

**Young
Workers
Centre**

ANNUAL REPORT

JULY 2021 –
JUNE 2022

YOUNG WORKERS CENTRE

TRADES HALL

Young Workers Centre

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Contents

A message from the Chair 3

A message from the Director and Principal Solicitor 4

Direct support for young workers 5

Breakdown of matters 6

Breakdown of issues 7

Volunteer advocate program 8

Organising young workers 10

Knowledge, information and empowerment 11

Influencing a fairer future for young workers 12

Amplifying the voices of young workers in the media 14



The Young Workers Centre was established by the Victorian Trades Hall Council and affiliated unions in 2015 as a mechanism for creating safer, fairer workplaces for young people aged 30 and under.

The Young Workers Centre, Victorian Trades Hall Council, and affiliated unions are committed to supporting, educating, empowering, and organising young people in workplaces right across Victoria.

Acknowledgement of Country

We acknowledge the traditional owners of the land on which Trades Hall stands, the Wurundjeri people of the Kulin Nation. We also acknowledge the traditional owners of all the Koori lands across which the Young Workers Centre conducts our business. We pay our respects to their Elders, past, present and emerging. This land was stolen and sovereignty was never ceded. Always was, always will be Aboriginal land.





A MESSAGE FROM THE CHAIR

Jessica Dawson-Field

The Young Workers Centre has continued to go from strength to strength in the 2021-2022FY despite the ongoing challenges faced by young workers across Victoria during a time of great uncertainty. During the first half of the financial year industries were shut down and schools moved to remote learning to keep Victorians safe.

In 2022 the team was able to return to the office and welcome back student law advocates to complete their placements in-person.

The Centre has continued to support young workers to fight for safe and fair workplaces and the hard work and outcomes achieved by the team are outlined in this Report. The Young Workers Centre has fielded enquiries about a range of issues, including but not limited to wage theft, termination of employment, OHS issues and employment contracts. This financial year the Centre has supported 375 young workers

and recovered over \$575,000 in compensation, and I want to acknowledge the significant award of damages for one client in relation to a sexual harassment claim in the matter of ZBL v Olivo (Human Rights) [2021] VCAT 850 (2 August 2021).

The Young Workers Centre has supported young workers to continue shining a light on gendered violence and sexual harassment at Honey Birdette stores; an issue that the Centre first identified in 2016.

The Young Workers Centre has continued to be a credible and valued source of case studies and comment in the media, and this speaks volumes about the Centre's reputation.

On behalf of the YWC Committee of Management, I would like to thank our wonderful staff and advocates for continuing to uphold the values of the centre during another unique year.



A MESSAGE FROM THE DIRECTOR & PRINCIPAL SOLICITOR

Oanh Tran,
Principal Solicitor &
Felicity Sowerbutts,
Director

The 2021-2022 year has been another unique year. The 21-22 financial year started positively on 1 July 2021 when wage theft laws, hard fought for by the Young Workers Centre, came into effect.

Shortly after, the impact of the COVID-19 pandemic continued to be felt by Victoria as we plunged into extended lockdowns and remote learning. The Young Workers Centre operated remotely throughout the second half of 2021 and during this time we continued to provide legal advice and assistance to young workers gravely impacted by the pandemic and we continued to deliver workplace rights sessions to young Victorians online.

We continued to achieve successful outcomes for our clients, attaining compensation for unfair dismissals and breaches of the general protections provisions, as well as recovering unpaid wages and entitlements for many young workers. We also achieved a significant award of damages for one client in relation to a sexual harassment claim in the matter of *ZBL v Olivo (Human Rights) [2021] VCAT 850* (2 August 2021).

As industries, such as hospitality and retail, began to re-open later in the year, we provided information about vaccinations and health and safety at work so that young Victorians could get back to work but importantly, also be safe at work.

We have continued to elevate the voices and experiences of young workers, whether that be young apprentices - who are the face of the campaign for fairer and safer apprenticeships in Victoria -, in the media or by supporting groups of young workers to organise for better workplaces.

We would like to acknowledge the contribution of the wonderful law students who completed their placements with the YWC this year. Without advocates our capacity in the legal centre would be vastly reduced.

Thanks to the ongoing support of the Victorian Government, EML, AustralianSuper, Slater + Gordon Lawyers and Maurice Blackburn Lawyers who have enabled us to deliver our programs and hold training and social events for young workers.

YWC is grateful to counsel who provided assistance to us and our clients throughout the year: Yasser Bakri, Gemma Cafarella, Cal Viney, and Paris Lettau.

Thanks to our Committee of Management, which has collectively provided good governance and strategic vision to the YWC.



