

# How Australia's Employment Laws are **Failing Young People**

YOUTH EMPLOYMENT PROGRAM IMPACT AND INSIGHTS REPORT



JANUARY 2025

**Westjustice**

Westjustice and our partners acknowledge the ancestors, Elders and families of the Kulin nations, who are the traditional owners of Western Melbourne, the country we are located on. As we work to achieve a just and fair society we pay respects to the deep knowledge embedded within the Aboriginal community and Aboriginal custodianship of Country. We acknowledge this land as a place of age-old ceremonies of celebration, initiation and renewal, and that the Kulin peoples' living culture has a fundamental role in the life of this region

Disclaimer: The purpose of this report is program evaluation for quality assurance, administration and review, to identify the impact of our Youth Employment Program, and identify any insights into client experience. It uses administrative data collected by Westjustice in the course of delivering services, including anonymised client data from Action Steps and survey data (including from post-advice, pre-CLE, post-CLE, and resource-user survey tools). No individual interviews or focus groups were conducted as this is not an action-research report. Any legal information provided in this publication is provided as information only and is not provided as professional legal advice. All quotes in this report have been taken directly from anonymous surveys. All names used in case studies have been altered to protect the identities of our clients and clients have consented to their stories being used in systemic impact work undertaken by Westjustice.

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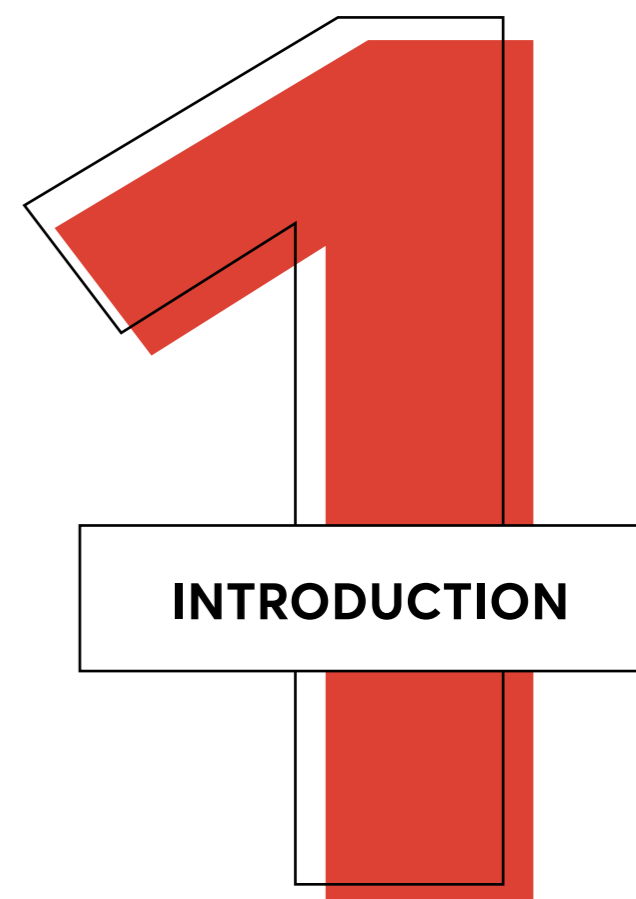
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## 1. INTRODUCTION

### Message from the Legal Director

In September 2021, Westjustice released its action research report *Ignorance is NOT Bliss*, which evaluated our pilot Youth Employment Justice Project, funded through the Helen McPherson Smith Trust. We saw significant cases of workplace exploitation of young people in Melbourne's West and made 20 recommendations for law and systems reform to improve legal and life outcomes of the young people we serve.

Fast forward three years and Westjustice continues to delivering legal information, education, advice and representation to workers under 25 in Melbourne's West who experience intersecting disadvantage, arising from their personal and family backgrounds, and facing workplace exploitation at work. Our program, now called the Youth Employment Program ("YEP") to

reflect that it is an ongoing program rather than a pilot project, still works closely with our partner schools, youth services, and unfortunately, we are seeing the same legal issues we did three to five years ago.

This report outlines the impact of our YEP over the past three years, highlights our successes, and identifies the key challenges and the opportunities that they bring. While this is not an action research report like *Ignorance is NOT Bliss*, we have analysed the experiences of our clients and outline recommendations to improve both the service delivery of YEP in terms of how the program could be expanded to provide development opportunities for young people and help a greater audience at the same time, as well as law reform required to even the playing field for young people, removing discriminatory laws that only serve to support businesses, not the young people they employ.

Ultimately, this report provides a snapshot of how Australia's employment laws are failing our young people; by allowing them to be exploited, discriminated against and bullied in the workplace, we are doing a

disservice to their hard work, desire to support and help their families financially where they can, & their potential. We demonstrate that when young people know their rights they have the confidence to know when something is not right, and can self-advocate or seek legal help. In doing so, they are both saving the government in costs to the health, justice and community service system, but they are improving their future employment trajectory and their wellbeing – & they can share that knowledge to help others as well.

The funding of YEP is lapsing in June 2025, but our impact report demonstrates there is an ongoing legal need for this service – and an expansion into supporting young people tell their own stories and empower their peers. Moreover, cost avoidance analysis undertaken for Westjustice demonstrates the significant cost savings for government in funding YEP and services like it. In doing so, we can help hundreds more young people be empowered and knowledgeable about their work rights and responsibilities.

**Jennifer Jones, Legal Director**  
*Employment and Equality Law Program*



## LEGAL SERVICES



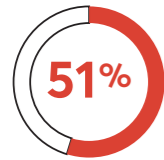
**153**

Legal services delivered

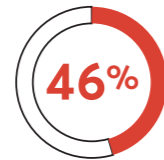
**103**

Clients assisted

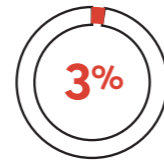
## CLIENT PROFILE



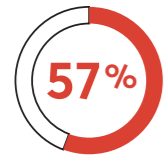
Identified as female



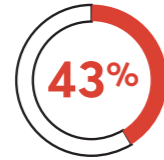
Identified as male



Identified as other or neither gender



Clients were aged 19-25



Clients were aged 15-18

## COMMUNITY ENGAGEMENT

**76**

&

**3**

Reaching Over  
Participants

**1900**

Community legal education sessions Delivered

Job seeker expos



**27**

Instagram posts on young worker's rights



**119**

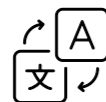
Teachers downloaded our work related skills resource pack

## CLIENT DIVERISTY



**45%**

From a culturally and linguistically diverse background



**23%**

Spoke English as another language



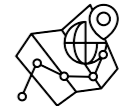
**18**

Different languages spoken at home



**33%**

Born Overseas



**21**

Different countries of birth

**\$35,949.26**

Recovered for clients in unpaid wages, compensation and waived debts

**\$2.2million**

In avoided government costs over four years\*

## TOP 3 LEGAL ISSUES

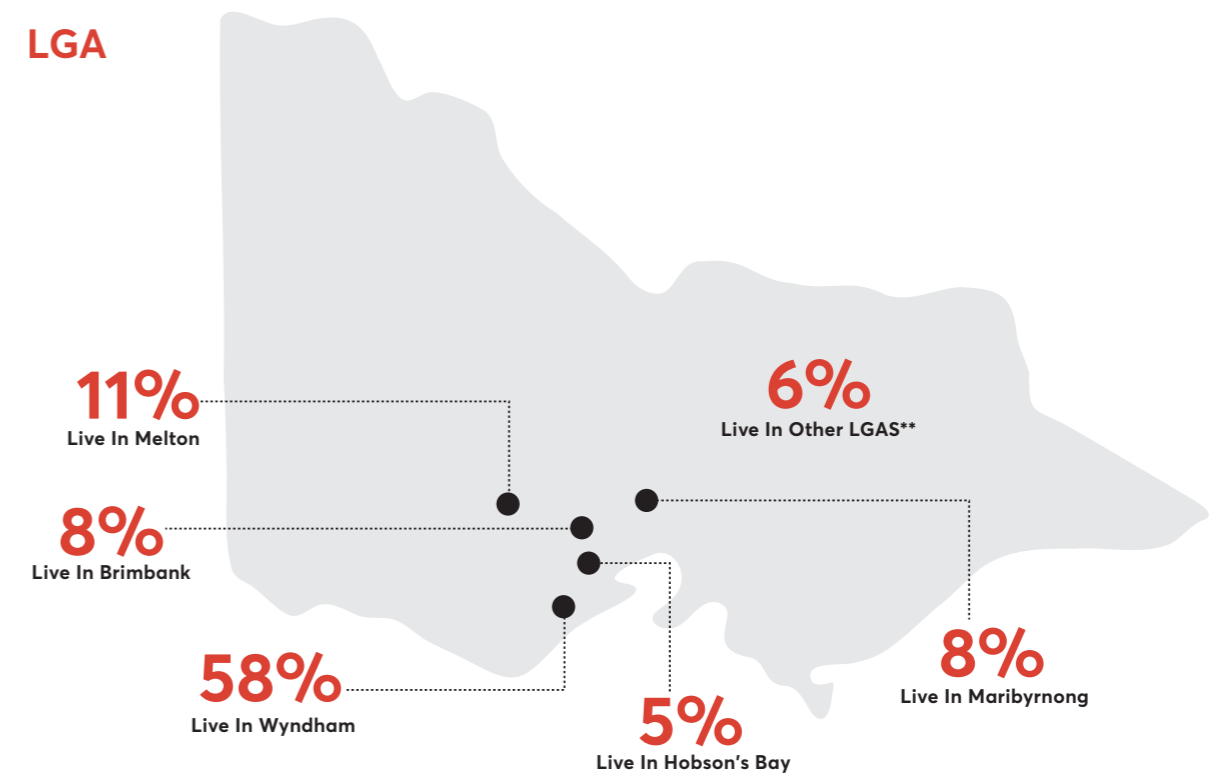
1. Workplace conditions and entitlements
2. Unfair dismissal
3. Discrimination



**23**

Law Reform Submissions and Open Letters

## LGA





## RECOMENDATIONS

1

The Australian Government establish a Fair Work Commission underpayment jurisdiction, in line with the March 2022 Senate Inquiry report *"Systemic, sustained and shameful: unlawful underpayment of employees' remuneration"* and the 2024 Migrant Justice Institute report *"All Work No Pay"*.

2

The Australian Government prioritise the eradication of junior wage rates for workers above 18 years of age by amending the definition of "junior employees" in section 12 of the Fair Work Act 2009 (Cth) to mean "a national system employee who is under 18".

3

The Fair Work Commission prioritise the eradication of junior wage rates for workers above 18 years of age by amending all Modern Awards which define "junior employee", to be "an employee who is less than 18 years of age" and removing junior rates from all Modern Awards for 18-, 19- and 20-year-olds.

4

Junior wages for workers under 18-year-olds be increased, either by: a) The Fair Work Commission amending all junior wage rates to be a flat rate of 80% of the adult minimum wage rate, in all future Special National Minimum Wage Orders for junior employees, and in modern awards following the next modern award review; or b) The Australian Government amending the Fair Work Act to legislate that wage rates for junior employees under 18 cannot be less than 80% of the adult minimum wage rate.

5

CLCs, unions, and youth organisations establish a formal advocacy coalition to coordinate the campaign to abolish junior wage rates.

6

The Victorian Government fund a Young Worker Ambassador project, to be co-designed with young workers. This project would identify youth leaders and train them to share their challenges, resilience, and successes in standing up for their rights with their peers, amplifying and making tangible the value of workplace rights education.

7

The Victorian Government re-fund the lapsing Westjustice Youth Employment Program (YEP) with ongoing funding, in order to ensure continuity of existing service delivery and to allow us to expand our assistance to more schools in the West.

8

The Victorian Government fund the expansion of the YEP first to a regional and then state-wide model, to support young workers across a greater geographic area of Victoria, to address unmet legal need.







## ABOUT THE YOUTH EMPLOYMENT PROGRAM

The Westjustice Youth Employment Program (“YEP”) started in 2019 as a response to unmet employment legal needs amongst young workers in Melbourne’s Western suburbs. In September 2021, Westjustice published *Ignorance is NOT bliss*, a report that used action research to identify the barriers to employment outcomes for young people and how to overcome them.

