

6 October 2021

Department of Education and Training
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Dear Senior Secondary Pathways Reform consultation team,

The Young Workers Centre (YWC) welcomes the opportunity to make a submission to VCAA's Senior Secondary Reform curriculum design consultation.

YWC, at Victorian Trades Hall, was established in 2016 to break the cycles of exploitation at work for young Victorians. We educate young people on their rights, safety, and wellbeing at work via training programs available to all Victorian high schools, TAFEs and technical colleges. We provide free legal advice and representation to young people to resolve workplace issues. We organise and train young people to develop campaigns to improve their workplaces. We document life at work through our young workers research project.

YWC strongly believes that the integration of comprehensive workplace rights education is key to equip young workers to advocate for themselves at work and keep them safe in their first experiences of employment.

Given young workers' disproportionate exposure to wage theft, bullying and unsafe workplaces in Victoria, knowing their workplace rights and where to get help are core life skills that young Victorians need to enter the workforce safely.

As such, YWC makes a number of recommendations to ensure that the curriculum of the VCE Vocational Specialisation and Foundations Pathways Certificate guarantee students are equipped with the comprehensive knowledge and practical skills they need to defend their workplace entitlements and advocate for their own safety as well as the safety of their peers.

If you have any questions or would like further information, please do not hesitate to contact me at mlesman@vthc.org.au.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Mairead Lesman". The signature is fluid and cursive, with a large, stylized 'M' at the beginning.

Mairead Lesman
Acting Director
Ref: ML:JK 72.532

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Introduction

The Young Workers Centre (YWC) welcomes the opportunity to make a submission to VCAA's Senior Secondary Reform curriculum design consultation. YWC, at Victorian Trades Hall, was established in 2016 to break the cycles of exploitation at work for young Victorians. We educate young people on their rights, safety, and wellbeing at work via training programs available to all Victorian high schools, TAFEs and technical colleges. We provide free legal advice and representation to young people to resolve workplace issues. We organise and train young people to develop campaigns to improve their workplaces. We document life at work through our young workers research project.

The Young Workers Centre has delivered workplace rights and OHS education to schools and education institutions for five years. Since January 2020, the Young Workers Centre delivered 266 WorkSafe-approved modules to Victorian high schools and TAFEs, reaching 6851 young workers and empowering them to advocate for their own safety and fair treatment in the workplace.

The Young Workers Centre has found that knowledge around workplace rights and safety is low among young workers, both before they begin their first job in high school and through to their twenties after graduating tertiary education. The Young Workers Centre strongly believes that the integration of comprehensive workplace rights education is key to equip young workers to advocate for themselves at work and keep them safe in their first experiences of employment. Given young workers' disproportionate exposure to wage theft, bullying and unsafe workplaces in Victoria, knowing their workplace rights and where to get help are core life skills that young Victorians need to enter the workforce safely.

Importance of Workplace Rights Education

School-Aged Workers and Wage Theft

The negative impacts of wage theft, bullying and unsafe work conditions disproportionately impact young workers. This is due to their lack of knowledge around their rights in the workplace, lack of knowledge around where to get help, and a lack of confidence in speaking up for themselves in a work environment where they are likely to be surrounded by adults.

As the Young Workers Centre's 2017 survey of 953 young workers demonstrates, wage theft is an unacceptably common experience for young workers. 1 in 5 young workers surveyed are working for base pay rates less than minimum wage.¹ Less than half of the young workers surveyed are paid penalty rates when they work nights, weekends, or public holidays.² 4 in 10 young people surveyed (39.91%) say they have worked off the books for 'cash-in-hand' pay.³ However, young workers also reported that they felt they had no choice but to accept the conditions offered by these workplaces, even if they knew it was illegal. This therefore also points to a lack of confidence and skill in self-advocacy and seeking assistance about wage theft.

The Victorian Government has already led the way to tackle the systemic issue of wage theft by setting up Wage Inspectorate Victoria and criminalising wage theft. Young workers pursuing a vocational career must also be empowered through the development of strong levels of applied learning that enable young workers to know where to get help, develop the personal skills needed to advocate for themselves at work to tackle the issue, and have the skills to read work-related documentation in preparation for the workforce.

Recommendation 1:

Ensure the identification of different forms of wage theft, and knowledge about where to seek help or find more information, are established or retained as key learning outcomes for Work Related Skills within both the VCE/VCAL, Vocational Specialisation and the Foundation Pathways Certificate.