DIRECT SUPPORT FOR YOUNG WORKERS

ADVICE & ASSISTANCE

Our legal centre is the first and only specialist community legal centre in Victoria to represent young people with employment issues. Our legal team and law student advocates provide legal information, advice and representation for young workers in Victoria aged 30 and under. We are accredited by Community Legal Centres Australia (CLCA) under its National Accreditation Scheme (NAS), which is an industry based certification process for community legal centres to support, recognise and promote good practice in the delivery of community legal services.

375

Young people assisted in period

2640

All-time figure to 30 June 22

302

Required information only

73

Ongoing assistance

15

Proceedings commenced in court/FWC/VCAT

\$575,908.50

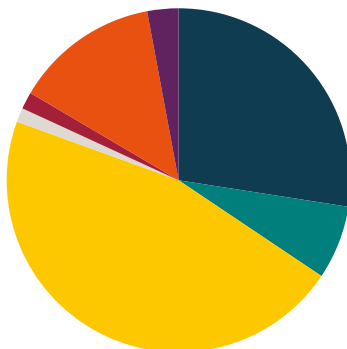
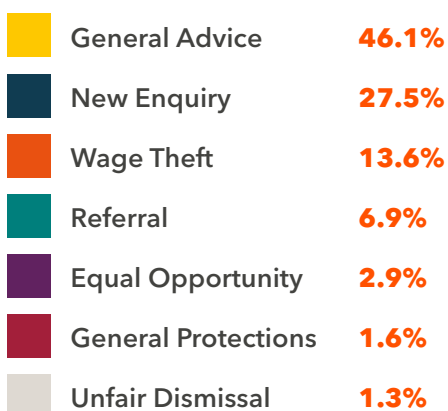
Recovered for young workers

BREAKDOWN OF MATTERS

ALL MATTERS

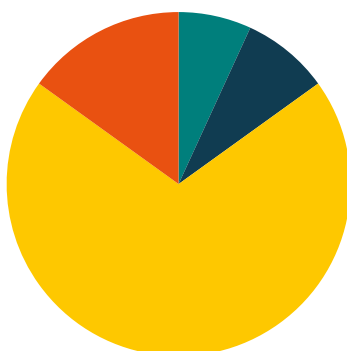
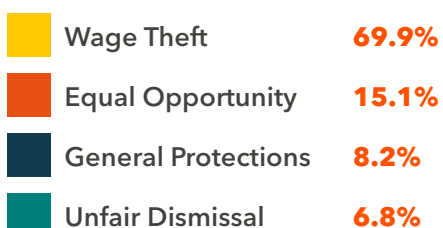
Young Workers Centre spoke with a total of 375 young workers during the reporting period. We offered ongoing assistance to 73 workers, and provided once-off advice or referrals to 302 workers.

The majority of our clients come to us with multiple issues – for example, a worker may have had their employment terminated while also being underpaid. Our client management system categorises our case files by the primary issue we are assisting them with. We also capture detailed data around comorbid issues.



ONGOING MATTERS

In the reporting period, we offered assistance with five unfair dismissal claims, six general protections claims, eleven equal opportunity claims, and fifty-one wage theft claims.



CASE STUDY: WIN AT VCAT

Young Workers Centre, with barrister Gemma Cafarella, successfully represented the Applicant in a sexual harassment matter, which included the decision of *ZBL v Olivo* (Human Rights) [2021] VCAT 850 (2 August 2021). ZBL was a bartender at Bistrot d'Orsay. With our assistance, ZBL brought a claim under the Equal Opportunity Act 2010 (Vic) against the Bistrot and Olivo. Both the Applicant and Olivo worked at the Bistrot, and the Applicant claimed that Olivo spiked her drinks and had sexual intercourse with her while she was incapacitated. This occurred after the Bistrot was closed but both were at the workplace doing closing. We achieved a settlement with the Bistrot prior to the determination of the matter by VCAT, and continued the claim against Olivo. VCAT found in the Applicant's favour, and awarded damages for pain and suffering and emotional harm, loss of income and aggravated damages for the Respondent's conduct in this proceeding in the total amount of \$150,810.00, a significant damages award in Victoria.