*Ignorance is NOT bliss* highlighted that young workers were often unaware of their rights at work and were frequently engaged in precarious work. These problems combined to create an environment in which exploitation of young workers in Australian workplaces is pervasive. [1] This is particularly concerning in the context of the 2024 PULS survey, which found that ... *the most frequently used source of help used by young people for employment problems was their employer.* [2]

During its first two years of operation, the pilot project encountered young workers who had experienced poor outcomes:

- at work, including systematic underpayment of wages, discrimination, and sexual harassment;
- in seeking to address issues at work, as many did not know their rights or were too scared to complain; and
- in their life outside work, including adverse impacts on school and mental health.

In response to these problems, Westjustice delivered a number of services from 2019-2021, including:

- targeted legal services embedded in locations where young people go to learn, study and access youth and wellbeing services;
- targeted community legal education (“CLE”) regarding work rights and responsibilities for young people, as well as the staff and teachers who work with them; and
- strategic advocacy and reform for the improvement of employment laws and processes to overcome common issues facing young workers.

*Ignorance is NOT Bliss* made 20 recommendations for systemic reform, to improve the lives of young workers across the lifecycle of their employment. The recommendations covered topics including improving young workers knowledge of rights and responsibilities; improving employment services and support for young job seekers; legislative reform to prevent exploitation and reduce disadvantage; strengthening the role of the FWO; and providing better resourcing for young worker legal services (see **Appendix 1**).

Following the conclusion of the YEP pilot, the project was unfunded for the 2021/22 financial year (at which time it continued but scaled back significantly), before receiving funding through the Victorian Government’s Early Intervention and Investment Framework (“EIIF”). YEP received one years’ funding for 2022/23, and a further two years’ funding for 2023/24 and 2024/25 in recognition of its contribution to reducing the impact of workplace exploitation on young people, including by helping young people identify when they have a legal issue at work, understand how to deal with their legal problems, and empowering them to seek out legal help.

In late 2024, we engaged Ernst and Young (“EY”) to undertake an economic analysis evaluating the avoided costs to governments through the prevented use of services due to YEP interventions. The full report, outlining the methodology and key results, along with the list of data sources and assumptions is provided at **Appendix 2**. The key findings highlight that early legal intervention in young people’s work-related issues can lead to a combined savings of \$2.2 million in avoided costs to Victorian and Australian governments over four years.

This report captures the stories of our clients and the impact of YEP since *Ignorance is NOT Bliss* and evaluates the results of YEP through surveying clients and training participants. We show that young people are still facing workplace harm at alarming rates, but that interventions such as free and confidential legal advice, and education on work rights (especially in school settings) can greatly reduce the impact of workplace exploitation and empower young people to stand up for themselves.

Unfortunately, we have seen that exploitation of young workers remained pervasive in Australian workplaces over the course of 2021-2024. Businesses are continuing to underpay and mistreat young workers, despite a penalty scheme within the *Fair Work Act 2009* (Cth) (“**Fair Work Act**”) which is designed to deter such behaviour (including the introduction in the Closing Loopholes legislation in 2024 of “serious contravention” penalties that are five times higher than ordinary penalties). Australian laws are failing to protect young workers, who are particularly vulnerable to exploitation.

Against the backdrop of this systemic failure, the YEP has addressed unmet legal need and a lack of understanding about work rights, while achieving significant outcomes for many of our young clients. In this report we make several recommendations to improve the experience and outcomes of young people entering the workforce, based on what we have learned over the last three years of this program.

## FEEDBACK FROM OUR CLIENTS

“My lawyer was really lovely and told me how to go about the legal process and I learnt a lot”

“[I] understood what actions to take whilst being bullied at my previous workplace and I knew my rights, knew the legal procedure about what to do”

“[the most valuable information received from lawyer was] all the rights I have in the workplace, knowing that if something is out of line that I should be getting a lawyer involved. I understand now what workplace bullying was.”

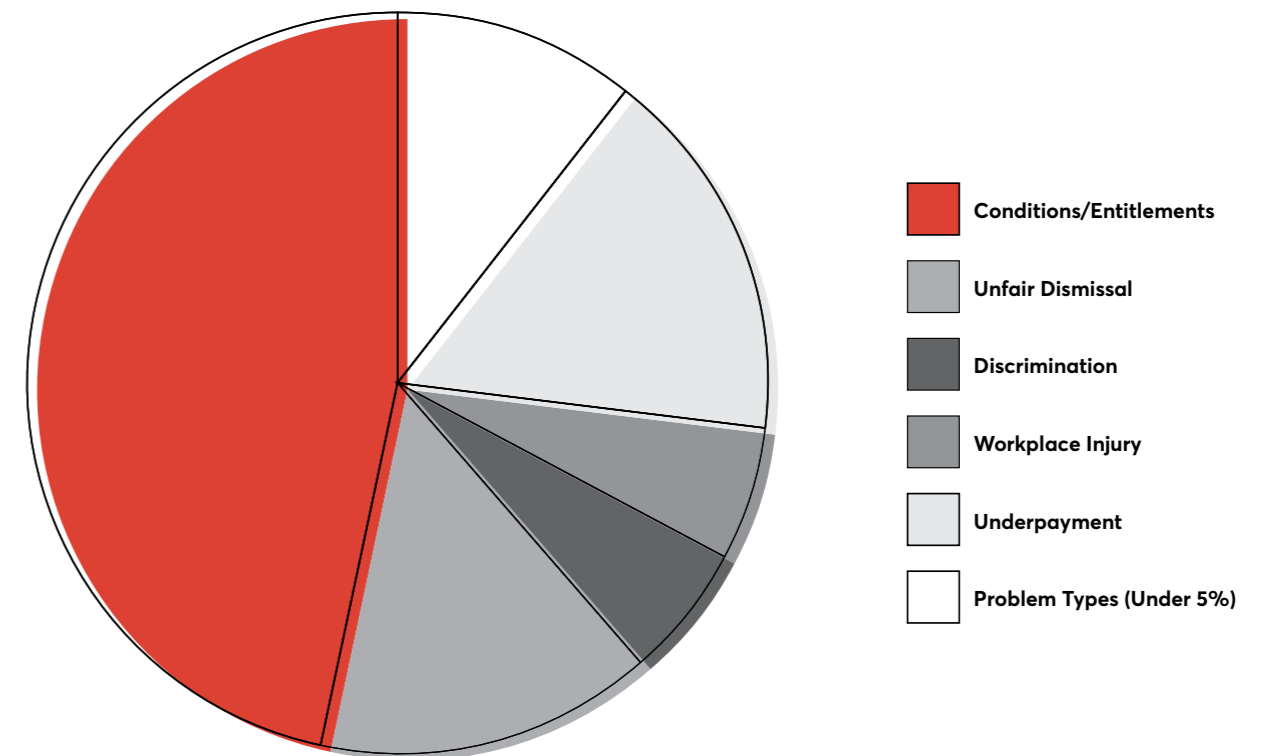
“You have very good lawyers, they come across very friendly and they are very helpful. When they find out what you need they will put you in the right direction”







## DISTINCT PROBLEM TYPES



### Additional Problem Types (under 5%)

- General Protections
- Workcover
- Superannuation
- Sexual Harassment
- Bullying
- Sham Contracting
- General Protections (Dismissal)
- Misconduct/Performance
- Management
- OHS

### Top 5 Industries

- Food and Beverage Services
- Retail
- Manufacturing
- Social Assistance Services
- Medical and Other Health Care Services

### Top 5 Occupations

- Sales Assistants and Salespersons
- Hospitality Workers
- Clerical and Administrative Workers
- Labourers
- Factory Process Workers





## VOICING YOUNG WORKERS' CONCERNS

In addition to addressing the symptoms of workplace exploitation, we recognise its systemic nature, and regularly engage with governments and regulators in order to protect and advance the rights of young workers. We work closely with other community legal centres and utilise our knowledge of client experience, so our recommendations reflect the concerns of young workers and the contemporary issues they face in the workplace. Between July 2021 and June 2024, we made 19 submissions into law reform processes, and signed four open letters to the Australian Government, calling for systemic changes to improve young workers conditions.

We have seen several of our advocacy positions adopted by government, resulting in significant policy outcomes. At the state level, we have seen the Victorian government create the Victorian Youth Strategy 2022- 2027 which has adopted our recommendations that young people need education and information about their work rights and responsibilities. At a federal level, many of the legislative changes we have advocated for - including the new definition of employee and stronger protections against sham contracting - have become law in the federal government's Closing Loopholes reform. Unfortunately, many of our recommendations remain outstanding, including critical safety net protections for young workers.

The progress on recommendations we made in our Ignorance is NOT Bliss report is set out in **Appendix 1**.

### **Some of our key advocacy submissions we made between 2021 and 2024 to improve young workers rights include:**

1. Closing Loopholes in Fair Work Legislation, Joint submission made by Westjustice, South-East Monash Legal Service (SMLS), and JobWatch Inc., September 2023
2. Updating The Fair Work Act 2009 to provide stronger protections for workers against discrimination, Joint submission made by Westjustice, SMLS, and JobWatch Inc., May 2023
3. Submission: criminalising wage underpayments and reforming civil penalties in the Fair Work Act 2009, Submission by Westjustice, May 2023.

4. Submission - Review into an appropriate costs model for Commonwealth anti discrimination laws, Submission by Westjustice, April, 2023.
5. Submission on additional workplace relations measures being considered for 2023: Stand Up for Casual Workers, Joint submission made by Westjustice, SMLS, and JobWatch Inc., April 2023
6. Submission to the Employment Taskforce (Treasury) on the Terms of Reference for the Employment White Paper, Joint Submission by Westjustice SMLS, JobWatch Inc., University of Melbourne Students Union Legal Service, December 2022
7. Submission to the Ministerial Taskforce on Workplace Sexual Harassment: Addressing sexual harassment in Victorian workplaces, Joint Submission by Westjustice and SMLS, August 2021
8. Submission on the Exposure Draft of the draft Migration Amendment (Protecting Migrant Workers) Bill 2021, Joint Submission made by Westjustice, SMLS and Jobwatch Inc., August 2021.



## CONNECTING WITH YOUTH INTERMEDIARIES

Community engagement is a critical part of our service delivery within the YEP, informing our approach to service design and allowing us to build invaluable referral networks with other youth services so that we can ensure there is 'no wrong door' for young people seeking assistance.

Between 2021 and 2024, we have been active members of youth networks, including the Maribyrnong and Wyndham Workers with Young People Networks, the Victoria University Pathways in Place Action Network, and the Maribyrnong and Moonee Valley Local Learning and Employment Network. In these spaces, we have raised the persistent barriers faced by young people in accessing fair and safe work. We have also advocated for young workers in quarterly meetings with Minister Stitt.