School-Aged Workers and Safety

When it comes to workplace safety, WorkSafe data shows an alarming trend for young workers, who are particularly vulnerable to workplace injury and fatality.⁴ WorkSafe data showed that in the 2018/19 financial year, 2,536 young people under 24 made a standardised claim to WorkCover, amounting to 49 young people a week getting injured

¹ Young Workers Centre (2017), 'Young Workers Snapshot: The Great Wage Rip-Off', Young Workers Centre, May 2017, pp. 7-8, accessed: https://d3n8a8pro7vnm.cloudfront.net/victorianunions/pages/1411/attachments/original/1493954358/Young_Workers_Snapshot_The_Great_Wage_Ripoff_final.pdf?1493954358

² Ibid, p. 11

³ Ibid, p. 15.

⁴ WorkSafe Victoria (2016), 'Young workers vulnerable to workplace injuries', WorkSafe Victoria, accessed: <https://www.worksafe.vic.gov.au/news/2016-09/young-workers-vulnerable-workplace-injuries>

at work.^{5 6} Further, young workers aged 15 - 24 years in 2003-2017, accounted for 11.2% of industrial deaths.⁷ We applaud the Victorian Government for demonstrating its leadership in this area, by introducing legislation that now criminalises workplace manslaughter. Nevertheless, such ground-breaking laws must be supplemented by solid, funded processes, to enable the education of our next generation of workers

It is clear that not only are young workers disproportionately exposed to dangerous work situations, they also lack the inherent education, knowledge and skills to keep themselves safe in all work situations. It is for this reason we argue that comprehensive workplace rights education, particularly around identifying workplace hazards and knowing where to get help, is critical to young worker induction to the workplace, and to minimise personal risk and prevent predictable and/or avoidable workplace injuries and deaths for any part-time job, casual gig, or work placement, that they are engaged to undertake as a young worker. These factors are critical considerations, as many students entering the workplace, will be confronted with OHS responsibilities and either actual or potential hazards or risks immediately upon entering the workforce. The Vocational Specialisation and Foundation Pathways Certificate must adequately set them up with the necessary pre-employment learning skills, at a skill level that is high enough to adapt to, and address the immediate and apparent risks.

Recommendation 2:

Ensure the identification of different occupational health and safety hazards, knowledge about employers' duties towards employees under the Occupational Health and Safety Act (2004) (Vic) and knowledge about where to seek help are established or retained as key learning outcomes within Work Related Skills within both the VCE Vocational Specialisation and the Foundation Pathways Certificate.

School-Aged Workers and Psychological Safety

Psychological safety is also a major workplace issue faced by young workers, and workplace bullying is the fifth most common issue for which school-aged children seek assistance from the Young Workers Centre.

Of the enquiries by school-aged children brought to the Young Workers Centre since January 2020, more than a quarter have involved workplace bullying, more than 10% involved discrimination and a number of others reported sexual harassment and victimisation.⁸

⁵ WorkSafe Victoria (2019), 'Claims statistical report by financial year', WorkSafe Victoria, accessed: <https://www.worksafe.vic.gov.au/resources/claims-statistical-report-financial-year>

⁶ Standardised claims are used to enable comparisons of claim numbers over a period of time, taking account of changes in the way claims have been treated over time. A standardised claim is one with weekly benefit payments that exceed (or is expected to exceed) the employer threshold of 10 days; or medical treatment expenses that exceed (or is expected to exceed) the threshold.

⁷ Young Workers Centre (2018), 'Young Workers Centre Submission to the Senate Inquiry into the Framework Surrounding the Prevention, Investigation and Prosecution of Industrial Deaths in Australia', Young Workers Centre, accessed: https://d3n8a8pro7vhmx.cloudfront.net/victorianunions/pages/1411/attachments/original/1533193758/Enquiry_into_industrial_deaths_-_YWC_Submission.pdf?1533193758

⁸ See Figure 1.

It is clear that many school-aged workers are confronted with bullying and intimidation in workplaces. It is fundamental to their physical and mental wellbeing that they must be equipped with the necessary life skills, that afford them the wherewithal to seek help and protect their physical and mental autonomy in the workplace. Furthermore, the figures on discrimination and sexual harassment enquiries highlight that many school students from historically marginalised groups (on the basis of gender, race, cultural background, religion, disability, etc.) are already confronted with gendered violence and discrimination in the workplace, even before leaving school. It is therefore crucial that all students must be provided the knowledge base that affords them confidence and skills from their education, to know where to seek help and/or to speak out in order to protect themselves and their peers experiencing unfair treatment.