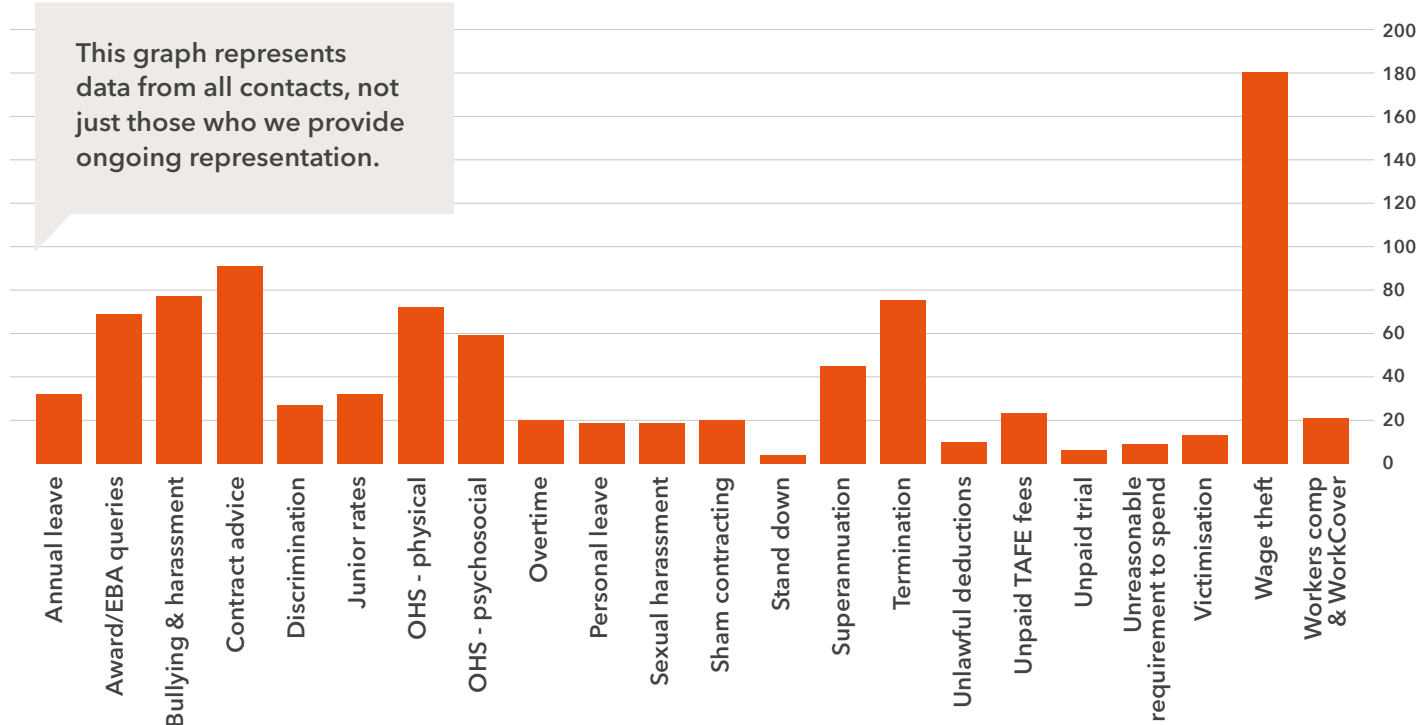
This should never have happened to our client or indeed any person, but we are proud to have stood with her and supported her to win her legal claim.

BREAKDOWN BY CLIENT ISSUES

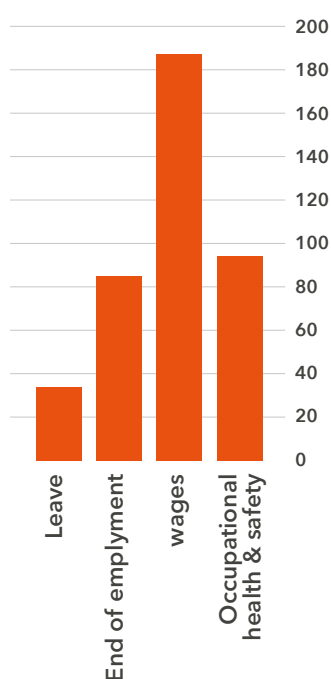
We collect data on all issues raised by callers to our service, whether or not we are able to provide ongoing assistance in relation to the issue. Our client management system also allows us to collect data about comorbid issues, e.g. the amount of clients who have experienced both bullying and wage theft.