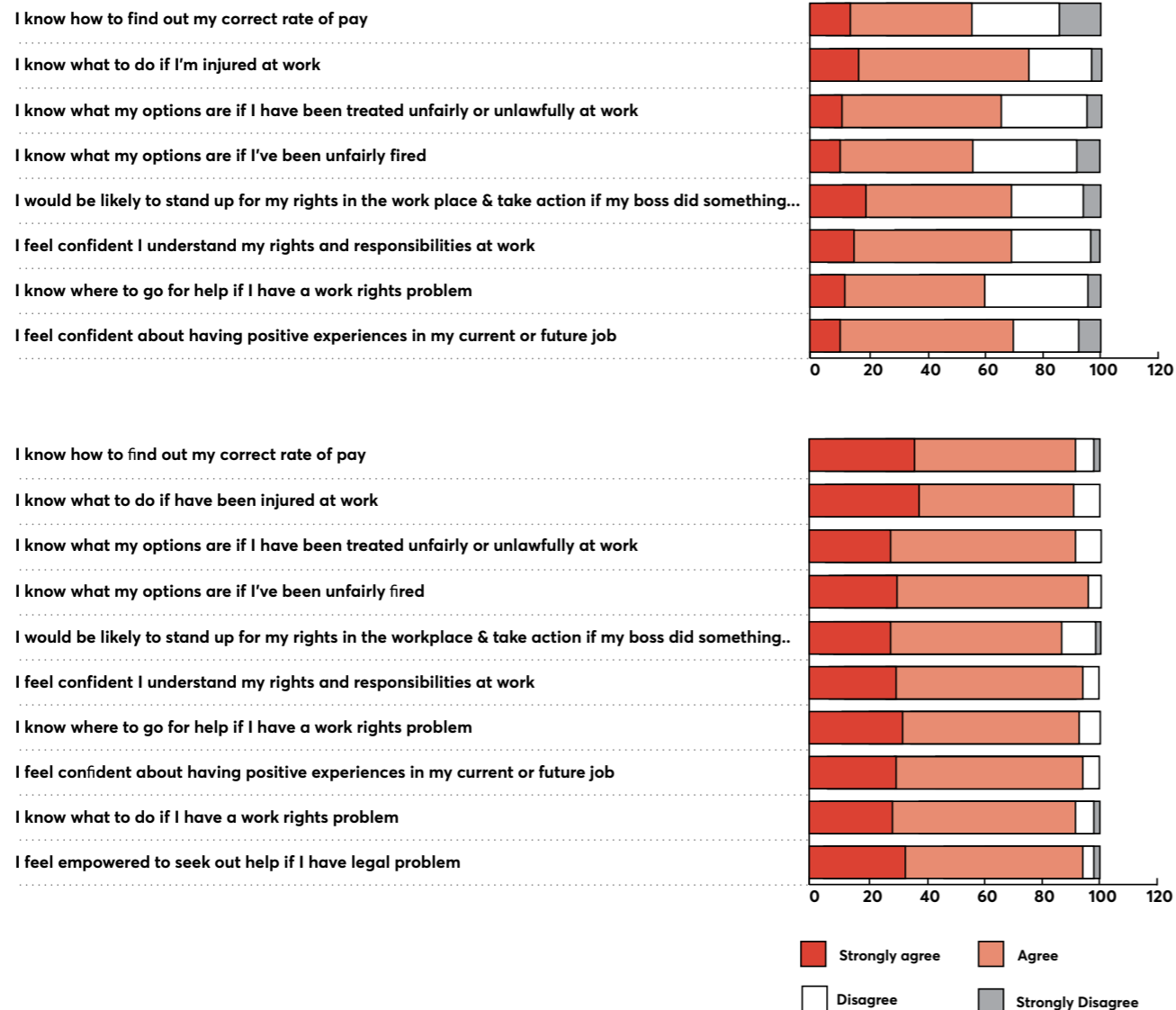
## EMPOWERING YOUNG PEOPLE WITH KNOWLEDGE

We learned from the research in *Ignorance is NOT Bliss* that one of the most significant barriers to young workers accessing and enforcing their rights is that many young workers do not understand their rights. We found that community legal education, specifically in schools, was critical for young workers to develop both the understanding of their rights and the confidence to enforce them. This targeted, place-based community legal education is a core offering of the YEP and informs our approach to supporting young workers to overcome workplace exploitation.

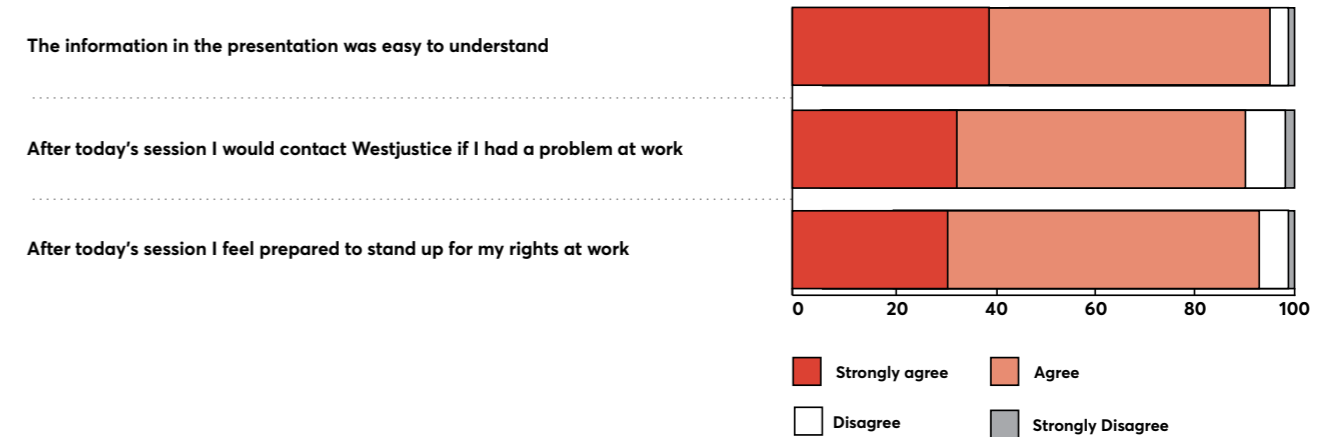
Between June 2021 and July 2024, we delivered 76 community legal education (CLE) sessions and participated in 3 expos reaching over 1,900 participants.

- In the 2021/22 financial year, we ran 10 CLE for young people and intermediaries, including at local councils, and participated in "What's NEXPO" at Visy Cares Hub, talking to 242 young people.
- In the 2022/23 financial year, we ran 26 CLE in 12 schools, and participated in the Melton Summer Jobs Expo reaching 688 students and young people.
- In the 2023/24 financial year, we ran 38 CLEs in 14 schools, and participated in a Pacific Werribee Jobs Expo, reaching 984 students and young people.

### WE SURVEYED PARTICIPANTS BEFORE AND AFTER OUR CLE. THIS IS WHAT THEY TOLD US.



MOST OF THE YOUNG PEOPLE SURVEYED HAD IMPROVED KNOWLEDGE AND FELT PREPARED TO STAND UP FOR THEIR RIGHTS. THEY ALSO AGREED THEY WOULD CONTACT WESTJUSTICE IF THEY HAD A WORK-RELATED PROBLEM, AS A RESULT OF OUR TRAINING.



44%

of young workers we assisted as clients attended one of our CLEs and then contacted us for help with a workplace issue.

48%

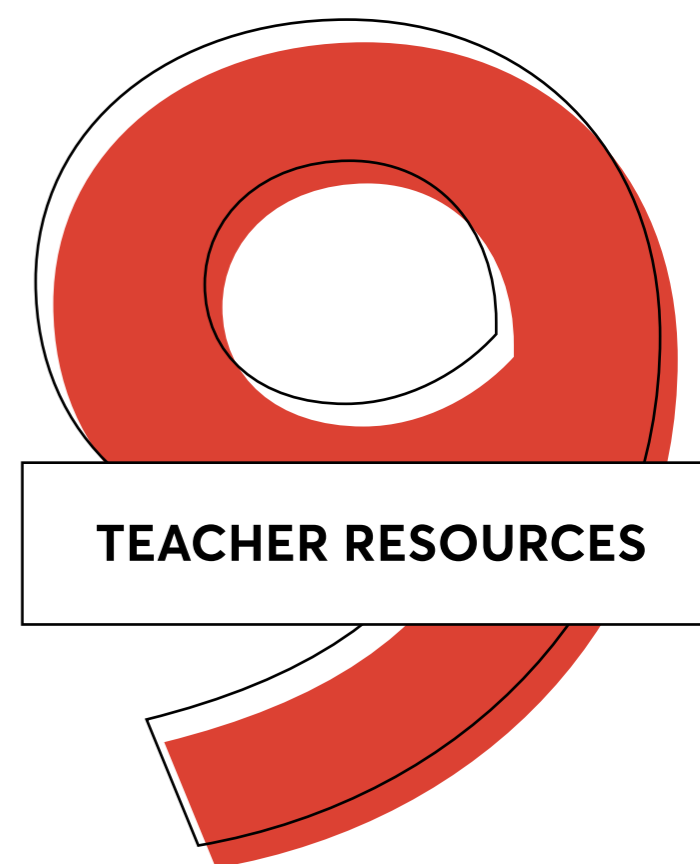
of young workers we assisted answered 'Probably nowhere' or 'No idea!' when asked where else they would go for help with their work-related legal problem, if not to Westjustice.

86%

of young workers were satisfied with the outcome achieved after receiving assistance from Westjustice.

### TAKEN TOGETHER, THESE RESPONSES TEND TO SHOW:

- Community legal education is a primary driver of young workers understanding and seeking to enforce their workplace rights;
- Without CLCs like Westjustice, many young workers will not seek assistance with workplace exploitation, allowing it to persist; and
- Westjustice provides high-quality community legal education and legal assistance to young workers. This is particularly significant in the context of the systemic failure to prevent exploitation of young workers. Through the YEP, Westjustice fills a significant gap in legal education and legal services for young workers who would not know where else to turn to when they face issues at work.



## WORK RELATED SKILLS RESOURCE PILOT

One of the recommendations in Ignorance is NOT Bliss was that work rights and responsibilities should be embedded within the Victorian school curriculum. To assist with implementing this recommendation, in 2022 we designed and piloted a learning module on work rights and responsibilities at Tarneit Senior College and Wyndham Central, with funding from the Victorian Government. The module was designed to originally align with the VCAL curriculum on work related rights for years 11 and 12 and included practical activities and guidance to help educators teach young people about their rights and responsibilities at work.

We finalised the module in 2023, now called the "Work Related Skills Teacher Resource Pack" (**WRS Resource Pack**). All activities and worksheets were mapped to Unit 3 of the new VCE Vocational Major and Victorian Pathways Certificate (VPC) Work Related Skills (WRS) curriculum, and partially to unit 1 of the VPC WRS curriculum.

The Resource Pack contains lesson plans/outlines for teachers including curriculum maps, a teacher handout pack including factsheets, worksheets and answers, a student handout pack with factsheets and worksheets, and sample major assessments created for VCAL senior/intermediate cohorts but applicable to any of the outcomes of the Unit 3 and 4 assessments.

In developing the module, we received assistance and feedback from the Centre for Employment and Labour Relations at the University of Melbourne; the Centre for Multicultural Youth Advisory Group and our Steering Committee members, comprising representatives from: Fair Work Ombudsman, Wage Inspectorate Victoria, RMIT Student Legal Service, Young Workers Centre, WorkSafe Victoria, the University of Melbourne, South-East Monash Legal Service, Wyndham Central College and Tarneit Senior College.

The Resource Pack is freely and publicly available by emailing [wrs@westjustice.org.au](mailto:wrs@westjustice.org.au).

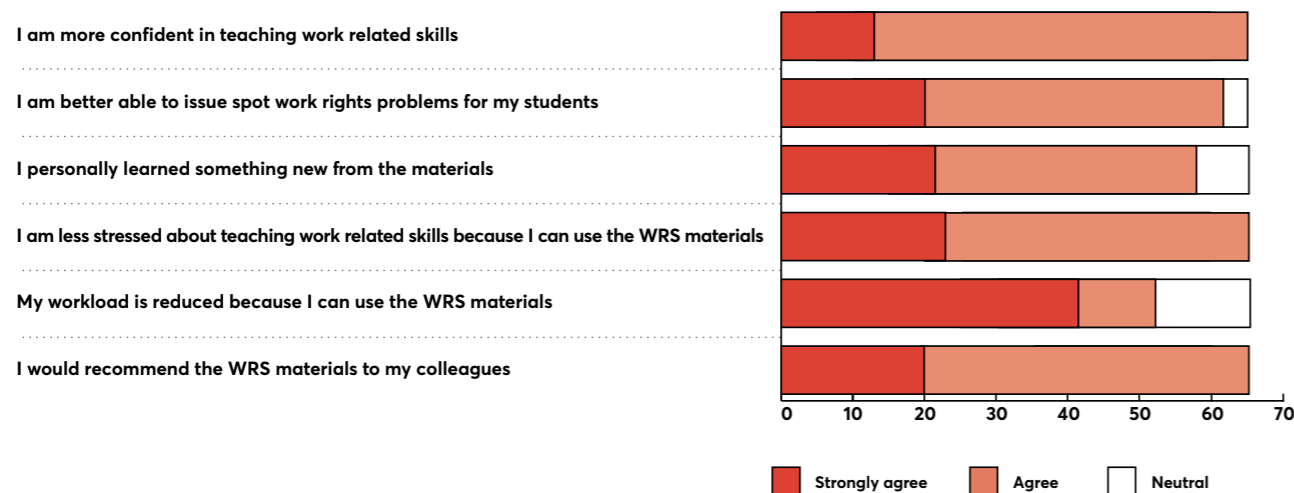
As at 30 June 2024, the Resource Pack had been downloaded **119 times by teachers all around Victoria**.

