

# WAGE THEFT

## FACT SHEET 1: GETTING ORGANISED

### DEFINITION OF WAGE THEFT

“Wage theft refers to the unlawful underpayment of employee remuneration by employers. This can take a variety of forms, including, but not limited to underpaying wages, penalty rates, superannuation, overtime, commissions, entitlements such as sick, annual or carers leave, termination payments, allowances, requiring workers to repay money earned or making unauthorised deductions from employee pay.”

*McKell Institute*

### MINIMUM CONDITIONS AND PAY

The *Educational Services (Post-Secondary Education) Award 2010* (the Award) covers the work of staff who work in Private RTOs.

There specific hours or work, pay and qualification requirements for VET Trainers. The Award also includes classifications for General Staff.

The Award and the 10 National Employment Standards (NES) set the floor for wages and conditions in our industry. Even if your contract of employment says something different, it legally cannot undercut these minimum conditions and pay.

### RTOs WAGE THEFT CHECKLIST

**Do one or more of the following apply to you?**

- Casual staff paid flat rates of pay below the Award rates.
- Sham contracting with no payment of superannuation.
- Eligible casual staff not paid Long Service Leave (pro rata 5/7 years depending on state).
- Failure to pay loading rates.
- Systematic underclassification of general/professional staff.
- Unpaid overtime (usually general/professional staff).
- Incorrect assessment of qualifications/experience for teachers.

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### UNIONISING BY STEALTH

The key to winning a wage theft campaign is quietly unionising the workplace – by stealth – before the employer gets wind of what’s happening. Your IEU Organiser will work with you to:

- Fact-check the claim with a small number of members first.
- Map the workplace to work out who needs to be included in the campaign.
- Enlist help from existing members to refer/join up more people.
- Make personal phone contact with each potential/new member.
- Ensure you know who not to contact.
- Meet off-site and after hours.
- Inoculate the members against the bosses’ tactics.
- Use surveys to tap into members’ concerns and authentic stories.

You should plan on this stage taking at least 1-2 months.

### WHAT’S THE REAL COST OF WAGE THEFT

The impact of wage theft is about more than money – it is also emotional. People can feel let down/gaslighted by a trusted boss. They realise they could have spent less time at work and more time with family, friends, studying or undertaking travel. They also need to confront any fears of standing up to their boss.

### SIMPLE MESSAGING

When speaking to potential members it is important to keep your messages simple:

- You are being underpaid.
- Employers cannot legally pay less than the Award (Agreement).
- And, most importantly, there is power and safety in being a part of a collective.

Potential members need to be reassured that there is a strong legal basis for the Union to make a claim on their behalf and that their employer faces large penalties if they do not cooperate.

All they need to do is join the Union, stand with each other, and work with their IEU Organiser who will make the underpayment claim on behalf of a group of members.