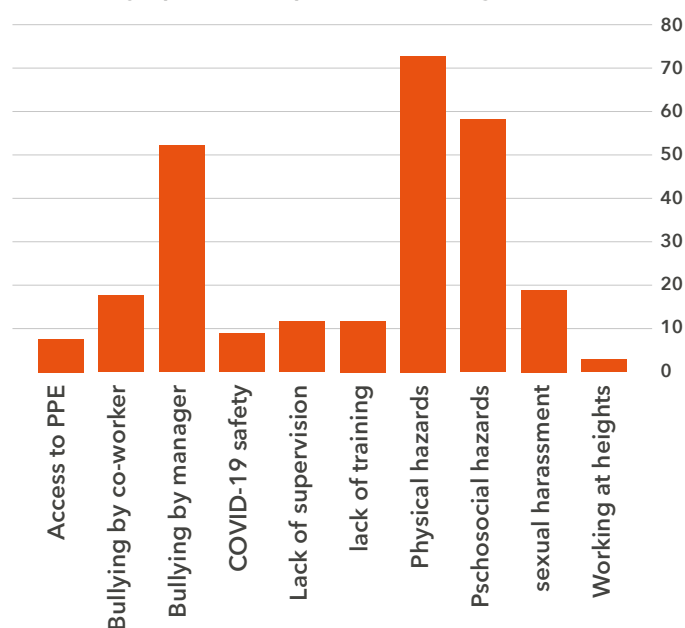
This graph represents data from all contacts, not just those who we provide ongoing representation.



This graph provides a simplified display of our most common areas. Many young workers come to us with multiple issues.



We have recently begun tracking occupational health and safety-specific enquiries in more granular detail:



VOLUNTEER ADVOCATE PROGRAM

We were joined this year by 31 law students from seven different law schools as Young Worker Advocates. These law students undertook placements for university credit with the Young Workers Centre.

When young workers speak up about their problems at work, our advocates are the first to hear their stories.

A typical day as an Advocate might include:

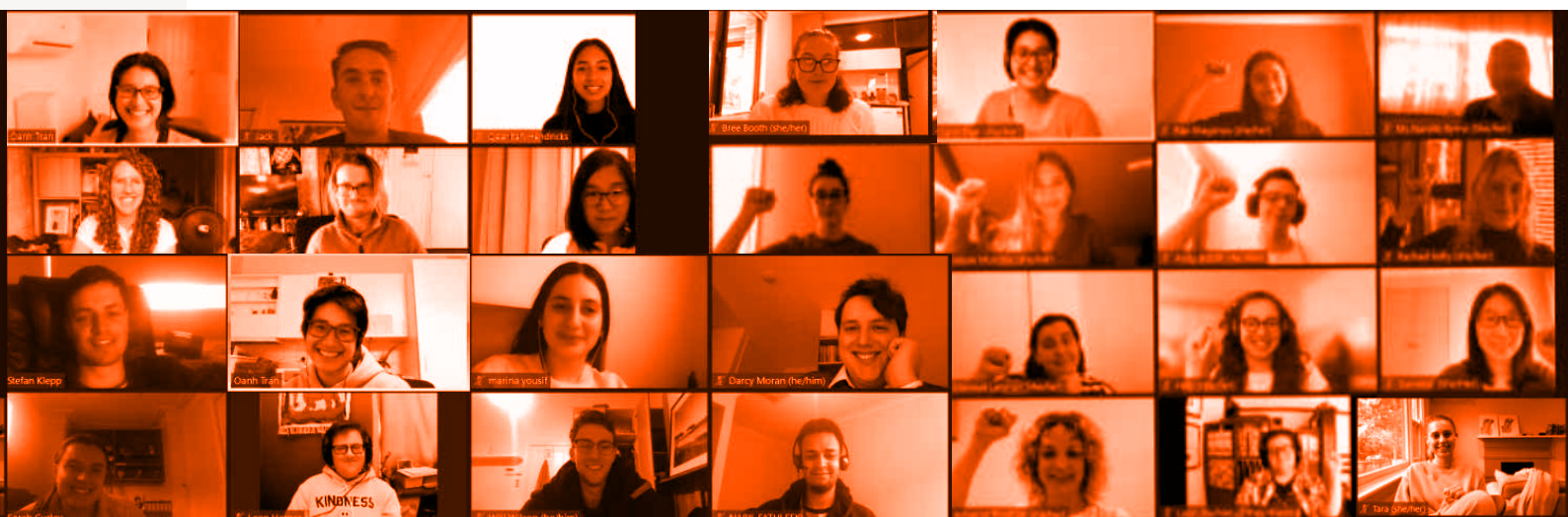
- Interviewing a young worker over the phone or face to face to identify their legal issues
- Finding the relevant Award or workplace agreement
- Researching issues relating to the Fair Work Act and Occupational Health & Safety Act
- Drafting correspondence, legal documents and forms, such as letters of demand to employers and applications to Fair Work Commission about unfair dismissal and general protections
- Briefing our legal team on a young worker's issues and the legal merits of their case
- Filing documents with the Fair Work Commission, such as unfair dismissal applications.



"I've learned a lot, have felt very valued throughout and the work has felt very meaningful."