## PILOT EVALUATION

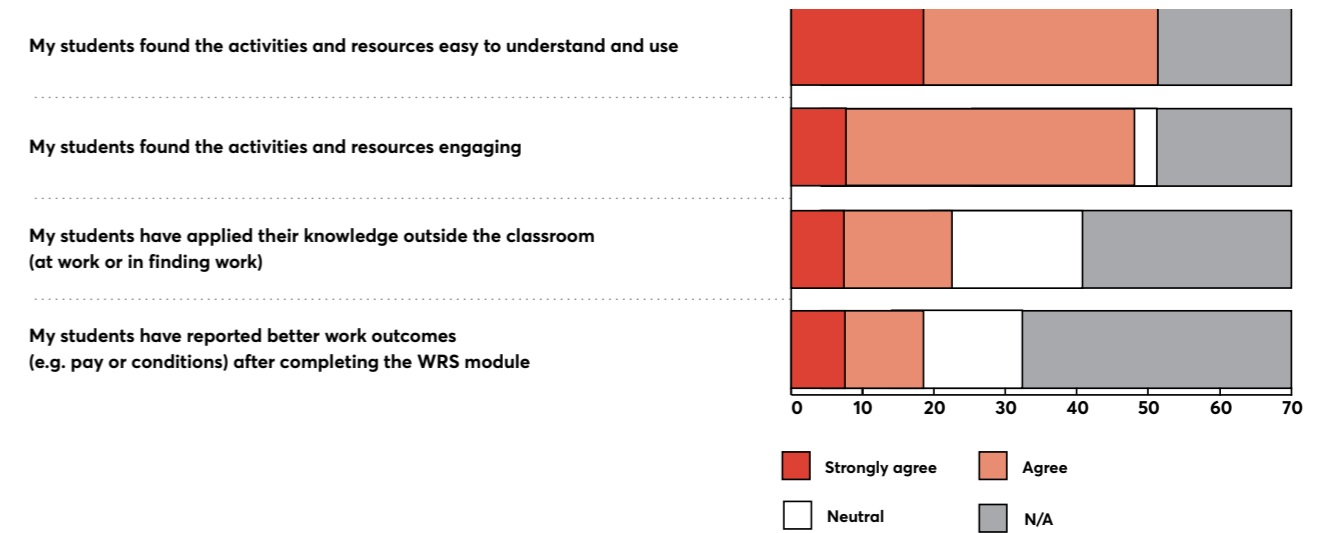
We surveyed users of the WRS Resource Pack (described in our survey as the "WRS materials") between April and June 2024, and received the following feedback:

The majority used the Resource Pack in Term 1 2024 or intended to use it in Term 2 2024, and for the VCE Vocational Major.

- An average overall rating of 4.45/5 (where 5 was the highest)
- 100% of survey respondents agreed or strongly agreed that they were more confident in teaching work related skills after downloading and using the WRS materials
- 100% of survey respondents agreed or strongly agreed they were less stressed about teaching work related skills because they can use the WRS materials
- 100% of survey respondents agreed or strongly agreed that they would recommend the WRS materials to my colleagues.
- 82% of survey respondents agreed or strongly agreed that their workload was reduced because they can use the WRS materials (with the remaining 18% neutral).
- 91% of survey respondents agreed or strongly agreed with the statements:
  - "I am better able to issue spot work rights problems for my students"
  - "I personally learned something new from the materials", with the remaining 9% neutral.



Survey respondents said the materials saved them time, the materials were culturally appropriate, and were flexible in the way they could be used. When asked about their students' experience and knowledge after using the WRS materials in class, survey respondents answered:



Our WRS materials evaluation shows that there is a need for resources that teachers can use in the classroom, that have been designed to match the curriculum but also practically engage young people with learning about their work rights and responsibilities. Both teachers and students benefitted from the resources, through reducing stress of teaching an unfamiliar subject, reducing workload of teachers in providing readily available content, activities and assessment materials, and improving confidence in teaching complex legal issues to young people.

From what we could measure, we can conclude that the young people learning the material found the activities and resources easy to use, engaging, and when known, have applied their knowledge and reported better work outcome.

We will continue to update the WRS materials and have them freely available for all teachers, and will lobby the Victorian Government to make the WRS materials available as support materials to all teachers through the Victorian Curriculum and Assessment Authority website.

# WRS RESOURCE PACK EXCERPTS

## 2 C PAY AND ENTITLEMENTS IN THE WORKPLACE

There are different legal documents and rules that set the minimum wages and entitlements for different employees.



### What is an employment contract?

An employment contract is a legal agreement about the terms and conditions of employment (including pay). An employment contract can be a written document, a series of emails or text messages, or can be verbal - so long as the exchange contains all the key terms and conditions of employment (i.e., type of employment, rate of pay, and other entitlements such as leave).

Topic 5: When work ends

Activity 1	Think, pair, share - confer discussion	Suggested resources
Learning activity	10 min	A prepared screen to present the video 'Under dismissal and other provisions of your employment act'
Teacher direction	<ul style="list-style-type: none"> <li>All students to read the <a href="#">Dismissal document</a></li> <li>Discuss video: <a href="#">Under dismissal and other provisions of your employment act</a></li> <li>In pairs, ask students to 'think, pair, share' answers to the following questions about the video (sample answers below):</li> </ul>	
Questions	<p>What reason did Tony give for the dismissal?</p> <p>Do you think it was fair? Why/why not?</p> <p>Do you think being dismissed for this is okay?</p> <p>What could Tony do about the dismissal?</p> <p>Why is Tony not getting his pay back?</p>	<p>Answers, introduction</p> <p>It's not entirely clear what reason Tony gave for being dismissed. However, it seems he was dismissed because of being late. Tony says that he was late because of the car being broken down.</p> <p>No, Tony didn't investigate the alleged theft and can't prove that late work was the reason. Therefore, there is no real reason for dismissal. In addition, it is against the law for Tony to be dismissed for being late.</p> <p>If someone has not engaged in work this amounts to 'serious misconduct' under the Fair Work legislation. This means that someone can be dismissed. Tony will not receive any compensation.</p> <p>She can make a claim to the Fair Work Commission to challenge the dismissal, that her dismissal was unfair or against the law.</p> <p>There is a 28 day time limit for making claims in relation to unfair dismissal. This is a calendar day and includes weekends.</p>
Optional content for class discussion	<p>What could Tony do if he was in a similar position? Pay to start your discussion</p> <ul style="list-style-type: none"> <li>Submit an application</li> <li>Write down the compensation/leave to be working</li> <li>Start your own business</li> </ul> <p>Make an unfair dismissal claim within 21 days</p>	

## 2 F FINDING THE CORRECT RATE OF PAY

1. Have a look at the example payslip in Handout 2G.
2. Use the Fair Work Ombudsman Pay and Conditions Tool (P.A.C.T.) (link: <https://calcrate.fairwork.gov.au/>) to work out whether Justine Thyme is being paid the right amount on their pay slip.
3. To help you answer this question, fill out the worksheet below.

If you are having trouble using the P.A.C.T. tool on the Fair Work Ombudsman website, you can also call the Fair Work Ombudsman on 13 13 94 or use the online chat bot to find out if the amount on the payslip is correct.

Name of the relevant Award: \_\_\_\_\_

Actual rate of pay received:

Ordinary hours \_\_\_\_\_

Saturday hours \_\_\_\_\_

Rate entitled to under the Award:

Ordinary hours \_\_\_\_\_

Saturday hours \_\_\_\_\_

Has Justine Thyme been paid correctly? Why/why not? \_\_\_\_\_

### Curriculum maps

VCE Vocational Major - Unit 3: Industrial Relations, Workplace Environment and Practice Curriculum map

Topic	Curriculum Unit	Outcomes	Key Knowledge	Key Skills
2. Healthy, safe and happy workplaces	Unit 3, Unit 3.1	<ul style="list-style-type: none"> <li>analyse and evaluate the characteristics of a healthy, collaborative, cooperative and harmonious workplace and identify and explain strategies to contribute to a healthy workplace environment</li> </ul>	<ul style="list-style-type: none"> <li>structure of common workplace structures</li> <li>workplace culture and its characteristics of a workplace</li> <li>workplace safety and health requirements</li> <li>characteristics of work- life balance and strategies to achieve a work-life balance and reduce mental fatigue for employees and employers</li> <li>employee responsibilities and individual responsibility in workplace</li> <li>workplace including work ethics, legal, professional and ethical practices, including the appropriate application and context, particularly relating to appropriate working conditions, safety, use of equipment, complying with internal business policies and respectful treatment of colleagues</li> <li>employee rights in workplace including flexible work arrangements, opportunities for training, development and progression, a safe workplace and inclusive, respectful workplaces with colleagues and managers, appropriate pay and conditions in exchange for skills, knowledge, talent and experience, and appropriate mechanisms for resolving conflict</li> </ul>	<ul style="list-style-type: none"> <li>identify and explain key risks and controls relating to workplace structures</li> <li>analyse, compare, analyse and evaluate workplace and workplace safety in the workplace environment, processes and products</li> <li>analyse and justify methods of establishing a workplace environment</li> <li>apply knowledge to real and simulated workplace scenarios and case studies</li> </ul>
	Unit 3, Unit 3.2	<ul style="list-style-type: none"> <li>analyse the National Employment Standards and explain its</li> </ul>	<ul style="list-style-type: none"> <li>individual employee responsibilities in relation to colleague and community health and wellbeing</li> </ul>	<ul style="list-style-type: none"> <li>identify and explain key risks and controls relating to workplace relations</li> </ul>





## YOUNG WORKERS SPEAKING OUT

### Case study: Arthur

Arthur\* came to the service as an 18-year-old high school student. He came to see us about several issues, including the non-payment of his wages while working at a children's party centre.

Arthur had a verbal agreement of how much he should be paid, which was below the minimum wage for an 18-year-old casual employee on an introductory rate. Nonetheless, Arthur had been employed for only a few months and received no wages at all, when his employer terminated his employment because of a baseless theft accusation.

Together Arthur and the lawyer developed an advocacy plan, in which they approached the employer together seeking his employment records so that they could calculate how much Arthur was owed. They worked together to negotiate a full and final settlement with the employer, in which Arthur was back paid a substantial amount, and the employer agreed not to pursue the alleged theft. This outcome had a significant impact to Arthur and his family, who were facing severe financial hardship as a result of the ongoing cost of living crisis. Through Westjustice's assistance, Arthur was able to co-advocate with support, and meant he was paid for the hours he worked. This outcome meant Arthur avoided possible homelessness and did not need to drop out of school to work so that he could support his parent and siblings. Arthur is now in his final term of year 12, and on track to graduate while remaining living at home. Arthur has shared his story of workplace exploitation, and the vindication he experienced standing up for his rights, with his peers at school.

### Case study: Cora

Cora\* was only 15 when she started her first job as an after-school tutor at an independent learning centre. She worked for this same employer on a part time basis for almost 3 years but was paid an extremely low flat rate throughout her employment.

As a result, Cora was owed a substantial amount in unpaid wages and accrued and untaken annual leave. Cora decided to reach out to her school lawyer for assistance when her employer asked her to get an ABN once she turned 18. Cora had attended several of the Westjustice CLEs at her school and knew something wasn't quite right about this request. The lawyer assisted Cora to contact her employer and advocate on her own behalf to try to resolve the matter directly. The lawyer assisted with the calculations, and drafting some of the correspondence, but supported Cora to self-advocate throughout the process. When the employer indicated they wanted to engage in negotiations and started playing 'hard

ball', Cora asked the lawyer step in. The lawyer and Cora advocated together, resulting in Cora being paid the full amount she was owed. Cora is currently in her first year of university, and this outcome has assisted Cora to concentrate on this new chapter of her studies alleviating some of the financial stressors around the cost of living.

