

Employer Update

Myths are resulting in employers short-changing young workers.

Employers may be involved in serious contraventions of workplace laws by unwittingly continuing with practices that they believe are acceptable.

Employing Young Workers – some myths that may be unlawful.



When it comes to employing young workers many business owners mistakenly believe that some workplace practices are OK when they are in fact unlawful.

Failing to provide payslips, lengthy unpaid work trials and unpaid compulsory team meetings are serious contraventions of workplace laws that contribute to young workers being underpaid.

The Fair Work Ombudsman Natalie James says that in 2017 her Agency will have a particular focus on proactively checking that employers of young workers are doing the right thing.

“Young workers can be vulnerable, so we place high importance on checking and treat cases of their rights being contravened more seriously, which means we are more likely

to pursue enforcement action,” Ms James said.

Some fairly common myths relating to the employment of young workers are:

MYTH: Pay slips aren't mandatory – employers only need to give employees pay slips if they ask for them.

FACT: Employers must give all employees a pay slip within one working day of pay-day. Employers can give employees paper or electronic pay slips, such as a link sent via email.

MYTH: Lengthy unpaid work trials are OK.

FACT: Unpaid trials are only OK for as long as needed to demonstrate the skills required for the job. Depending on the nature of the work, this could range from an hour to one shift.

MYTH: Employees don't need to be paid for time spent opening and closing a store or for time spent attending meetings or training outside their paid work hours.

FACT: If a meeting or training is compulsory, then it is work. Employees must be paid for all hours they dedicate to work and this includes time spent opening or closing a store. For example, if an employee is required to be at work at 7.45am to prepare for an 8am store opening, they need to be paid from 7.45am.

MYTH: Unpaid internships are OK for all inexperienced young workers looking to get a foot in the door.

FACT: Internships can only be lawfully unpaid when they are a requirement of a course at an authorised educational or training institution.

MYTH: Paying employees with goods such as food or drink is OK.

FACT: Payment-in-kind is unlawful. Employees must be paid wages for all work performed.

MYTH: Employers can make deductions from an employee's wages to cover losses arising from cash register discrepancies, breakages and customers who don't pay.

FACT: Unauthorised deductions from an employee's pay are unlawful. Deductions can be made only in very limited circumstances.

MYTH: Employees are obliged to buy store produce such as clothing or food.

FACT: Employers cannot require staff to purchase store produce. This includes any items for which the worker may receive a staff discount. For example, an employer cannot require workers to purchase the particular clothing stocked in a retail outlet.

The Fair Work Ombudsman Ms James says young workers are often not fully aware of their rights or reluctant to complain if they think something is wrong.

"We also come across too many employers who are short-changing young workers and, when we contact them, they say, 'I just assumed what I was doing was OK'," Ms James said.

Most Employers do want to remain compliant with workplace laws and do the right thing by young workers. To avoid being penalised by the FWO, Employers seeking assistance in relation to young workers should contact Savvy HR for pragmatic advice and support.

Resources available on the fairwork.gov.au website include a guide for young workers, the 'starting a new job' online learning course and a range of helpful tips.



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If you are considering conducting a review of your workplace or project employment practices, contact **Savvy Human Resources Associates:**

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