscape, mixing up short term training with traditional apprenticeships. We believe there is a low level of accountability attached to this system. SA Unions and our affiliate unions have a large number of examples of exploitation of young people on traineeships and apprenticeships where there is no pathway to employment, no proper training and limited to no supervision. We also have a suspicion that employers are using the training system to gain cheap employees and at the same time attracting a commonwealth subsidy. Trainee wages have essentially become the new and cheaper junior wage.

This view is supported by Buchanan, J. et al in the report *Beyond Flexibility: Skills and Work for the Future*:

"Levels of training provided by employers have fallen. Indeed, the changes in VET policy appear to be part of a significant cost-shifting exercise from employers to the state. Some commentators have argued that far from delivering a dynamic, demand driven system, the reforms of the 1990's have merely delivered enhanced business welfare at public expense."²²

Measuring Quality

Approximately 50% of all Contracts of Training (COT) in SA are not completed which is an alarming statistic. However, failure of young people to complete contracts should not always be viewed as a negative outcome. Too often, generalisations are made about why young people are not completing apprenticeships and traineeships which result in young people being stigmatised as 'unmotivated' or 'uncommitted'. Young people often undertake COT's when they are still at school and still exploring career options. Yet it is the experience of unions and the Young Workers Legal Service in dealing with the dispute resolution process under the Training Act, that the majority of cancellations and withdrawals are due to a break down in the employer/employee relationship.

This is supported by data in a national survey conducted by NCVET into reasons for non-completion by apprentices. The survey found that around half of apprentices stopped their COT for job related reasons, with 57% of those aged under 18 years. Similarly, approximately 58% of trainees stopped for job related reasons.

Nationally, 36,100 traineeships and apprenticeships were cancelled and 12,200 completed in the September 2004 quarter.

²² Buchanan J.; Schofield K.; Briggs C.; Considine G.; Hager P.; Hawke G.; Kitay J.; Meagher G.; Macintyre J.; Mounier A.; and Ryan S.; *Beyond Flexibility: Skills and Work for the Future* (2001), page 7, Australian Centre for Industrial Relations Research and Training (ACCIRT), University of Sydney, and Research Centre for Vocational Education and Training (RCVET), University of Sydney.

Many of those surveyed stated feelings of being exploited or used as cheap labour as a critical factor in the breakdown of the employment relationship.

Many of those surveyed stated feelings of being exploited or used as cheap labour as a critical factor in the breakdown of the employment relationship. Approximately 23% of apprentices reported bullying as the reason they stopped their COT. The lack of training or quality of training provided was also a key issue for those surveyed with almost two-thirds of trainees and 58% of apprentices reporting that they had not completed any structured training. Alarming, almost two-thirds of those surveyed were not participating in any further study or training when surveyed.²³

SA Unions asserts that (historically) there has been too much focus on measuring VET activity in terms of commencement and completion outcomes. Until recently there has been little if any examination of non-completions and the reasons why they are occurring. Non-completion levels of 40% + are not just related to South Australia. The problems of non-completion are a national issue, but SA Unions believes that actions can be taken in South Australia to reduce the rates, improve the quality of outcomes for trainees/apprentices and maximise the benefits to industry and taxpayers.

Who Benefits?

THE EMPLOYER: While many apprenticeships and traineeships lead to careers in a particular industry or occupation, several employers and Registered Training Organisations (RTO's) are receiving taxpayer funding for so called 'new apprenticeships' and traineeships such as "Sandwich Artist". SA Unions is opposed to young workers being conscripted into these types of traineeships purely because the employer can reduce the already low junior rate to an even lower training rate, receive an employment incentive and in some circumstances the employer is also the RTO and will receive both the employment incentive as well as the "user choice" funding along with any other specific incentive (eg rural placement etc).

There is no obligation on the employer to continue the employment of the apprentice or trainee after the completion of the COT. There are also some RTO's that have little or no regard for the fact that they may, in some circumstances, be training young workers in occupations/skills where there is little or no opportunity for either employment or a career. For example in 2001, SA Unions received a report from a number of trainees that they had entered into Contracts of Training in advanced plastics manufacturing and had completed the course to find that there were no suitable places of employment in South Australia to use these qualifications.

SA Unions suspects that some employers offer 12 month traineeships with no intention of offering ongoing employment and instead replace young people who have completed their COT's with new trainees. Employers and RTO's continue to operate in an unregulated system with little to no accountability for the tax payer funded incentives they receive.