### Case study: Min\*

Min\* came to Australia as a young refugee in 2016 with one of his parents. When Min first came to see us, he was studying to be a barber at a local university and in his last year of study. To help him develop his skills, he had secured a job at a hairdresser. He worked for this franchise for around 3 months, ultimately being dismissed for taking time off to attend a medical appointment for a work related back injury. As a consequence of this sudden dismissal, Min was not paid for his last 2 shifts.

Due to Min's limited English he was finding it difficult to self-advocate, and so he came to Westjustice seeking assistance to recover the money owed for the unpaid shifts. During the course of providing Min with advice, we discovered Min's base rate was significantly lower than it should be, and that he was not receiving any penalty or overtime rates. We assisted Min to collate his pay slips and other employee records to calculate how much he was owed in unpaid wages. We also referred Min to a WorkCover lawyer for specialist advice on his workplace injury claim options.

Westjustice represented Min to advocate with the employer, however after several attempts to negotiate an outcome the employer made it abundantly clear they were not willing to pay any amount owed or engage in further negotiations. As a result, Westjustice assisted Min to make a complaint to the Fair Work Ombudsman ("FWO"), seeking assistance from the regulator to enforce the minimum obligations under the Fair Work Act.

After a year, and two compliance notices sent, the employer finally decided to comply with the FWO, and pay Min the amount he was owed in underpaid and unpaid wages. This outcome has had a significant impact on Min who is working in insecure employment, and facing a cycle of financial hardship. Min has told Westjustice that this money will also go towards sponsoring his aunt and grandmother to come to Australia, who are still living in the refugee camp in South-East Asia.

Despite securing a positive outcome for Min, it took a lot of consistent advocacy and checking in with the FWO to push this matter along and to advocate for the sending of the second compliance notice / possible future litigation. The length of time that this matter took to resolve demonstrates the importance of well-funded community legal centres to support & represent vulnerable young people like Min.









## EARLY INTERVENTION INVESTMENT FRAMEWORK

The Victorian Government's Early Intervention Investment Framework ("EIIF") was first introduced in the 2021-22 Budget, with the publicly stated goal of improving outcomes for Victorian Service users through timely and effective service assistance, and to reduce growth in government expenditure through the decline in use of acute services, including housing, health, prisons and courts, child protection and family services. This framework was created on the back of research showing that early interventions and prevention measures delivered by social and community services could demonstrably impact a person's life outcomes, meaning they had fewer or no interactions with those acute government funded services [3].

The YEP falls within the EIIF as it has demonstrably improved client outcomes for young Victorians from different cohorts, including those experiencing homelessness, mental illness or otherwise experiencing poverty. Our legal services, including legal advice, information, representation and CLE, have had a significant impact on our client's lives, including educating them about their workplace rights, assisting them with immediate legal concerns and workplace disputes, and empowering them to stand up for themselves and avoid disputes and legal issues in future.

For example, clients who received legal assistance were surveyed between 1 Jan 2023 to 30 June 2024 told us the following:"

- Understanding how to deal with their legal problem: 96% survey respondents agree or strongly agree that "the lawyer helped me understand my options to resolve my legal problem(s)"
- Feeling empowered to seek out help if they have another legal issue:
  - **92%** of survey respondents agree or strongly agree that "I would contact Westjustice again if I have another problem at work"
  - **92%** of survey respondents agree or strongly agree that "after receiving help from Westjustice, I feel prepared to stand up for my rights at work"
  - **92%** of survey respondents agree or strongly agree that "after receiving help from Westjustice, I feel confident about having positive experiences in my current or future job"
  - **92%** of survey respondents agree or strongly agree that "receiving legal advice or assistance made me feel less stressed about my situation"

Within the context of the EIIF, the outcomes that we achieve for our clients can be directly connected to cost-savings to governments. Using Arthur's case study from above, cost savings could include:

- The value of Arthur remaining in school when he would have had to drop out – this will provide long-term benefits to Arthur and his community over the course of his life.
- The value of tax paid by Arthur on his wages that would not have otherwise been paid.
- The value of Arthur sharing his story with his peers who will better understand and enforce their rights. The value of ensuring compliance for the employer who exploited Arthur, alleviating the regulatory burden on the Fair Work Ombudsman.

Using Cora's case study, cost savings include:

- The value of Cora receiving the wages she was owed, which will support her and alleviate cost of living pressures as she enters her first year of university.
- The value of taxes paid by Cora on the wages that would not otherwise have been paid.
- The value of Cora feeling empowered to stand up for herself and assert her rights, with the backing of a Westjustice lawyer.

In late 2024, Westjustice commissioned EY to undertake economic analysis evaluating avoided costs to government arising from early intervention by lawyers in young worker's problems.

EY's Avoided Cost Modelling Analysis found that YEP interventions can lead to an estimated \$2.2 million savings in avoided costs to governments over a four-year period. These savings are generated through the avoided use and costs of acute government services such as Centrelink Youth Allowance, crisis accommodation, homelessness support and mental health care. The analysis suggests that YEP provides value to government of approximately \$545,000 savings per annum.

The full report is available at Appendix 2 and provides the summary of estimated individual avoided costs to government based on four persona profiles describing typical YEP client characteristics. Assumptions and data sources used to support this analysis are also listed in the report.



## REFORM AND PROGRAM EXPANSION

### The importance of legal services in a poorly regulated environment

Despite significant penalties for breaches of the Fair Work Act, the pervasiveness of underpayments in Australian workplaces indicates that the current regulatory framework is not sufficiently deterring employers from exploiting young workers who they may expect will not seek to enforce their rights in an expensive and complex system.[4] That workplace exploitation of vulnerable young people persists notwithstanding recent increases to the civil penalties under the Fair Work Act suggests that it may form part of a cost-saving measure for employers to hire (and exploit) young workers.

Our clients' stories reflect this pervasive exploitation, and a lack of options for addressing it. 45% of young workers we assisted in the YEP over the last 3 years were underpaid, and 48% said they wouldn't have sought assistance with their workplace issue elsewhere or wouldn't have known where to go. Our young worker clients are often in precarious employment (including as casual workers) and in non-unionised workplaces.

Moreover, many of our young clients experiencing underpayment are from a culturally and racially marginalized background. For example, 45% of our clients are from a culturally and linguistically diverse background and 33% were born overseas. These young people often experience intersectional workplace disadvantage, including relating to their race, national identity, ability to speak, read and understand complex issues in English, as well as religious or cultural beliefs that impact their work.

These significant barriers to accessing workplace justice highlight the importance of community legal centres in delivering workplace rights education and employment legal services directly to those who need it most, in places they already go for education or other services. The data collected from surveying our clients has shown us that almost half of young workers do not know where to go when they have a workplace issue. By providing combined community legal education and free employment law services both at school and via youth hubs, the YEP has been able to achieve significant outcomes for our young worker clients who would otherwise face substantial barriers to accessing justice.

When a young worker experiences workplace exploitation, the obstacles to enforcing workplace rights are significant. Even with access to free legal

representation, young workers face prohibitive expense when bringing court applications to recover their unpaid wages. Although court fees can often be waived if the applicant cannot afford them, the cost of personally serving court documents on respondent employers (such as through a process server) cannot. Even where young workers do get a court order, actually enforcing that order is an additional, costly hurdle because it requires further legal processes through the courts.

Workers must have free, efficient and accessible ways to recover unpaid wages and entitlements, including through:

- An efficient and accessible small claims process and/or a wages recovery scheme;
- Access to free legal education programs about their work rights and responsibilities; and
- Support from the Fair Work Ombudsman (FWO) and Community Legal Centres (CLCs) to enforce their rights and orders for repayment.

As the Migrant Justice Institute recently observed in their report "All Work, No Pay":

*Where the employer nonetheless continues to evade the court order, the worker must then determine the most appropriate legal action to pursue among several different options, all of which are complex.*

*The worker would require legal advice to navigate these options and would incur significant additional expense to pursue any of them. In many cases, this expense will exceed the amount sought to be recovered. And, where a respondent company or individual has few assets, enforcement action may be futile. While the FWO has at times pursued legal proceedings to enforce unpaid judgment debts following litigation it has initiated, it does not appear to assist workers to enforce debts arising out of a small claims court order. [5]*

The Migrant Justice Institute has joined Professor Andrew Stewart and others in calling for the Fair Work Commission ("FWC") to be empowered to hear underpayment disputes, in order to expand access to justice for exploited workers.[6] As we have seen from the experiences of young workers seeking to recover their employment entitlements in state and federal courts, the inaccessibility of effective jurisdictions remains a pervasive issue, and the FWO can be slow to act in pursuing unpaid entitlements when they do accept referrals.



The Australian Government has known of these barriers for some time – they are regularly called out by CLCs including Westjustice in our submissions – and have been the subject of research and inquiries. [7] For example, in 2019, the Senate referred an inquiry to its Education and Employment Legislation Committee into the causes, extents and effects of unlawful non-payment or underpayment of employee’s wages and measures that could be taken to address the issue. Recommendation 5 of that Senate Inquiry Report specifically recommended that the Australian Government “establish a small claims tribunal, ideally co-located with the FWC, to create a simple, affordable, accessible, and efficient process for employees to pursue wage theft, including Superannuation Guarantee non-compliance.”[8]

The Government accepted this recommendation in principle but cited changes such as increasing the cap on small claims and clarifying courts ability to award filing fees as costs as steps already taken to improve the jurisdiction. [9] More recently, The Government confirmed they were reviewing the small claims procedure, to determine what “enhancements” could be made to ensure workers can more easily recover unpaid entitlements. [10]

While there was significant reform that took place in the Australian workplace relations system in both 2023 and 2024, none of the reforms addressed the issue of accessibility of underpayment claims particularly for young, migrant workers, nor the issue of enforcement.

Enabling young workers to recover entitlements in the FWC’s less formal and more efficient jurisdiction would significantly increase access to justice. We support the calls for the creation of an FWC underpayment jurisdiction, in line with the recommendations of the Migrant Justice Institute.

**Recommendation 1:**

the Australian Government establish an Fair Work Commission underpayment jurisdiction, in line with the March 2022 Senate Inquiry report “Systemic, sustained and shameful: unlawful underpayment of employees’ remuneration” and the Migrant Justice Institute’s 2024 report “All Work No Pay”.

**Junior pay rates are outdated and unfair**

As of July 2024, pay rates for workers younger than 21 years of age can be as low as \$8.55 an hour.

Junior rates, found in the special national minimum wage order made by the FWC [11], in modern awards [12], and lawfully negotiated into enterprise agreements [13], is lawful, systemic discrimination against young people [14]. Junior rates allow employees under 21 to be paid a percentage of the relevant adult rate and specifically impacts young people working in common industries such as retail, fast food restaurants, amusement, events and recreation, and pharmacies. Young workers are presumed to have less experience and skill due to their age and as a result, are legally paid a lower amount; paying lower wages is also considered an incentive to encourage employers to hire less experienced workers with a ‘competitive disadvantage in the job market as compared to older Australians’ [15].

For example, an 18-year-old who has been working at the same fast-food outlet since they were 16, is paid 70% of the adult minimum wage. In contrast, a 22-year-old with no experience is paid the full adult wage for doing the same work. In our experience, it is also not uncommon for this same 18-year-old to train, and sometimes even supervise the 22-year-old, all while being paid less than them. Young workers aged less than 18 years working full-time on award rates will in many cases fall below the poverty line if they do not receive other support.