The Young Workers Centre continued to operate remotely throughout the second half of 2021. In 2022 we implemented a hybrid model whereby the legal centre operated in-person two days a week and remotely 2 weeks a day. Advocates had the choice of whether they undertook their placements in-person or online.



UNIVERSITY PARTNERS:

Australian Catholic University, Deakin University, La Trobe University, RMIT, Swinburne University, University of Melbourne, Victoria University

SEMESTER 2 2021:

Emma Harper, Lucy Stewart, Bree Booth, William Wilson, Nabil Feki, Stefan Klepp, Tara Crockford, Sarah Curley, Marina Yousif, Darcy Moran

SUMMER 2021-22:

Jessie Murchie, Rachael Kelly, Nikita Batch, Narelle Byrne, Andy Booth, Christina Panitsidis, Xia Dong, Hilly Montague

SEMESTER 1 2022:

Max Timuska-Carr, Martinette Janse van Vuuren, Brianna Williams, Yashi Dao, Celine Lau, Billy Whitstead, Alex Peck, Sophia Zafiriou, Ramneet Kaur, Vicky Bleta, Steph Payne, Fabian Adams, Dion Leow

"This experience exceeded my expectations. I am beyond grateful for the level of autonomy and first hand experience I was able to get in such a short time."

ADVOCATE CASE STUDY:

BRI WILLIAMS

I chose to study law at Swinburne University and pursue a legal career with the aim of helping people seek justice. The Advocate Placement at the Young Workers' Centre was the perfect place to realise that goal. The placement allows for direct contact with clients who need assistance and the opportunity to offer meaningful support to the incredible team of hardworking practitioners.





ORGANISING YOUNG WORKERS

Workers at eastern suburbs art studio

When multiple young workers in the same workplace are impacted by an issue we often identify that the best course of action is support them to organise their workplace and stick together to speak to the employer together or campaign for change.

In 21-22 we have supported workers with issues relating to unpaid training, unpaid overtime and sham contracting at various workplaces including Daiso, an art studio and a digital marketing agency.

CASE STUDY: ART STUDIO IN THE EASTERN SUBURBS

A former worker from an art studio in the Eastern suburbs reached out to us in late 2021 concerned that they were underpaid and that they hadn't been paid for all the hours that they had worked.

With the support of the Young Workers Centre, they brought together 10 current workers on Zoom to discuss taking action. The workers joined the IEU and together with support from the Young Workers Centre and the IEU, they wrote a letter of demand and spoke with management as a collective. They won \$10,000 in backpay, award pay increases for all staff, an additional paid hour of preparation time each week, timesheets to track overtime and clearer and fairer contracts.

CASE STUDY: HONEY BIRDETTE

A former Honey Birdette employee, Claudia, reached to the Young Workers Centre in early 2022 to raise issues of sexual harassment by customers, occupational health and safety risks and a culture of bullying. She was subjected to sexist standards, with managers checking that their heels were high enough, that they were wearing red lipstick and that they had enough lingerie on display. Honey Birdette's training also included telling them to "practice one-liners to get customers excited" and to "build a custom fantasy" in which they had to provide detailed information to customers about using the toys and equipment they sell. These conversations encouraged customers to frequently harass or intimidate workers and Claudia highlighted that Honey Birdette

provided insufficient training for dealing with such aggressive customers.

With the Young Workers Centre support Claudia launched a petition calling on Honey Birdette to fulfil its duty under the Equal Opportunity Act to prevent and respond to sexual harassment in the workplace. The petition has been signed by over 6100 people. Claudia and other young worker activists also collected over 100 postcards signed by community members calling on Honey Birdette to end sexual harassment in their stores and coordinated digital actions which resulted in Honey Birdette closing their 24/7 online chat function. Claudia also spoke at the International Women's Day rally in Melbourne and had her story published in Junkee



KNOWLEDGE, INFORMATION & EMPOWERMENT

Running parallel to direct support for young workers is education and empowerment. YWC programs and Outreach Organisers aim to equip young workers with knowledge about workplace rights and safety which enables them to secure safe and correctly paid work, but also empowers them to speak up if their workplace is not safe or fair.

WORKPLACE RIGHTS SESSIONS

Extended periods of lockdown and remote learning for Victorian students meant we delivered the majority of the workplace rights sessions online in the second half of 2021, but we were delighted to return to delivering in-person sessions in Victorian schools, TAFEs and community groups in 2022.

In 21-22 we delivered workplace rights sessions to 4346 young Victorians.