As Victoria continues to lead the nation in the recognition of psychological safety as a workplace health issue, this knowledge must be reflected in high school curriculum, given young workers' exposure to psychological health hazards. Victorian schools already play a positive and important role in promoting mental health awareness and coordinating support for young people. Including workplace psychological safety in senior secondary curriculum complements existing mental health and anti-bullying initiatives that exist for children and young people within the education system. Strong workplace psychological safety education would equip young workers with the skills to identify psychological hazards and seek the help needed to eliminate bullying and other psychological hazards from their workplaces.

Recommendation 3:

Establish and maintain ongoing psychological safety, bullying and gendered violence education in schools, reflected in the VCE Vocational Specialisation and the Foundation Pathways Certificate requirements. Learning goals that encompass workplace psychological safety, bullying and gendered violence should be integrated in the study designs for both Personal Development Skills and Work Related Skills.

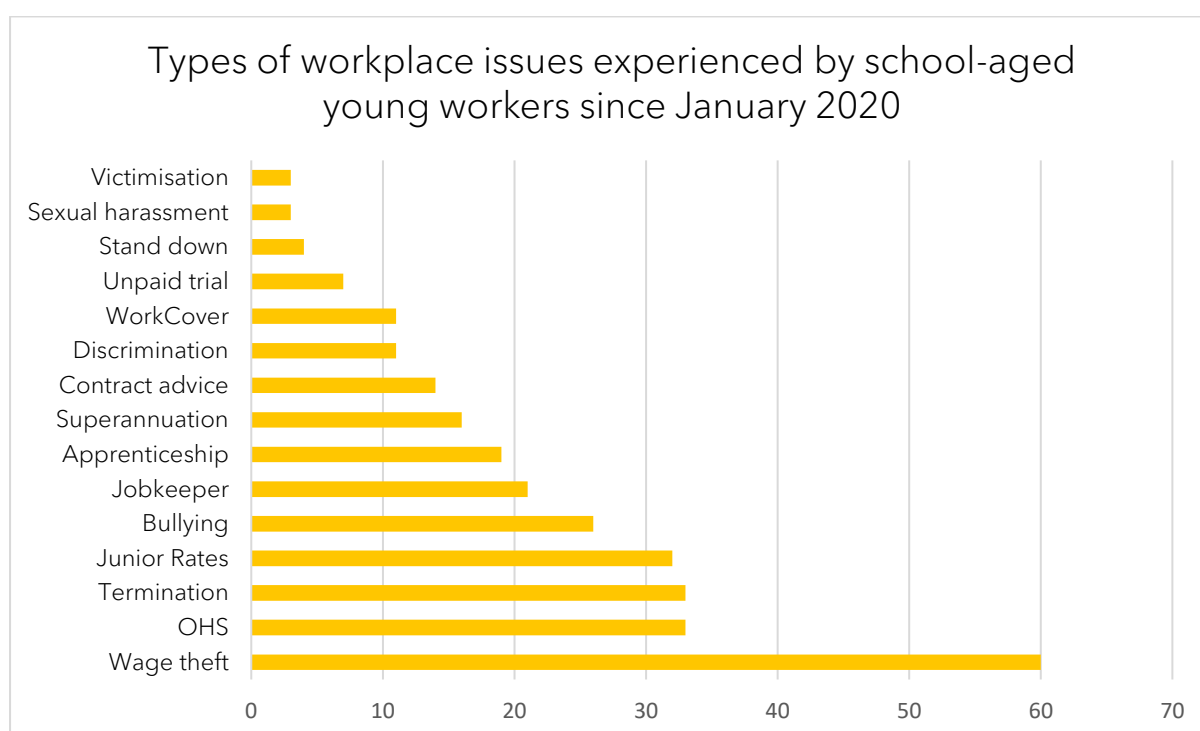


Figure 1 Enquiries to the Young Workers Centre from School-Aged Children since January 2020

Effectiveness of Workplace Rights Education

Since January 2020, the Young Workers Centre has delivered 266 WorkSafe-approved modules to Victorian high schools and TAFEs, reaching 6851 young workers who are either about to, or are just beginning to, enter the workforce for the first time.