THE APPRENTICE/TRAINEE: There are no guarantees that any apprenticeship or traineeship will lead to ongoing employment. In most cases trainees and apprentices are excluded from redundancy or severance entitlements in Federal and State industrial law. In circumstances where young workers are employed for 15 hours per week on a traineeship the employer may not be obliged to pay superannuation because the weekly rate is below the legislated threshold.

²³ Reasons for New Apprentices non-completions (2001) NCVET

The purpose of training should be re-stated as being for employment, not training for training's sake. Unless we have targeted employment programs with training attached, young people will continue to be the best educated and trained unemployed people in our history.

All apprentices and trainees must purchase tools and other equipment at their own expense. SA Unions is aware of one Industry group that no longer provides its apprentices with Occupational Health and Safety regulation work clothes or any worksite allowances.

The increased use of individual Australian Workplace Agreements (AWA) for young people on traineeships has also often undermined the object of establishing a regulated training wage which is short lived and moves to a full wage at the end of the training. AWA's are often set under the award provisions and provide little protection for the young trainee. In some industries employers are forcing apprentices to sign AWA's and there is no requirement for parents to view and sign an AWA if the young person is under 18 years of age.

Rights and Representation

SA Unions is aware of significant levels of exploitation amongst young people participating in VET and the apprenticeship/traineeship system.

The links between the training system and the industrial relations systems is not widely understood. A young person does not have the same rights under the training system as they do under the industrial relations system and the pathways for resolution of disputes are quite different. For example, trainees and apprentices do not have access to the State and Federal industrial relations systems for unfair dismissal.

There are numerous reports from trainees and parents where trainees/apprentices experienced a complete lack of formal training, were not informed of their rights, were unaware of options and opportunities to resolve the issues and were encouraged to cancel the Contracts of Training rather than raise important issues about how they were treated.

The Training Advocate position recently established by the State Government needs to act as an advocate for young trainees and ensure they are not exploited. This will require a review of the current position and an ability for the advocate to act independently with the power to recommend changes to the system as well as to assist individuals.

Summary

VET is important to industry development, but it's not the only benefit that society achieves from a good VET system. It is equally important that VET helps provide meaningful, long-term employment, career opportunities and good wages and conditions to all workers as well as improving South Australian society. The current market driven approach often meets the needs of the training provider ahead of the young person in training and is a complex and difficult system to navigate and one that we believe isn't being utilized properly.

The purpose of training should be re-stated as being for employment, not training for training's sake. Unless we have targeted employment programs with training attached, young people will continue to be the best educated and trained unemployed people in our history.

OCCUPATIONAL HEALTH AND SAFETY CASE STUDIES

After working for the company for a few months, Joseph began experiencing pain in his lower back due to the low height of the bench he was required to work at.

JOSEPH* was employed by a labour hire company and placed with an employer on a full time basis. His duties included placing and making parts for small motor engines. After working for the company for a few months Joseph began experiencing pain in his lower back due to the low height of the bench he was required to work at. Joseph and the other workers at the company were not permitted to sit down whilst working at the benches. As the pain worsened Joseph complained to his employer along with other workers. Joseph was told that no action would be taken because the company was considering moving locations. After a while the pain became unbearable and Joseph arrived at work one day and asked to see a medical officer. After waiting four hours a medical officer arrived and after assessing Joseph's back, requested he be taken to a medical centre straight away. Joseph filled out a workers compensation form to cover his medical expenses and income lost for the period of time spent off work and gave the form to his employer.

When Joseph returned to work he tried to avoid further injury by using a stool to sit on whilst working at the benches. However, he would continually be told that no one could sit down whilst working. Soon after Joseph was contacted by the Labour Hire Agency and told that he no longer had employment because he 'could no longer carry out the duties required.' After several weeks Joseph had still not received anything regarding his workers compensation claim. Despite being told that the form had been lodged with the insurance company upon contacting them Joseph was told that they had never received the claim.

When JENNA* came to the Young Workers Legal Service she had just quit her job at a convenience store. Whilst working there Jenna experienced constant sexual harassment and bullying. She was subjected to unwelcome comments of a sexual nature and rumours that were intended to offend, humiliate and intimidate her. Many comments would often be made in the presence of customers and it was not uncommon for Jenna to be called a "dumb slut" or a "stupid whore" if she made a mistake.

The degrading harassment that continued to occur put Jenna under a lot of stress and caused her much anxiety. She told us that the experience has seriously affected her confidence and left her with low self esteem.