Modules include:

- Occupational Health and Safety
- Bullying and Discrimination
- Your Rights at Work

Training is designed to prepare young people for life at work before their first job, and to support them navigating their early working years. Students can share their own experiences at work, and be directly referred to the Young Workers Centre legal team for tailored legal advice if needed.

Since the Young Workers Centre was founded in February 2016 we have delivered training to over 35,000 young Victorians.



O-WEEKS AND CAREER DAYS

The Young Workers Centre have attended orientation week events at Universities and TAFEs across Victoria. In metropolitan Melbourne we have visited RMIT, Monash, ACU, Victoria University, Swinburne, Holmesglen TAFE, Melbourne University and William Angliss Institute. In regional Victoria we have visited ACU Ballarat, GOTAFE in Shepparton and Seymour and Federation University in Ballarat.

The team has also been present at various careers days including ACU Law Careers Fair, Brimbank Careers Exploration Day, Bayside Glen Eira Kingston Local Learning Employment Network Industry Expo and TradesFit Expo hosted by the Department of Education and Training.

We have collaborated with community and youth organisations including Brotherhood of St Lawrence, Neami National, City of Dandenong Youth Services, Bridge Darebin and City of Kingston Youth Services.

CHANGING YOUR WORKPLACE SERIES

In 2021 we held an online series called 'Changing Your Workplace' which equipped young workers with the knowledge and confidence to come together with the co-workers and demand better, fairer and safer workplaces. Sessions included how to be a workplace delegate, how to be a Health and Safety representative and returning to hospitality work after the extended Victorian lockdowns. During Victorian Youth Week we also held an event for apprentices to learn about their rights at work.

INFLUENCING A FAIRER FUTURE FOR YOUNG WORKERS

RESEARCH

We believe young people's experiences at work must be at the centre of youth and employment policymaking. We advocate to ensure young workers' voices are heard by policymakers, academics, politicians and the broader community.

• Curriculum Design Consultation

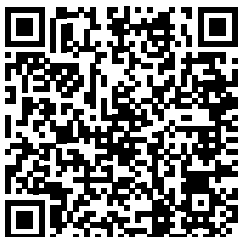
In 21-22 we made a submission to VCAA's Senior Secondary Reform curriculum design consultation and developed a core leadership group to guide a research project led by Foundation for Young Australians into Junior Rates.

• Unpaid Superannuation

We also contributed to Industry Super Australia's report on unpaid super in Australia. One of our clients shared her story with the media, and Oanh spoke on a panel discussion to launch the report.

ISA REPORT

<https://www.industrysuper.com/media/super-scandalous-how-to-fix-the-5-billion-scourge-of-unpaid-super/>