The table below demonstrates the improvements in knowledge and confidence in students who have undertaken a Young Workers Centre *“Your Rights At Work”* module. For example, before undertaking the module, only 49% of young workers said they knew where to find information about pay and workplace rights. At the conclusion of the module, the number increased to 82%. The module also helped to dispel myths that young people are commonly told about work. For example, before the module, only 42% disagreed that unpaid trials were a normal part of finding a job, but after the module, that number increased to 79%.

Evaluation of the data demonstrates the effectiveness of workplace rights education, particularly using the model delivered by the Young Workers Centre, which is WorkSafe-approved, designed to dispel common myths, and tailored to equip young workers with practical skills that they can take into their workplace (such as reading payslips, identifying workplace safety risks and wage theft, and finding out the minimum wage in their industry). Ultimately, these modules equip young workers in the workplace, not just by developing knowledge about entitlements and where to find out more, but also by developing a sense of value in their own work and the importance of their own safety.

Far too often, the first message that young workers receive before entering the workforce is to put up with any conditions in a workplace, and to be grateful for having a job at all. To accept such a view is damaging to students’ and all young workers’ sense of self-worth, that affects their confidence and performance to be able to adequately and reasonably advocate for their own safety and wellbeing at work.

For these reasons, the Young Workers Centre recommends that VCAA integrate comprehensive and detailed workplace rights education within the Personal Development Skills and Work Related Skills sections of both the VCE Vocational Specialisation and the Foundations Pathway Certificate curriculum.

Within Personal Development Skills in both curricula, key learning outcomes should encompass students developing the confidence to advocate for their safety and minimum entitlements within the workplace; the confidence to seek help and speak out when things go wrong; the confidence to assert themselves and express concerns to managers and supervisors; and the skills to work collectively with their peers to address possible issues in the workplace.

The Personal Development Skills units within both certificates are also an ideal area to incorporate learning around how identity relates to the workplace, particularly around how to stand up for yourself and your peers when facing discrimination and gendered violence at work, given the existing focus on resilience and health and wellbeing within these units. Within Work Related Skills in the Foundations Pathway Certificate, key learning outcomes should be brought in line with the outcomes of the VCE Vocational Specialisation certificate. It is the Young Workers Centre’s view that Foundations Pathway learners require the same level of knowledge around workplace rights, particularly given that the demographic

expected to complete the Foundations Pathway Certificate is more likely to pursue a trade or leave school and enter the workforce at an earlier age.

Recommendation 4:

Mandate curriculum design across Personal Development Skills and Work Related Skills, within both the VCE Vocational Specialisation and Foundation Pathway Certificates, that equips young workers with the practical skills that they can take into the workplace (such as reading payslips, identifying workplace safety risks and wage theft, and finding out the minimum wage in their industry) and develops confidence in students to advocate for themselves in the workplace.

Minimum Baseline of Workplace Rights Knowledge

Many cohorts of students expected to complete the Foundation Pathways Certificate (such as students with additional needs, students re-engaging with education,⁹ and students interested in vocational trades) will find a strong and comprehensive curriculum around workplace rights is especially important. A high level of applied learning relevant to workplace rights is particularly crucial to students who may choose not to pursue VCE after completing the Foundation Pathways Certificate. As such, the Foundation Pathways Certificate needs to begin to develop the skills and knowledge that can be applied to the workplace early on.

While workplace rights and personal safety in the workplace are particularly relevant to the Personal Development Skills and Work Related Skills sections of the curriculum, VTHC argues that all strands of the curriculum, including literacy and numeracy, must incorporate applied learning skills that enable students to keep themselves safe at work. The difference between academic VCE and the Vocational Specialisation is that teachers and employers expect students to be equipped for the workforce through the Vocational Specialisation, not just to understand workplace expectations, but also to be able to self-advocate, self-manage and seek out the information they need to protect themselves from unfair treatment. This means integration of this knowledge throughout all strands of learning, applied learning skills of the certificate can immediately be applied in their work life, such as reading work-related records or legal documents.

To integrate these applied learning outcomes to match the skills needed when entering this workforce, VTHC also recommends that a number of practitioners from each region be released from teaching and utilise their expertise to complete this work.

Recommendation 5:

Release practitioners from each region to research and design curriculum that integrates strong levels of applied learning throughout both the Vocational Specialisation Certificate and the Foundation Pathways Certificate that genuinely equip students for the workforce.

As a result of the prevalence of workplace issues that affect school-aged students, the Young Workers Centre strongly recommends that VCAA explore the expansion of comprehensive workplace rights education as a key learning outcome beyond the Vocational Specialisation or Foundation Pathways Certificates.