As we noted in Ignorance is Not Bliss:

*“It is counter-intuitive that while other Australian laws dictate that 18 is the age of adulthood, employment laws effectively delay ‘financial adulthood’ until the age of 21. Junior pay rates can be particularly detrimental for young workers who leave school before the completion of year 12 to pursue full time employment, which was the case for a number of our clients.” [16]*

The table below shows the full set of junior rates for young workers not covered by awards/enterprise agreements under cl. 8 of the National Minimum Wage Order 2024 outlining the Special National Minimum Wage 3 from 1 July 2024:

Age	%	Hourly Minimum
Under 16	36.8%	\$8.55
16	47.3%	\$10.99
17	57.8%	\$13.43
18	68.3%	\$15.87
19	82.5%	\$19.16
20	97.7%	\$22.70

The young workers who we see being paid junior wages are not picking up casual jobs for a bit of extra pocket money, they are members of households who rely on their income. They may be young parents who need to financially support themselves and their children while juggling multiple precarious jobs. Or they may be like Arthur – facing a tough choice between finishing school or working extra hours in order to make enough for their families to survive. As ACTU Secretary Sally McManus has said, “Young people don’t get discounts on their rent or youth grocery bills, so why should they get youth wages?” [17]

According to the McKell Institute, the economic arguments are also in favour of eliminating junior wage rates – it would not be costly to implement, it would stimulate demand for goods and services, and would have minimal labour market impact. Moreover, eliminating junior rates would be less costly than one of Australia’s annual award wage increases, which are considered uncontroversial. McKell Institute Policy Officer Kyle Taylor notes: “Employees paid junior rates make up less than 4 per cent of all employees in Australia and it is estimated that eliminating junior rates would equate to a 0.5 per cent increase in the overall wage costs to employers.” [18]

Junior pay rates are already the target of campaigns run by unions and the media [19], and are supported by the Greens and other community legal centres [20]. The Shop Distributive and Allied Employee’s Association (“SDA”) have lodged an application with the FWC for a determination to vary the General Retail Industry Award, Fast Food Industry Award and Pharmacy Industry Award to delete the table setting out junior rates and replace it with what they consider is a more beneficial schedule of junior rates [21].

We add the Westjustice voice to those calls for reform and ask the Federal Government and FWC to go further and prioritise the eradication of junior wage rates from modern awards and the Fair Work Act. In the same way that civil society (including the ACTU, Victoria Legal Aid and Community Legal Centres) came together as the Power2Prevent Coalition to advocate for the full implementation of the Australian Human Rights Commission’s Respect@Work report recommendations, a more coordinated coalition could be established to progress the current campaign to abolish junior wage rates.

**Recommendation 2:**

The Australian Government should prioritise the eradication of junior wage rates for workers above 18 years of age by amending the definition of “junior employees” in section 12 of the Fair Work Act 2009 (Cth) to mean “a national system employee who is under 18.

**Recommendation 3:**

The Fair Work Commission should prioritise the eradication of junior wage rates for workers above 18 years of age by amending all Modern Awards which define “junior employee”, to be “an employee who is less than 18 years of age”, and removing junior rates from all Modern Awards for 18-, 19- and 20-year- olds.

**Recommendation 4:**

Junior wages for workers under 18-year-olds be increased, either by:

1. The Fair Work Commission amending all junior wage rates to be a flat rate of 80% of the adult minimum wage rate, in all future Special National Minimum Wage Orders for junior employees, and in modern awards following the next modern award review; or
2. The Australian Government amending the Fair Work Act to legislate that wage rates for junior employees under 18 cannot be less than 80% of the adult minimum wage rate.

Recommendation 5: CLCs, unions, and youth organisations establish a formal advocacy coalition to coordinate the campaign to abolish junior wage rates.

## Opportunities to expand the YEP

In addition to the potential for cost avoidance to publicly funded services, the case studies we outline above show the ripple effects of the YEP – Cora feeling empowered to stand up for herself with the support of a Westjustice lawyer, and Arthur sharing his story of workplace exploitation and vindication with his peers in a way that amplifies the value of workplace rights education and co-advocacy. We believe that there is an important and unique opportunity to maximise these ripple effects by establishing a Young Worker Ambassador project within the Westjustice YEP.

The Young Worker Ambassador project will be co-designed with young workers and will identify youth leaders and train them to share with their peers the challenges, resilience and successes they have had in standing up for their work rights. We would pilot the project in the Western suburbs of Melbourne, allowing us to leverage our unique access to a group of workers facing significant intersecting disadvantage, who are unlikely to otherwise seek assistance. The pilot will make tangible the value of workplace rights education to a broader audience. Our strong stakeholder relationships with schools and youth organisations in Melbourne's Western Suburbs would enable us to identify young workers who could help us to co-design and deliver the project.

Our expected outcomes from this Project are:

1. Development of increased public speaking and communication skills and confidence for participants.
2. A better understanding of rights at work and other legal issues such as cyber safety, consumer contracts, and driving for peer attendees who hear their Young Worker Ambassadors share their stories.
3. Strong engagement and participation through the amplification of young people's voices."

Initially the pilot would run for one year, with a robust monitoring and evaluation framework to evaluate whether it would be appropriate to adapt it or scale it up to a broader framework in order to increase the impact. We would support Young Worker Ambassadors to develop the skills needed to share their stories and inspire their peers, drawing on learnings from the in-school lawyers who work in Westjustice's Youth Law Program. This project would require a community development worker to engage with Ambassadors.

### Recommendation 6:

The Victorian Government fund a Young Worker Ambassador project, to be co-designed with young workers. This project would identify youth leaders and train them to share their challenges, resilience, and successes in standing up for their rights with their peers, amplifying and making tangible the value of workplace rights education.

Finally, this report demonstrates a significant legal need in the Western Suburbs for work rights education and for legal assistance for young workers on key issues such as unfair dismissal, underpayment, and workplace injury. However, the YEP is only funded to fill that gap in Melbourne's West until June 2025, while the issue persists across the state and country. The Victorian Government has an opportunity to utilise the tried, tested and refined template of legal empowerment and assistance for young workers delivered by the YEP and scale that to a state-wide model.

While other state-wide employment law services exist for young workers, the YEP model is designed to be place-based and tailored to the local communities' legal needs, with 'in situ' (or 'joined-up') services provided where the young people are already going for other services or leisure (noted by the Victoria Law Foundation as a key design feature that benefits young people in accessing legal services) [22].

The YEP model works with local schools and youth service providers who are familiar with the challenges facing young people in their specific geographic area, and legal services, especially CLE and professional development for those intermediaries working with young people, can be tailored to the relevant needs within the community.

We can therefore amplify the impact of our YEP by:

1. Re-funding Westjustice to continue delivering the service in the Western suburbs of Melbourne, post June 2025.
2. Delivering a Young Worker Ambassador program, detailed above.
3. Developing a state-wide expansion in phases:

#### Phase 1:

Expand to 3 additional Western Melbourne schools

#### Phase 2:

Expand to CLCs and schools in Regional Victoria

#### Phase 3:

Expand across Victoria in place base settings

To develop a state-wide expansion, we propose a hub and spoke model whereby Westjustice would leverage our existing youth employment law expertise to identify, train and support regional CLCs to deliver YEP services in their local communities and schools. This support would include subject matter training, incorporating regional CLC staff into existing communities of practice, and providing secondary consults where required.

Our preliminary environmental scan suggests that Barwon, Ballarat, ARC Justice, and Peninsula CLC would be the strongest candidates for the regional expansion, if they are interested in partnering with Westjustice in this program.

Westjustice is uniquely positioned to scale the YEP to a state-wide model, having piloted and developed Mortgage Stress Victoria from a small program to a state-wide, standalone organisation which launched on 1 July 2024. Mortgage Stress Victoria now delivers financial and legal services to help keep Victorians in their homes. Our organisational capabilities developed during this time make us an excellent launchpad for state-wide programs delivering wraparound services, like the YEP's combined education, co-advocacy,

and legal services, delivered by CLCs around Victoria in a place-based and community-centric way, with the support of a Youth Employment Law Centre of Excellence.

### Recommendation 7:

The Victorian Government re-fund the lapsing YEP with ongoing funding, in order to ensure continuity of existing service delivery and to allow us to expand our assistance to more schools in the West.

### Recommendation 8:



The Victorian Government fund the expansion of the YEP first to a regional and then state-wide model, to support young workers across a greater geographic area of Victoria, to address unmet legal need.



# 13



**APPENDIX ONE**

## IGNORANCE IS NOT BLISS PROGRESS



Overarching recommendations to improve the employment journey for young people		
<p><b>Recommendation 1:</b> <b>Make work rights and responsibilities training available to young people at the earliest stage possible</b></p> 	<p>Young people must be given every opportunity to learn about their work rights and responsibilities prior to entering the job market, including through the school education system and other training programs.</p>	<p>Implementation underway – YEP continues to deliver work rights and responsibilities training to years 10, 11 and 12 in the Western suburbs.</p> <p>Victoria released “Our Promise, your future: Victoria’s Youth Strategy 2022-27” with priority #3 as “Young people achieve their goals through education, training and employment”. Under item 3.2, the Victorian Government promised to “provide skills for the modern economy”, including “equipping students with the skills, knowledge, and confidence they need for the world of work.”</p> <p>At 3.12, the Victoria Government promises to “Work with employers and unions to tackle racism, wage theft, gender inequity, systemic discrimination, unsafe work practices and exploitation of young people in the workplace, including sexual harassment. Work with schools, TAFEs, Apprenticeships Victoria and employer and community services peak bodies to build young people’s understanding of their rights in the workplace”</p>
<p><b>Recommendation 2:</b> <b>Government must enhance access to meaningful and secure work for young people</b></p> 	<p>The federal and Victorian governments should create a Youth Employment Strategy with a specific focus on enhancing access to meaningful and secure work for young people. This should be informed by a cost-benefit analysis of ensuring that young people have access to secure work. Measures could include:</p> <ol style="list-style-type: none"> <li>1. the appointment of a Victorian Employment Commissioner;</li> <li>2. a Youth Jobs Guarantee to ensure young people have access to meaningful and secure work; and</li> <li>3. development and expansion of government-supported graduate programs.</li> </ol>	<p>Implementation underway – The Victorian Government has released and commenced implementing a broader Youth Strategy as noted above, which does acknowledge financial strains on young people at 3.12 - “Expand job opportunities for young people across the Victorian Public Sector.”</p>

Addressing precarious work		
<p><b>Recommendation 3:</b> <b>Conduct a review of the new casual provisions</b></p> 	<p>The federal government should conduct a 12-month review of the new casual provisions in the Fair Work Act 2009 (Cth) (“FW Act”) – which includes further consultation with the CLC sector and employees – with a view to amending these provisions to ensure they do not entrench insecure work.</p>	<p>Implemented – an independent review, undertaken by KPMG, commenced on 11 April 2022 and the report was provided to the Minister for Employment and Workplace Relations on 11 October 2022.</p> <p>Westjustice participated in this consultation and made a submission to the Department of Employment and Workplace Relations on casual worker provisions.</p> <p>Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 introduced changes to casual provisions. Effective From 26 August 2024, there will be a new definition of casual employee in s15A of the FW Act, and there will also be a new pathway to full-time or part-time (permanent) employment for casual employees [23].</p>
<p><b>Recommendation 4:</b> <b>Improve laws to stop sham contracting and provide greater protections for dependent contractors</b></p> 	<p>A statutory definition of ‘employee’ must be introduced into the FW Act. This definition must presume all workers are employees for the purposes of the FW Act unless they are genuinely running their own businesses or on vocational placements.</p> <p>The FW Act should also be amended to limit the defence to sham contracting and ensure that employers are liable when they fail to take reasonable steps to determine the correct classification of workers.</p>	<p>Partially implemented – Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 introduced:</p> <ul style="list-style-type: none"> <li>• Effective 26 August 2024, new definitions of ‘employment’ and ‘employee’ in s15AA of the FW Act, and</li> <li>• Effective 27 February 2024, the defence to sham contracting was changed from a test of ‘recklessness’ to one of ‘reasonableness’. In other words, to defend a sham contracting claim, an employer must now prove that at the time the representation was made they reasonably believed the worker was engaged as a contractor.</li> </ul>