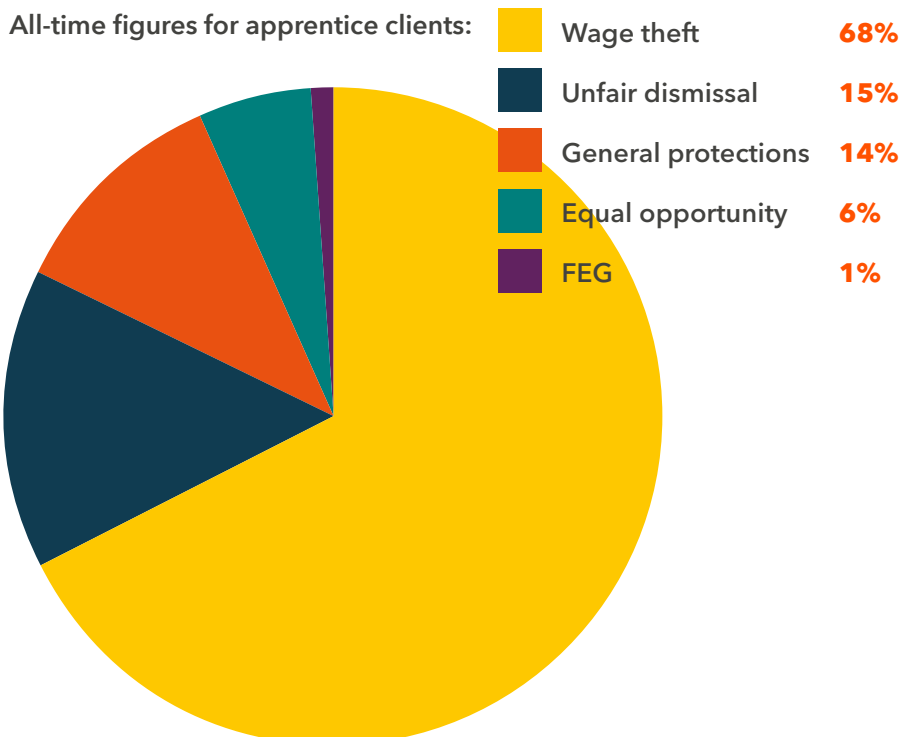
ANNIE'S STORY



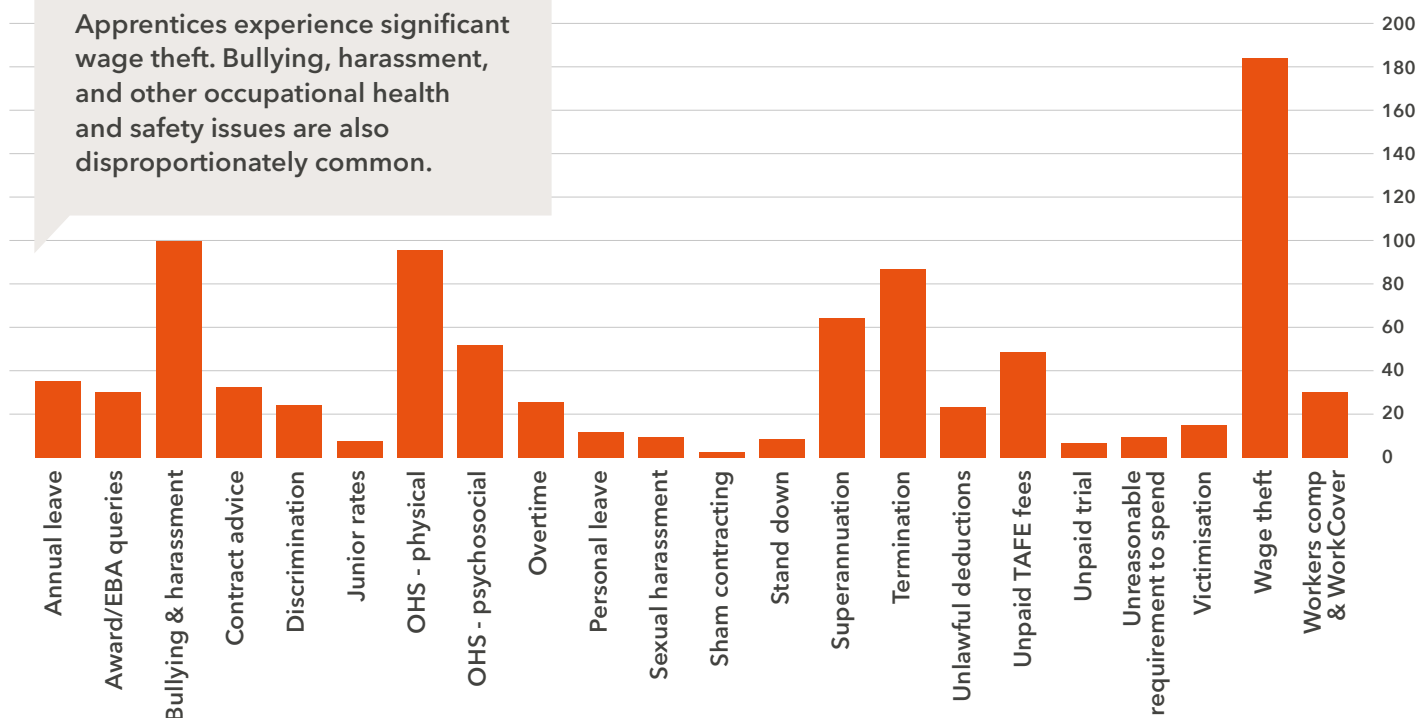
CAMPAIGN FOR FAIRER AND SAFER APPRENTICESHIPS

Victorian apprentices continue to reach out to the Young Workers Centre in high numbers.

Apprentices face particular vulnerability in the workforce. Young Workers Centre has assisted apprentices with a mix of issues including wage theft, unfair dismissal, discrimination, and sexual harassment.