**Name has been changed*



In South
Australia in
2003 young
people aged
under 24 years
were twice as
likely to suffer
injury or illness
than those
aged over 30
in the property
and business
services
industry.

Reporting of Injury and Illness

According to the National Workers Compensation Statistics, South Australians aged under 20 years only represented 5.9% of all Workers Compensation claims in 2003. However, SA Unions doesn't believe it is because young people aren't being injured at work. Research conducted by U-Who, Jobwatch in Victoria and the Queensland Injury Surveillance Unit in 2004 all suggest that young people are being injured, are sometimes over-represented in comparison with other age groups and that there are higher rates of injury for young workers in particular industries. The Victorian and Queensland data has been included due to the similarities in industries and occupations that young people are employed in South Australia.

The U-Who Stage 2 survey data and the low number of clients who contact the Young Workers Legal Service about Occupational Health and Safety issues suggests that young workers are not reporting workplace related injury and disease. This may be due to a range of reasons including lack of awareness of rights in this area, fear of the consequences of reporting, poor or no reporting mechanisms in the workplace and workplace culture and attitudes that trivialise certain kinds of injury.

Key Trends

The following statistics are based on all Workers Compensation claims in South Australia in 2003 for young people aged under 24 years:

- The main industries for injury and illness were manufacturing, retail, accommodation, cafes and restaurants and property and business services
- Retail Trade had the highest rate of injury or illness for young people aged under 20
- Manufacturing had the highest rate of injury or illness for young people aged 20-24 years
- Young people under 20 years working in the retail trade were twice as likely to suffer injury than those aged 20-24 years, and three times as likely than those aged over 25
- Young people aged under 24 were twice as likely to suffer injury or illness than those aged over 30 in the property and business services industry
- An alarming 47% of women under the age of 20 suffered some form of injury or illness.

Similarly, the data from Queensland shows that school age children are twice as likely to be injured in the workplace than any other age group. Of the young people presenting to the emergency departments of hospitals that participated in the survey, 78% were male and 51% were aged 17 years. 26% were classified as urgent or above and at least 5 young people suffered a traumatic amputation.²⁴

Some of the key findings from the JobWatch survey of young workers in the fast food industry (2004) include:

- 46% of respondents had suffered an injury or illness
- 24% did not report the injury or illness
- 30.6% did not know whether their workplace had an OHS representative
- 12% were not provided with protective equipment and clothing
- 24% had not received a meal break after their 5th hour of work.²⁵

²⁴ Half the Age, Twice the Risk – Occupational Injury in School Age Children (2004) Queensland Injury Surveillance Unit

²⁵ JobWatch (2004)

It is our experience that young people are more likely to act, speak out or seek help about a workplace issue if they are aware of their basic rights and can determine whether they have been treated in an unjust or unfair way.

Training and Education

Despite requirements under the Occupational Health and Safety Act many young people are not receiving Occupational Health and Safety training in the workplace. Of the respondents to the JobWatch survey, 17.8% had not received training on safe work practices and 16% had not received hazard or risk identification training.²⁶

It is our experience that young people are more likely to act, speak out or seek help about a workplace issue if they are aware of their basic rights and therefore can determine whether they have been treated in an unjust or unfair way. SA Unions believes that young people should be taught about their basic rights, particularly in relation to Occupational Health and Safety, before they enter the workplace. Work Education at high school is the perfect opportunity for this to occur. Yet this subject is of low status, inconsistently taught, poorly resourced and not compulsory. While not detracting from the employers' responsibility to also provide on the job training, basic knowledge and understanding of rights and responsibilities will empower young people to be more conscious and protective of their health and safety when they enter the workplace.

Over the past year SA Unions has convened a committee comprising of key government and non-government stakeholders to address the issue of Occupational Health and Safety education for young workers. A program has been developed to compliment the SA school curriculum based on a very successful program that has been implemented in Canada called Passport to Safety. The program was developed in response to significantly high injury and fatality rates of adolescent workers in Canada. It involves students completing an online assessment of basic Occupational Health and Safety knowledge and upon passing, being issued with a Passport in recognition of their completion of the program.