## Improving knowledge of work rights and responsibilities

<p><b>Recommendation 5:</b></p> <p><b>Increase funding for CLCs to deliver targeted employment-related CLE</b></p> 	<p>Funding for CLCs should be increased to enable continued delivery of targeted work rights and responsibilities education to young people, including:</p> <ol style="list-style-type: none"> <li>1. education programs for young people;</li> <li>2. education programs for youth workers; and</li> <li>3. the rollout of other educational materials such as self-help factsheets and social media information campaigns</li> </ol>	<p>Partially implemented – Victorian government has funded 3 years of operation of the Youth Employment Program, which is lapsing at the end of the 2024 financial year. As of the date of this report, there is no confirmation of the renewal or expansion of funding for the next year of operation.</p>
<p><b>Recommendation 6:</b></p> <p><b>Embed work rights and responsibilities training into educational institutions</b></p> 	<p>The Victorian Government should embed work rights and responsibilities education into the secondary school curriculum to ensure that young people are ready for work.</p> <p>The Victorian Government should introduce a mandatory work rights education module into orientation programs (at a minimum) for TAFE, university and other private tertiary education programs to ensure that all young people can understand and take action on the basis of their workplace rights and responsibilities including to secure their legal entitlements and stay in work.</p>	<p>Partially implemented – the new VCE VM now has two work rights and responsibilities modules and Westjustice has developed a Teacher Resource Pack to assist deliver these modules. This will be regularly reviewed and remain freely available for teachers around Victoria to download.</p> <p>Westjustice will continue to advocate for mandatory work rights education in tertiary education settings.</p>

## Improving employment services

<p><b>Recommendation 7:</b></p> <p><b>Improve Fair Work Ombudsman support for employment services providers</b></p> 	<p>The Fair Work Ombudsman (“FWO”) should establish a discrete portal for employment services providers to assist in the review of employer information. This portal should includedirect phone and online access and guarantee minimum response times of no greater than one business day to ensure that job-seekers do not missout on employment opportunities.</p>	<p>Not implemented – no progress.</p> <p>Westjustice will use our stakeholder relationship with the FWO and the FWO CLC forums to continue to advocate for this recommendation.</p>
<p><b>Recommendation 8:</b></p> <p><b>Fund strategic partnerships between CLCs and employment service providers to provide work rights training and post-placement support</b></p> 	<p>Federal and Victorian governments should fund strategic partnerships between CLCs and employment services providers comprising:</p> <ol style="list-style-type: none"> <li>1. targeted work rights training for job-seekers delivered by CLC lawyers as a key component of job-readiness;</li> <li>2. professional development training regarding work rights and responsibilities for employment services staff delivered by CLC lawyers; and</li> <li>3. direct referral pathways to CLCs for vulnerable young job-seekers for post-employment support, advice and/or ongoing assistance inrelation to workplace disputes.</li> </ol>	<p>In 2021/22, funding was received for Westjustice and SMLS to deliver a WorkRights and Responsibilities Legal Service(WRARLS), providing train the trainer education to community employment connectors (CECs) and Victorian African Community Action Plan employment brokers (VACAP-EBs), to train them in employment law and assist them deliver community education to young job-seekers and multicultural communities. Also part of the WRARLS was funding to develop our WRS Resource Pack for teachers to deliver work rights training inschools. However funding for WRARLS ceased after 12 months, and the CEC and VACAP-EB programs ceased the following year. No further partnership funding has been provided since this time..</p>



**Recommendation 9:**

**Improve Common wealth employment services programs**



The federal government should review and improve its Common wealth employment services programs, with a greater focus on meaningful and secure employment. Suggested improvements include:

1. establishing funding structures that promote client-centred, collaborative and non-competitive practices and don't result in perverse outcomes that benefit employment services providers over job-seekers;
2. directing additional funding towards holistic services to disadvantaged job-seekers to ensure sustainable employment outcomes;
3. ensuring work rights and responsibilities training is embedded into all Common wealth employment services programs;
4. establishing wage subsidy agreements, which require employers to demonstrate proactive compliance with relevant employment laws;
5. establishing a licensing scheme for employment services providers (similar to the licensing scheme utilised by NDIS providers) to ensure quality assurance of employment services;
6. directing additional funding towards measures that ensure all employment service providers can provide: intensive and longer-term post-placement support (including accredited training and mentoring support); facilitated assistance to resolve workplace disputes; and dedicated resources for vulnerable young job-seekers at risk of disengagement; and
7. in the tender process, prioritising employment service providers that are embedded in and connected to the local community.

Further research and evaluation needs to be done on the Common wealth employment service programs.

As noted above, the Victorian Government's Youth Strategy addresses secure employment factors:

#3.3 Engage with employers to improve employment pathways for young people into the private and not-for-profit sectors by increasing access to learn and earn pathways such as apprenticeships, traineeships and cadetships, job-ready training through Free TAFE and Learn Locals, and expanding work placement opportunities.

#3.5 Expand targeted job support to young people through Jobs Victoria Services. Provide personal assistance to build work readiness and get jobs through:

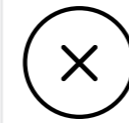
- Jobs Victoria Services
- access to career counselling
- work opportunities via traineeships and wage subsidies through the Jobs Victoria Fund.

#3.6 Strengthen commitments to employ young people who face significant barriers through Victoria's Social Procurement Framework.

While DEWR has a youth "Transition to Work" program, no equivalent national youth employment strategy appears to currently exist at the federal level.

**Recommendation 10:**

**Improve Victorian employment services programs**





The Victorian government should prioritise secure and meaningful employment for disadvantaged young job-seekers through the new Jobs Victoria Employment Services scheme. Suggestions include: setting out a requirement in the new 'charter of service' for employment services providers to:



1. embed work-rights and responsibilities training and education as a key component of job-readiness;
2. provide ongoing post-placement support to young job-seekers (including accredited training and mentoring support); and
3. provide facilitated assistance to resolve workplace disputes.
4. designating young job-seekers from a CALD background and/or with disabilities in the Western metro region as priority groups for specialist services.



Not implemented – no progress.

Westjustice will continue to advocate for this recommendation in our meetings with MPs, Ministers, in collaboration with interested employment service organisations.



## Legislative amendments to prevent exploitation and reduce disadvantage

<p><b>Recommendation 11:</b></p> <p><b>Promote compliance with the FW Act by requiring employers to take positive steps to prevent exploitation</b></p> 	<p>Federal government should amend s 550 of the FW Act to:</p> <ol style="list-style-type: none"> <li>remove the requirement for actual knowledge and require directors and other accessories to take positive steps to ensure compliance within their business or undertaking;</li> <li>ensure that a failure to rectify a breach will also constitute involvement in a contravention.</li> </ol>	<p>Not implemented – no progress.</p> <p>Westjustice will continue to advocate for this recommendation in our meetings with MPs, Ministers, and in relevant law reform submissions.</p>
<p><b>Recommendation 12:</b></p> <p><b>Increase accountability in franchises to reduce exploitation and promote compliance with the FW Act</b></p> 	<p>To promote compliance with the FW Act and ensure that franchisors cannot benefit from workplace exploitation, the FW Act should be amended to:</p> <ol style="list-style-type: none"> <li>widen the definition of 'responsible franchisor entity' in s 558B of the FW Act by removing the requirement for having a significant degree of influence or control;</li> <li>clarify the liability of franchisors and relevant third parties in s 558B of the FW Act, by providing that a responsible franchisor entity, holding company or other third party is taken to have contravened a provision of the FW Act in circumstances where their franchisee entity/subsidiary/indirectly controlled entity contravenes that provision of the FW Act, unless they can show reasonable steps have been taken to prevent that contravention (or a similar contravention) of the FW Act; and</li> <li>clarify the 'reasonable steps' defence in s 558B of the FW Act to require franchisors to take proactive measures to monitor compliance, including by requiring independent monitoring of franchisees and financially viable contracts.</li> </ol>	<p>Not implemented – no progress.</p> <p>Westjustice will continue to advocate for this recommendation in our meetings with MPs, Ministers, and in relevant law reform submissions.</p>

<p><b>Recommendation 13:</b></p> <p><b>Guarantee minimum Award rates for workers covered by nominally expired enterprise agreement</b></p> 	<p>The federal government must protect workers against legalised wage theft by amending the FW Act to include a provision to the effect that, upon the nominal expiry of an enterprise agreement, the wages payable to the employee under the agreement must not be less than the wages payable under the relevant modern award, which would otherwise apply. This provision could also provide an exemption for employers who have issued a notice of intention to negotiate a replacement enterprise agreement.</p>	<p>Not implemented per our recommendation – however workers are protected from wage theft as it is now criminalised at the Federal level.</p>
<p><b>Recommendation 14:</b></p> <p><b>Provide an easier mechanism to terminate expired enterprise agreements</b></p> 	<p>The federal government should amend the FW Act to provide an easier mechanism for terminating expired enterprise agreements in unorganised workplaces. This could include:</p> <ol style="list-style-type: none"> <li>introducing a presumption of termination where the enterprise agreement fails to pass the 'BOOT test' at the time of the application for termination;</li> <li>providing standing to Unions to make an application to terminate an enterprise agreement in circumstances where members of the workplace are eligible to be members, notwithstanding that there are no present members in the workplace.</li> <li>introducing provisions to strengthen the good faith bargaining process and ensure that employees are not disadvantaged by an imbalance in bargaining power. This could include:</li> </ol>	<p>Partially implemented – the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (Cth), introduced automatic termination of all zombie agreements (made before operation of FW Act) on 7 December 2023.</p> <p>While new intractable bargaining provisions have seen significant uptake by unions locked in bargaining disputes with large employers, our recommendations with respect to less-unionised workforces have not been implemented.</p>

	<ul style="list-style-type: none"> <li>a requirement that the employer demonstrates that it has taken reasonable steps to ensure employees have genuinely understood the meaning and effect of the terms of the proposed agreement;</li> <li>a requirement for employers to provide information to employees, which notifies them of their right to attend a free conciliation hosted by the FWC; and/or</li> <li>a requirement that a FWC conciliator facilitate negotiations where employees are unrepresented by qualified advocates such as unions.</li> </ul>	
<b>Recommendation 15:</b> <b>Abolish junior payrates</b> 	<p>The FWC should abolish junior pay rates in minimum wage orders for workers above the age of 18. For workers under the age of 18, the junior wage rate should be amended to a flat rate of 80% of the adult minimum wage rate.</p> <p>The FWC should abolish junior pay rates in all relevant modern awards beyond the introductory classification levels.</p>	<p>Not implemented – however as noted above, there is an ACTU campaign to abolish junior pay rates and the SDA has applied to the FWC to review and amend junior wage rates in 3 major awards.</p> <p>Westjustice will continue to advocate for this recommendation in our meetings with MPs, Ministers, and in relevant law reform submissions.</p>
<b>Recommendation 16:</b> <b>Ensure employer identities are kept transparent</b> 	<p>To ensure that employees can continue to identify their employers irrespective of whether they receive lawful payslips the Australian Business Register should:</p> <ol style="list-style-type: none"> <li>continue to publish historic trading names on the register, searchable via ABN lookup, to give certainty to employees about the identity of their employer; and</li> <li>require all businesses conducted through unincorporated entities to publish an address for their principal place of business and registered office which is publicly searchable.</li> </ol>	<p>Not implemented.</p> <p>Westjustice will continue to advocate for this recommendation in our meetings with MPs, Ministers, and in relevant law reform submissions.</p> <p>We also consider that CLCs should have free access to ASIC searches that currently have costs associated with them.</p>

## Strengthening the role of the FWO

<b>Recommendation 17:</b> <b>Improve the data collection policies of the FWO</b> 	<p>The FWO should collect demographic data regarding key vulnerability criteria from all its customers, wherever possible, to ensure that its strategic priorities are well-informed and provide a better understanding of the employment-related legal issues of workers in Australia. To avoid customers feeling targeted by requests, this data could be collected with a question such as: 'Please let us know if any of these apply to you (select all that apply):</p> <ul style="list-style-type: none"> <li>I am under the age of 25</li> <li>I am from a culturally or linguistically diverse background</li> <li>I am on a temporary visa</li> <li>I have a disability</li> <li>I identify as Aboriginal and/or Torres Strait Islander</li> <li>Etc.'</li> </ul>	<p>Unclear if implemented.</p> <p>Westjustice will use our stakeholder relationship with the FWO and the regular FWO CLC forums to continue to advocate for this recommendation.</p>
<b>Recommendation 18:</b> <b>The FWO should assist young workers to articulate requests for assistance</b> 	<p>The FWO should ensure that workers, particularly young workers, are specifically asked whether they would like to make a request for assistance (either over the phone by CSOs or using a tick-box on the enquiry form) to ensure that workers are provided with the appropriate assistance when they are unable to properly articulate their requests or concerns.</p>	<p>Unclear if implemented.</p> <p>Westjustice will use our stakeholder relationship with the FWO and the regular FWO CLC forums to continue to advocate for this recommendation.</p>

**Recommendation 19:**

**Increase funding to and through the FWO to support vulnerable workers**



The federal government should provide greater funding to the FWO to assist the most vulnerable workers to progress their claims to completion.

