

Workers' **rights**, not wrongs

PARSA Workplace Rights Survey Report

February 2020



PARSA
ANU postgraduate &
research students'
association

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Foreword

The ANU Postgraduate and Research Students' Association (PARSA) is the democratically elected representative body for all postgraduate students at ANU. Our membership is comprised of over half the total students at ANU, or approximately 13,000 postgraduate students. PARSA exists to ensure the interests of postgraduates at ANU, namely through representing postgraduate student rights and welfare.

In 2019, Grill'd, Sushi Bay, George Calombaris, Rockpool Bar and Grill and Woolworths were all caught underpaying workers to the tune of millions of dollars.

We know from the number of students reaching out to our lawyer and Student Assistance Team that these stories are also the reality for many PARSA members.

We know that there are workplaces where employers are paying students legally, then demanding some of that money back. We know there are businesses that are paying students as little as \$12 an hour in cash. We know there are bosses not providing payslips at all. We know there are students promised work records for permanent residency in exchange for a pay rate far below the legal minimum.

We know that these things are happening, and we know that the incidences that we hear about are barely scratching the surface of what is going on.

According to the 2019 PARSA Survey, nearly 40% of postgraduate students are worried about employment while studying.

We have run this workplace rights survey because in 2020, we want to make wage theft

much harder to commit. We want to break the silence and shame that exists around wage theft, and achieve real and tangible outcomes for postgraduate students, by working together with our members and other important stakeholders.

Utsav Gupta

PARSA President



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Executive Summary

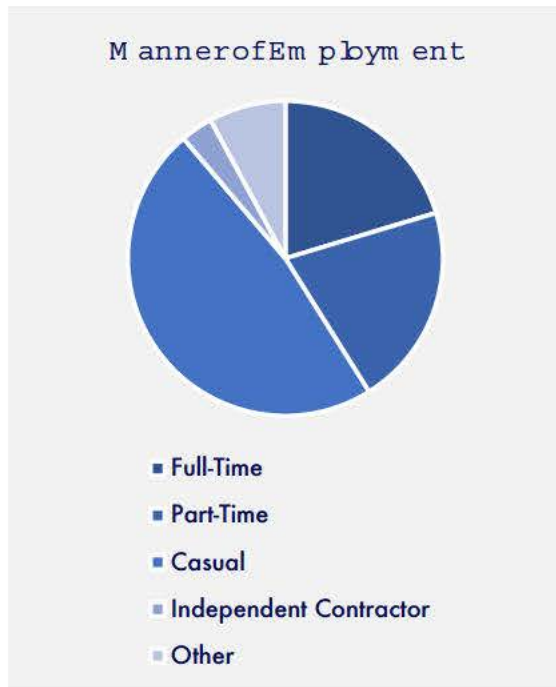
Methodology

435 responses were gathered from ANU students through the PARSA emailing list to all postgraduate students, social media, and word of mouth. These respondents answered 30 questions which required a mixture of qualitative and quantitative answers.

All percentages throughout the report reflect the proportion of respondents who answered the question.

Initial findings

Student respondents to the survey were predominately employed casually.



Most students (66%) work for businesses that do not operate on the ANU campus.

Students were asked whether they feel like they know what their rights are at work. 61% responded either *definitely yes* or *probably yes*. 15% responded either *probably not* or *definitely not*.



Concerning findings

89.2% of respondents reported some form of illegal behaviour by their employer.

22.5% of respondents have taken or considered taking legal action against an employer because of their experiences at work.

24% of respondents report that they do not understand superannuation. 9% report that they are not being paid any superannuation, and a further 23% report that they do not know where their superannuation is being accumulated.



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21% of respondents report that they do not know where to get information about their rights at work.

Only 51% of international students always receive payslips.

The international student experience

Unfortunately, international students report being subject to more illegal behaviour than domestic students. Only 51% of international students report always being provided with payslips, compared with 81% of domestic students.

Only 46% of international students report that their payslips reflect the work that they do, and only 52% of international students are paid at least the minimum wage.

25.5% of international students have taken or considered taking legal action against an employer because of their experiences at work.

Only 50% of international students always work in a safe manner and are provided with the necessary equipment to protect themselves.