Workplace problems around wage theft, safety, and bullying can affect any young person, whether they are pursuing a vocational pathway or working a casual job to support their continued studies, and that is why Victoria's secondary education system must be proactive in building workplace rights related knowledge and self-advocacy skills to prepare students for life at work.

⁹ VCAA (2021), 'Foundation Pathways Certificate: Overview', Engage Victoria, accessed: https://engage.vic.gov.au/download_file/49834/5759

Recommendation 6:

Expand the comprehensive workplace rights education for all students as a key learning outcome for those undertaking senior secondary education, and not just within the Vocational Specialisation or Foundation Pathways Certificates.

	Before the module					After the module				
	Strongly Disagree	Disagree	Unsure	Agree	Strongly Agree	Strongly Disagree	Disagree	Unsure	Agree	Strongly Agree
<i>I would feel comfortable negotiating with my boss about my pay</i>	8%	21%	38%	23%	10%	4%	11%	32%	37%	16%
<i>Unpaid trial shifts are a normal part of getting a job</i>	20%	22%	34%	19%	5%	66%	13%	14%	5%	2%
<i>'Cash in Hand' jobs are beneficial for bosses and workers</i>	14%	19%	40%	20%	7%	57%	20%	14%	6%	4%
<i>I have the right to bring someone with me to a meeting with my boss</i>	9%	17%	35%	23%	15%	3%	4%	15%	21%	56%
<i>I should be given a copy of my contract when I start a job</i>	1%	2%	9%	30%	58%	1%	0%	7%	12%	80%
<i>I should have a say in my pay and workplace conditions</i>	1%	6%	24%	42%	27%	1%	3%	15%	33%	49%
<i>I know where to find information about pay and workplace rights</i>	5%	14%	32%	27%	22%	2%	3%	13%	30%	52%

Table 1 Evaluation Data on Young Workers Centre's "Your Rights At Work" Module (27 April 2020 to 5 September 2021)

Curriculum Delivery

The Young Workers Centre, at Victorian Trades Hall, has already delivered evidence-based, WorkSafe-approved training to secondary schools and developed substantial resources that can be utilised to support the delivery of curriculum by teachers within schools.¹⁰

The Young Workers' Centre and Victorian Trades Hall Council have produced several training videos approved by WorkSafe and produced by a filmmaker with secondary school and TAFE teaching experience, to deliver modules to schools. These exemplify the types of resources the Young Workers Centre could produce and share to align with specific learning outcomes for Victorian students, and assist with teachers' delivery of workplace rights curriculum.

Within the 'Your Rights At Work' module, Young Workers Centre trainers screen the '7 things to know about your rights at work' video.¹¹ The advice aligns with the WorkSafe-endorsed training content provided as part of the program and informed by the expertise of the principal solicitor at Young Workers Centre's legal team.

For the 'Safe at Work' module, the Young Workers Centre screens a shorter 'Safety at Work' film which features a real-life account of young hospitality worker James and is intended as a way of sparking conversation about how young workers can identify and respond to OHS hazards in their workplace.¹² These video resources are already being utilised in secondary schools through the Young Workers Centre's educational outreach program, but they also serve as a model for resources that could be adapted and developed to support workplace rights curriculum within senior secondary education.

Additionally, Victorian Trades Hall Council runs a range of OHS conferences and training units to union members and delegates. Some of the films made for these purposes exemplify content that could be used to support the delivery of workplace rights education units that incorporate topics around safety, discrimination, and gendered violence for secondary school students, as recommended above. These include:

- The film 'Gendered violence at Work', approved by WorkSafe, screened to more than 1,000 delegates at the annual Health and Safety Reps conference in 2019.¹³ The strength of this film is that it explores the gamut of real-life incidents of gendered violence, as experienced by a diverse range of workers from a variety of sectors and walks of life.
- As part of the OHS unit's Safe and Respectful Workplaces training, shorter versions of this film are screened. These include 'Fired for being a girl', which explores the sex discrimination faced by a young woman worker.¹⁴ Videos like these are powerful

¹⁰ Young Workers Centre (2021), 'Education Program', Young Workers Centre, accessed: <https://www.youngworkers.org.au/education>

¹¹ Young Workers Centre (2019), '7 things to know about my rights at work', accessed: <https://www.youtube.com/watch?v=YObHjDh3U-o&t=6s>

¹² Young Workers Centre (2018), 'Safety at Work', accessed: https://www.youtube.com/watch?v=OgC_ftSBcMA&t=127s

¹³ Victorian Trades Hall Council (2019), 'Gendered violence at work - Unionists speak up', accessed: <https://www.youtube.com/watch?v=SYmV41w7cXw&t=3s>

¹⁴ Victorian Trades Hall Council (2021), "'Fired for being a girl' - CFMEU member on why she's fighting for safe, respectful workplaces", accessed: <https://www.youtube.com/watch?v=Mfj1ZfVwZtA>

tools that can be used to develop and strengthen values of equality in the workplace, and show students that discrimination at work is not acceptable.