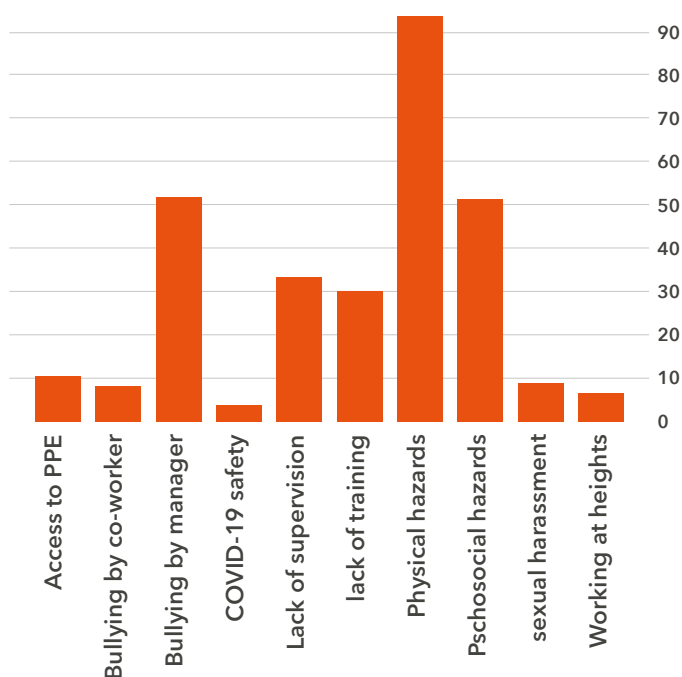
Apprentices experience significant wage theft. Bullying, harassment, and other occupational health and safety issues are also disproportionately common.



OCCUPATIONAL HEALTH & SAFETY ISSUES APPRENTICES

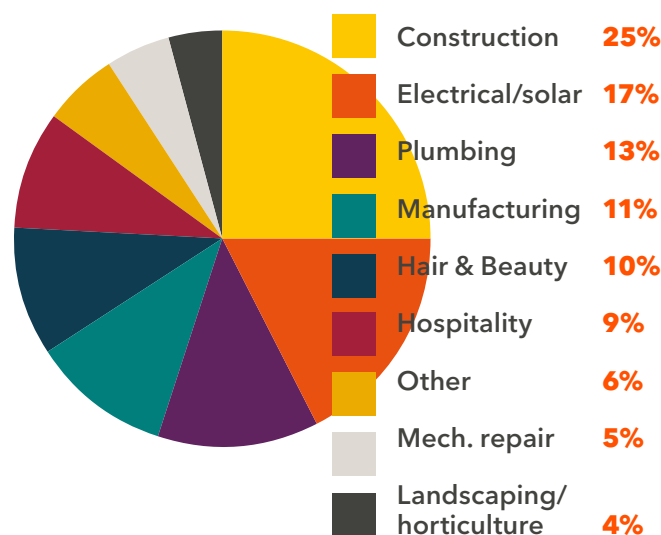
Apprentices experience disproportionate risks to occupational health and safety, with serious risks of physical and psychosocial hazards.

We began collecting detailed data on OHS hazards in April 2022.



EMPLOYER CHARACTERISTICS APPRENTICES

The majority of our apprentice clients work in on-site construction or electrical & solar, and for employers with five or fewer total employees.



In 21-22 we began advocating to the Victorian State Government for stronger apprentice regulation and for workplace rights education to be embedded in TAFEs. We are excited that there was provision in the 2022 Victorian State Budget for the Young Workers Centre to deliver regular workplace rights training to apprentices in TAFEs.



AMPLIFYING THE VOICES OF YOUNG WORKERS IN THE MEDIA

The Young Workers Centre has been prominent in the media across print, TV and radio. We have worked hard to elevate the voices and experiences of young people in the media and have supported young workers to appear on TV and be quoted in online and print articles.

We have been regularly invited onto the ABC's Triple J Hack show, including to speak about gig workers in the pandemic, vaccine support for young workers, the COVID-19 disaster payments, apprenticeships and the Sick Pay Guarantee.

We have connected media with young workers, including a young worker who shared her story of not receiving superannuation as an apprentice in construction, and another who spoke about the downfalls of insecure and casualised work and another who spoke about the challenges facing young workers as wages stagnated and the cost of living rose. Former Honey Birdette worker, Claudia, was also the feature of a Junkee article.

Gig economy companies placed on notice



Josh Gordon

October

Save

Share

Read more

Gig economy
they will
employment
next year

The Andrews gov

Casual work left Mitch 'stressed and depressed'. Then he found a permanent gig

ABC Everyday / By Kellie Scott



Intergenerational inequality to rise as tax and welfare perks target older voters, experts warn

By business reporter Daniel Ziffer

Posted Wed 18 May 2022 at 6:17am, updated Wed 18 May 2022 at 9:51am



Australians facing short-term downturns on their superannuation balances as retirement balances hit by share market turmoil

By business reporter Nassim Khadem

updated Fri 1 Jul 2022 at 3:00pm



CONCERNS

THE BULLYING AND WAGE THEFT RIFE

DROPPED TO 6.8% IN AUGUST

IN THE LAST YEAR CONST

7 NEWS



Ruby Tsitaridis is worried about her superannuation. (Peter Healy, ABC News.)



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