Overall experiences

Excluding students who selected "other", the four most popular industries for students are:

1. Education (Tertiary)
2. Restaurant/Café
3. Government
4. Retail

"[Fast food chain] is a worst experience for me. They will train you only on POS software and expect you to know everything and do by yourself. No protection measures manager take for hot oil or any hot things."

- International postgraduate student

How would you describe your experiences of employment while studying at the ANU?



- Very positive
- Positive
- Neither positive nor negative
- Negative
- Very negative

Despite many students reporting employer behaviour which is illegal, most students describe their experience of employment while studying at the ANU as mostly positive.

Summary of recommendations

For the ANU to: better educate students about their rights, collaborate with other parties to crack down on and prevent wage theft and workplace exploitation, and take responsibility for tackling wage theft on ANU campuses.

For the ACT Government to: change legislation that makes international students vulnerable to exploitation, investigate the scope of wage theft in Canberra, and work with other parties to eradicate wage theft in Canberra.

For the Federal Government and the Fair Work Ombudsman to: crack down on illegal employer behaviour in Canberra, work with PARSA and other parties to investigate the scope of wage theft and workplace exploitation in Canberra, and work to educate students about their workplace rights.



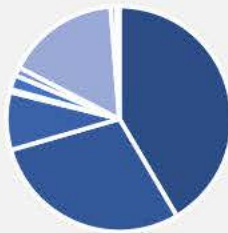
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Survey results

Demographics

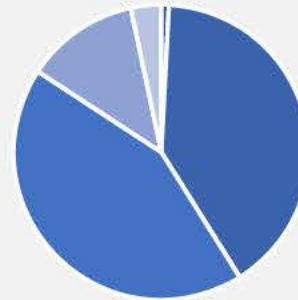
149 domestic and 92 international students responded to the survey, most were studying a Masters by coursework, followed by a PhD. The largest proportion are aged 25-34, closely followed by 18-24.

Course of study of survey respondents



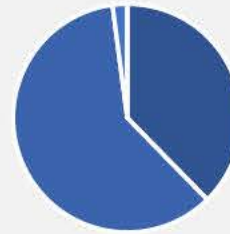
- Masters by coursework
- PhD
- Masters by coursework and research
- Masters by research
- Graduate Diploma
- Graduate Certificate
- Bachelor or degree
- Honours
- ANU College

Age of respondents



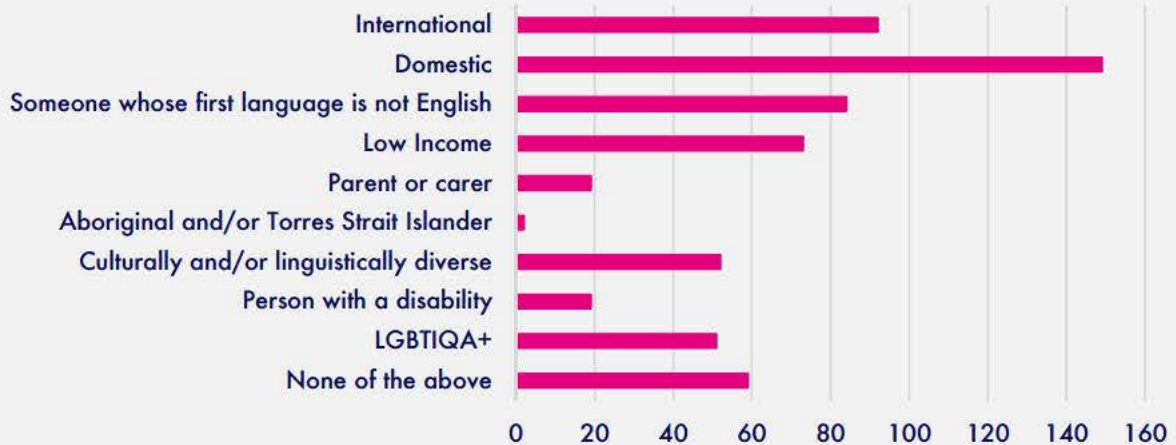
- Under 18
- 18-24 years
- 25-34 years
- 35-49 years
- 50 and over

Gender



- Male
- Female
- Non-Binary
- Other
- Prefer not to say

Student identities



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Domestic vs. International student experiences

International students report being subject to more illegal behaviour than domestic students. Students were asked the prevalence of the situations below. What is particularly concerning is that there are many students who have responded "Never" about situations where there is absolutely no legal grey area (e.g. receiving payslips, being paid above minimum wage).