The program was first rolled out in government schools in Ontario and since its operation there has been a marked reduction in fatalities and injuries of young workers including:

- 80% reduction in fatal injuries for workers aged under 19 years
- Ontario accounted for 8% of deaths of all Canadian workers under 19 years, an 11% drop in two years
- 24% reduction in lost time from injuries for workers aged under 19 years
- 12% drop in total injuries for workers aged under 19 years
- 20% reduction in deaths of workers aged 20-24 years
- 19% reduction in lost time from injuries for workers aged 20-24 years

A pilot program is currently being trialed in selected South Australian schools and subject to its success, will hopefully become an integral part of workplace education for young people before they enter the workplace.

Harassment and Bullying

This is an area that SA Unions believes is grossly under-reported, more so than injury and illness. We believe many young people are staying silent about abuse in the workplace due to the nature of these issues and the difficulties associated with pursuing these types of claims. As JobWatch (2004) writes:

²⁶ JobWatch (2004)

It is of great concern that these issues, particularly sexual harassment, continue to be a problem in modern workplaces despite many years of legislation protecting workers from such behaviour.

“ Young people compared to the rest of the population are less likely to report, as they do not want to be perceived as “ dobbers” , are reluctant to admit there is a problem and that they require assistance. Some respondents expressed concerns about the consequences of reporting incidents, such as fear of losing their job, or creating further trouble.”

The JobWatch survey findings on workplace violence or bullying and harassment include:

- 35% of respondents experienced some form of workplace violence or bullying
- The main perpetrators of workplace violence or bullying were people in positions of authority at 46%
- 68% of respondents who had experienced violence or bullying did not report it
- 19% of respondents experienced some form of discrimination at the workplace
- 12.7% of respondents had experienced sexual harassment or assault, with 78% of those being women

While we have had a few cases through the Young Workers Legal Service, of particular concern is the nature of the sexual harassment young women are subjected to and the aggressive and violent behaviours that some young men are subjected to by employers and supervisors in some industries. In all cases the perpetrator has been a person in a position of authority which is similar to findings from the JobWatch survey.

Of particular concern is the high rate of young men who reported sexual harassment in the U-Who Stage 2 Survey data. We have also seen a trend of young women contacting the Young Workers Legal Service who have been sacked or had their hours significantly reduced after advising their employer of a pregnancy.

Summary

It is of great concern that these issues, particularly sexual harassment, continue to be a problem in modern workplaces despite many years of legislation protecting workers from such behaviours. It is clear from the data that in some industries, young people have higher rates of workplace injury than any other age group yet are least likely to report as is their right under OHS legislation. And due to the power imbalance that often exists between young workers and their employers, increasing numbers of young men and women are being subject to bullying, sexual harassment and discrimination.

As highlighted in the Casual Work section, industries and occupations with a prevalence of low skilled employment also have poor Occupational Health and Safety regulations, training and procedures. With increasing rates of casual employment for young people, particularly in industries with higher risk of workplace injury, this issue will always remain.

Yet it appears that quality, school based education programs that address OHS procedures, reporting and educate young workers about their rights do produce positive outcomes in relation to reductions in rates of workplace death and injury. The Passport to Safety trial currently being undertaken in South Australian secondary schools is a positive step forward for this State in terms of ensuring our young workers are safe, protected and healthy at work.

27 JobWatch (2004) pages 54 and 55

APPENDIX 2

Recommendation to the Review of the Apprenticeship/Traineeship System on Minimum employment standards for trainees and apprentices

SA Unions advocates the establishment of a range of minimum employment standards for trainees and apprentices in South Australia. These minimum standards should include (amongst other things):

- That a Contract of Training (COT) will not be approved until the RTO and the employer can assure that the trainee/ apprentice has/will received an approved pre-employment orientation on OHS&W, COT rights and responsibilities, working conditions, wages, industrial relations arrangements, unions, and other matters. This orientation must occur prior to the trainee/apprentice entering into the COT.
- There is genuine and meaningful employment.
- That the employment has a direct connection with the apprenticeship/traineeship.
- The trainee/apprentice is working in the presence of supervision at all time.
- That places of employment and training be free from harassment and provide equal opportunities including a certification that the host employer/employer has operative policies covering these issues.
- That the training wage does not fall below a proportion of the State Minimum Wage.
- That the trainee/apprentice receives wages in the week or fortnight of the work performed.
- The employer acknowledges and agrees to employ and train the apprentice/trainee subject to the Training and Skills Development Act and all its authorities and obligations.
- The employer is not entering into industrial relations arrangements, which have the potential to override State legislation.
- That the term of the industrial relations arrangements (training wage arrangements) concludes simultaneously with the attainment of the competency