- Also screened as part of this training is 'Kids on Gender', a moving and poignant film featuring interviews with nine primary school students about their own experiences of gender-based discrimination and harassment.¹⁵ This film is used to spark a facilitated conversation within the training space about sexism and misogyny and how these experiences are often normalised from a very young age.

The Young Workers Centre and Victorian Trades Hall Council are especially equipped to assist in the development of training resources and curriculum support materials around workplace rights, workplace safety, and gendered violence. The Young Workers Centre recommends that VCAA utilise the expertise that the union movement already has around the issues facing young workers to develop resources and materials that support workplace rights curriculum.

Recommendation 7:

Utilise the expertise within the Young Workers Centre and the Victorian Trades Hall Council to develop resources and materials that support workplace rights curriculum.

Further, Victorian Trades Hall Council's existing experience in training health and safety representatives (HSR) on workplace safety and gendered violence should be utilised for professional development of teachers to deliver workplace safety and gendered violence curriculum to senior secondary students. Currently, Victorian Trades Hall Council already runs the WorkSafe-approved HSR Refresher Training that specifically addresses gendered violence including sexual harassment. The Young Workers Centre recommends that VCAA work with Victorian Trades Hall Council to deliver professional development around workplace rights training to teachers who may be delivering this content to students. A consistent understanding of gendered violence and sexual harassment within our education system, by both students and teachers, is crucial to ensure that Victoria's next generation of workers carry into their first jobs the confidence to understand their own rights.

Recommendation 8:

Utilise the expertise of Victorian Trades Hall Council to deliver professional development around workplace rights training to teachers who may be delivering workplace rights education to students.

¹⁵ Victorian Trades Hall Council (2019), 'Kids on Gender', accessed: <https://www.youtube.com/watch?v=dd1VRz2pfs&t=394s>

List of Recommendations

Recommendation 1: Ensure the identification of different forms of wage theft, and knowledge about where to seek help or find more information, are established or retained as key learning outcomes for Work Related Skills within both the VCE/VCAL, Vocational Specialisation and the Foundation Pathways Certificate.

Recommendation 2: Ensure the identification of different occupational health and safety hazards, knowledge about employers' duties towards employees under the Occupational Health and Safety Act (2004) (Vic) and knowledge about where to seek help are established or retained as key learning outcomes within Work Related Skills within both the VCE Vocational Specialisation and the Foundation Pathways Certificate.

Recommendation 3: Establish and maintain ongoing psychological safety, bullying and gendered violence education in schools, reflected in the VCE Vocational Specialisation and the Foundation Pathways Certificate requirements. Learning goals that encompass workplace psychological safety, bullying and gendered violence should be integrated in the study designs for both Personal Development Skills and Work Related Skills.

Recommendation 4: Mandate curriculum design across Personal Development Skills and Work Related Skills, within both the VCE Vocational Specialisation and Foundation Pathway Certificates, that equips young workers with the practical skills that they can take into the workplace (such as reading payslips, identifying workplace safety risks and wage theft, and finding out the minimum wage in their industry) and develops confidence in students to advocate for themselves in the workplace.

Recommendation 5: Release practitioners from each region to research and design curriculum that integrates strong levels of applied learning throughout both the Vocational Specialisation Certificate and the Foundation Pathways Certificate that genuinely equip students for the workforce.

Recommendation 6: Expand the comprehensive workplace rights education for all students as a key learning outcome for those undertaking senior secondary education, and not just within the Vocational Specialisation or Foundation Pathways Certificates.

Recommendation 7: Utilise the expertise within the Young Workers Centre and the Victorian Trades Hall Council to develop resources and materials that support workplace rights curriculum.

Recommendation 8: Utilise the expertise of Victorian Trades Hall Council to deliver professional development around workplace rights training to teachers who may be delivering workplace rights education to students.