	Always		Most of the time		About half the time		Sometimes		Never		Not applicable	
	Int	Dom	Int	Dom	Int	Dom	Int	Dom	Int	Dom	Int	Dom
I receive payslips	51%	81%	11%	11%	0%	1%	5%	1%	26%	4%	7%	3%
My payslips reflect the work that I do	46%	73%	16%	17%	0%	2%	4%	1%	13%	4%	21%	3%
I am paid at least \$18.93 per hour (if you are over 18)	52%	87%	12%	4%	1%	1%	3%	1%	22%	3%	10%	5%
I am paid 9.5% superannuation (if you work more than 23 hours in a month and are over 18)	36%	73%	8%	6%	3%	1%	1%	2%	22%	7%	30%	11%
I am paid for all the hours that I work	58%	58%	17%	30%	3%	2%	4%	5%	10%	4%	8%	2%
I am asked to do tasks beyond my job description	11%	9%	8%	13%	3%	5%	24%	46%	43%	20%	11%	7%
I work in a safe manner and am provided with the necessary equipment to protect myself	50%	60%	24%	30%	8%	2%	4%	2%	4%	2%	10%	5%
I am paid overtime	22%	20%	7%	9%	7%	1%	10%	7%	24%	29%	32%	34%
I am paid penalty rates (if required)	16%	34%	4%	8%	1%	1%	8%	3%	27%	15%	43%	40%
I am asked to work beyond the hours permitted by my visa	7%	2%	2%	1%	0%	1%	9%	0%	64%	9%	18%	87%
I am given adequate time to rest between shifts	40%	48%	18%	19%	4%	5%	17%	5%	7%	3%	13%	19%
I am provided with adequate information about my rights	24%	25%	17%	21%	8%	11%	18%	21%	22%	12%	11%	9%



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I feel comfortable asking for my entitlements (overtime, penalty rates, superannuation etc.)	27%	34%	11%	16%	7%	12%	18%	16%	23%	13%	14%	9%
I am given opportunities for professional growth	27%	26%	15%	19%	9%	9%	14%	20%	25%	16%	10%	10%
I am treated respectfully by my colleagues and managers	47%	44%	23%	38%	7%	7%	9%	9%	8%	1%	8%	2%
I am treated respectfully by customers	42%	22%	28%	34%	5%	15%	7%	7%	2%	0%	15%	21%
I am given appropriate training for work I am expected to do	35%	23%	25%	34%	12%	15%	10%	15%	10%	5%	9%	6%

Prevalence of illegal behaviour

89.2% of respondents indicated that their employer had committed some form of illegal behaviour. This is an incredibly high proportion. It is also possible that students have selected "Not applicable" when the laws do still apply to them, it is just that these students are not aware of the relevant employment law.

Trade unions

15% of students are a member of their trade union, 64% are not, and 21% were not aware that one exists that could represent them. It seems that becoming a member of a union would support many students with the issues they are facing in their workplace, as 22.4% of students report that they have taken, or considered taking, legal action against an employer because of their experiences at work.

Getting Help

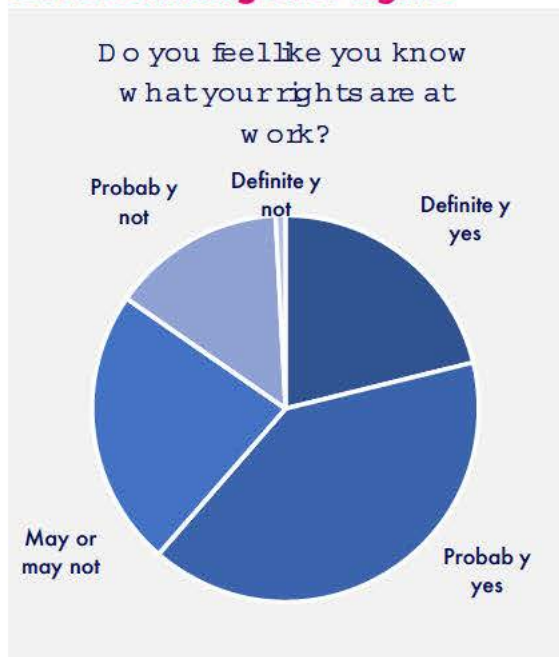
If they were being treated unfairly or underpaid at work, 47.3% of ANU students would go to a government agency such as the Fair Work Ombudsman, Human Rights Commissioner. 28.6% would reach out to PARSA or ANUSA, 19.5% would go to the PARSA or ANUSA Lawyer, 19.5% would go to their trade union, and 12.9% would reach out to the ANU. Other students would reach out to a private lawyer or the media. Unfortunately 17.8% report that they do not know where to go for help, and 5.4% would not seek help.



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Understanding their rights



Most students believe that they probably understand their rights at work. Students also generally know where to get information about their rights at work,

Superannuation

Results show that almost a quarter of ANU students don't understand superannuation at all (19.5% slightly well, 36.1% moderately well, 13.3% very well, and 7.5% extremely well). Furthermore, 9% of students are not being paid any superannuation, and 23.2% do not know where their superannuation is being accumulated.



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Hotspot industries

Of the four most popular industries, Restaurant/Café workers tend to report higher levels of illegal behaviour by employers. For example, only 58% of restaurant/café workers always receive payslips, and only 38% always work in a safe manner and are provided with the necessary equipment to protect themselves.

	Always				
	Retail	Restaurant/ Café	Government	Tertiary Education	Overall
I receive payslips	63%	58%	85%	80%	69%
My payslips reflect the work that I do	66%	53%	85%	64%	63%
I am paid at least \$18.93 per hour (if you are over 18)	75%	58%	95%	88%	73%
I am paid 9.5% superannuation (if you work more than 23 hours in a month and are over 18)	59%	45%	90%	67%	59%
I am paid for all the hours that I work	66%	58%	73%	55%	58%
I work in a safe manner and am provided with the necessary equipment to protect myself	63%	38%	70%	64%	56%
I am paid overtime	31%	25%	28%	23%	21%
I am paid penalty rates (if required)	63%	23%	28%	25%	27%
I am given adequate time to rest between shifts	53%	32%	60%	48%	45%
I am treated respectfully by my colleagues and managers	41%	28%	55%	59%	45%
I am treated respectfully by customers	22%	30%	20%	34%	30%
I am given appropriate training for work I am expected to do	28%	30%	25%	28%	28%



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Recommendations

For the ANU to:

1. Implement a module about workplace rights for commencing students similar to 'Consent Matters'.
2. Develop a working group to tackle the widespread issue of workplace exploitation of ANU students.
3. Take responsibility for tackling wage theft and workplace exploitation on campus, and to audit and crack down on businesses not complying, including threatening and following through with the termination of contracts.
4. Collaborate with the Fair Work Ombudsman and PARSA to educate students about their workplace rights.

For the ACT Government and Minister for Employment and Workplace Safety to:

1. Launch an inquiry into the behaviour of employers in Canberra.
2. Change the minimum working period for eligibility for the ACT 190 Visa to "Have worked with one or more ACT employers for a total of at least 240 hours over the 12 months preceding the expression of interest" to minimise the vulnerability of students to predatory employers.
3. Better monitor and investigate the behaviour of employers in Canberra.
4. Pressure the ANU to take responsibility for tackling wage theft and workplace exploitation on campus.

For the Federal Government and the Fair Work Ombudsman to:

1. Work with PARSA and other interested parties to identify employers who are engaging in illegal behaviour in Canberra, and to replicate this behaviour in other cities around Australia.
2. Crack down on the workplace exploitation of international students in Australia.
3. Implement higher penalties and fines for wage theft and workplace exploitation.
4. Work with PARSA, ANUSA, ANU Careers and the ANU to educate students about their workplace rights.



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Acknowledgement

This report was prepared by Terese Corkish, PARSA Advocacy & Engagement Coordinator, Elena Sheard, PARSA Vice President, and Utsav Gupta, PARSA President.

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