The FWO should also provide greater funding to CLCs through its community engagement grants program to ensure that vulnerable workers are able to progress their claims to completion.

Partially implemented –the amount committed for funding increased from \$7.3 million in 2017- 2020 to \$8.1 million in 2021-2024, small CLCs with access to marginalised client groups are still not funded.

We are currently awaiting the announcement of the 2025-28 FWO Community Engagement Grants so cannot confirm the level of funding to be offered.

**Better resourcing for free employment-related legal services**

**Recommendation 20:**

**Increase funding for embedded and integrated employment law services for young people**



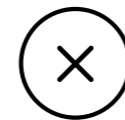
The federal and Victorian governments should provide expanded and long-term funding for integrated and embedded employment law services for young people, comprising: an holistic approach to legal services, which includes the capacity for multidisciplinary assistance where necessary; targeted CLE for young people and their intermediaries to assist young people to identify and exercise their legal rights; and advocacy and systemic impact, which draws on data collected through casework and education.

Partially implemented – Victorian Government has funded three years of operation of the Youth Employment Program, which is lapsing at the end of 2024 financial year. As of the date of this report, there is no confirmation of the renewal or expansion of funding for the next year of operation.

**Improve access to FWC claims for unfair/unlawful dismissal**

**Recommendation 21:**

**Extend the time limit for filing unfair and unlawful dismissal claims with the FWC**



Amend the FW Act to extend the time for filing claims for unfair dismissal and unlawful dismissal (including general protections claims involving dismissal) to 12 months (which should be a discretionary limit similar to anti- discrimination legislation) except in cases where the applicant is seeking reinstatement. This is to ensure that dismissed employees have adequate time to seek appropriate legal advice, consider the most appropriate application and protect their legal interests.

Not implemented.

This remains an issue Westjustice will advocate on in the future. We consider there could also be specific matters deemed to be exceptional circumstances for an out of time application, including experiencing family violence, homelessness, mental illness and/or cognitive impairment.



# Valuing the impact of Westjustice Youth Employment Project

16 December 2024



## Acknowledgement of Country

We wish to acknowledge and pay deepest respects to the Traditional Custodians of the land, sea, sky and waterways. We recognise the ongoing relationship, connection, and association to Country is an integral part of Aboriginal and Torres Strait Islander identity and cultural expression.

We acknowledge that the land is alive, sacred, and intrinsically linked to Aboriginal and Torres Strait Islander spirituality, culture, language, family, lore, and identity and that Aboriginal and Torres Strait Islanders see Country as a person; they speak to Country, sing to Country, visit Country, worry for Country, and long for Country.

We will continue to treat the land respectfully and work collaboratively with all Aboriginal and Torres Strait Islanders.



Artist: Jasmine Miikika Craciun is a multi-media artist and graphic designer residing on Gadigal land.

Jasmine's art-making process is informed by her diverse familial background (Barkindji, Malyangapa, Romanian, Austrian) with the goal of celebrating the strength of those who came before her.

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Ernst & Young (“EY”) was engaged on the instructions of Westjustice (“Client”) to evaluate the avoided costs of the Youth Employment Justice Project (“Project”), in accordance with the Ernst and Young Engagement Agreement dated 18 October 2024.

The results of EY’s work, including the assumptions and qualifications made in preparing the report, are set out in EY’s report dated 16 December 2024 (“Report”). The Report should be read in its entirety including the transmittal letter, the applicable scope of the work and any limitations. A reference to the Report includes any part of the Report. No further work has been undertaken by EY since the date of the Report to update it.

EY has prepared the Report for the benefit of the Client and has considered only the interests of the Client. EY has not been engaged to act, and has not acted, as advisor to any other party. Accordingly, EY makes no representations as to the appropriateness, accuracy or completeness of the Report for any other party’s purposes.

Our work commenced on 25 October 2024 and was completed on 16 December 2024. No further work has been undertaken by EY since the date of the Report to update it, and EY has no responsibility to update the Report to take account of events or circumstances arising after that date. Therefore, our Report does not take account of events or circumstances arising after 16 December 2024.

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# High-level Approach to Avoided Cost Modelling

## Overview

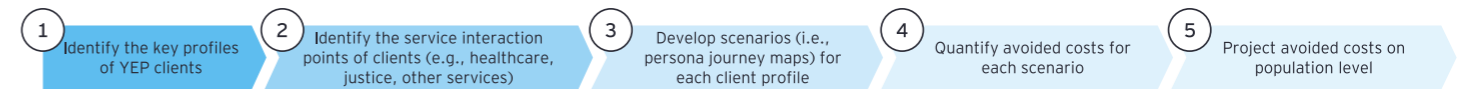
Analysis included in this report has been undertaken to identify the estimated avoided costs to governments through the prevented use of services due to Westjustice’s Youth Employment Project (YEP) interventions. These estimated avoided costs have been quantified using a persona journey mapping approach. This short report outlines the high-level approach to estimating the avoided costs and the key results.

## High-level Approach

The value of Westjustice’s YEP has been quantified through avoided cost modelling analysis. Avoided cost modelling is an analytical approach estimating the savings generated by interventions that reduce the need for more expensive and/or intensive services funded by governments. By defining the key service interaction points, the analysis quantifies savings arising from the reduction/prevention of acute services such as government income support through Centrelink, homelessness support, healthcare services, justice and other government funded services. This is modelled by comparing costs of different scenarios, one including early intervention and one when intervention does not occur.

The assessment of the estimated avoided costs has drawn on data and information provided by Westjustice, publicly available data and research evidence. The approach has been informed by the Department of Treasury’s Early Intervention Investment Framework (EIIF) and is outlined in the diagram below.<sup>1</sup>

Avoided costs have been modelled over a four-year period and have been discounted using a real discount rate of 4%.



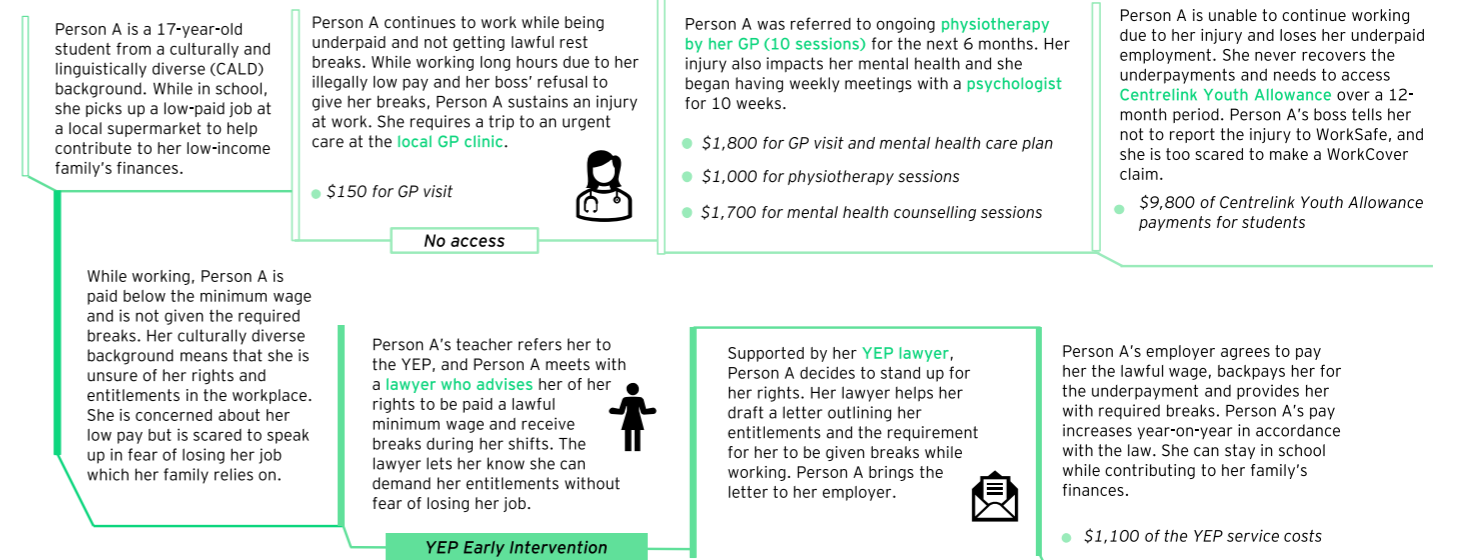
<sup>1</sup> Victorian Department of Treasury and Finance, Implementing the Early Intervention Investment Framework: A report to the Victorian Department of Treasury and Finance (10 May 2022), [link](#).



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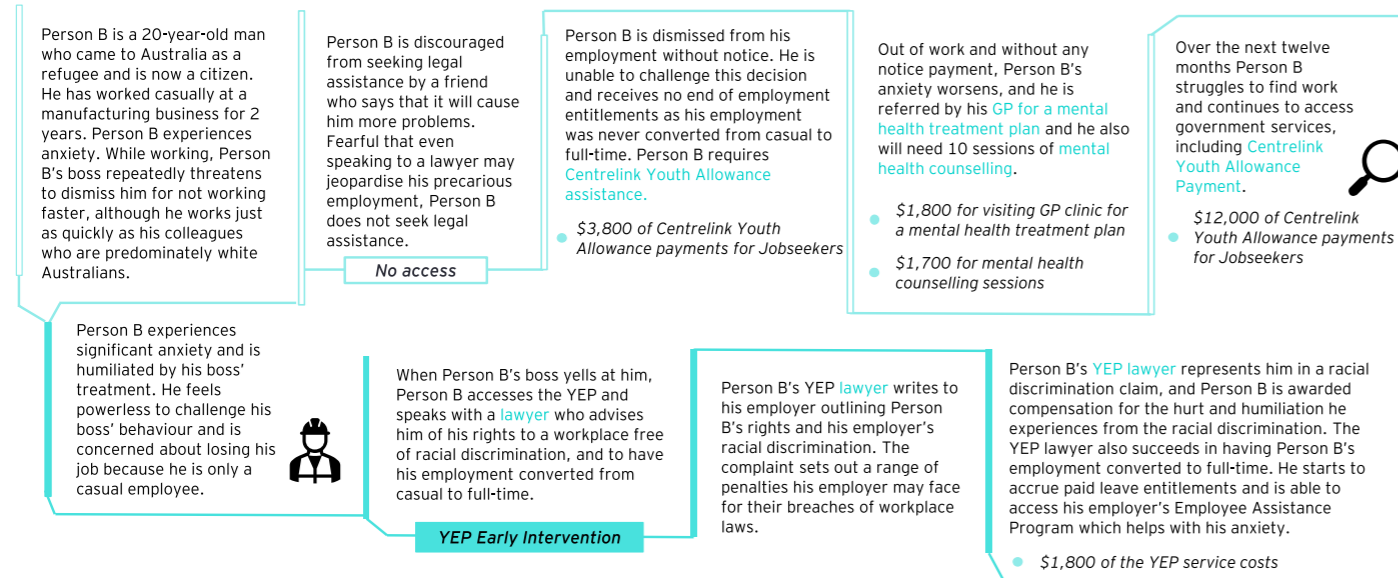
# Persona Journey Mapping Person A



Potential avoided costs	Scenario
\$14,600	No access
\$1,100	YEP Early Intervention

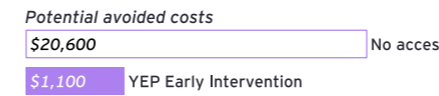
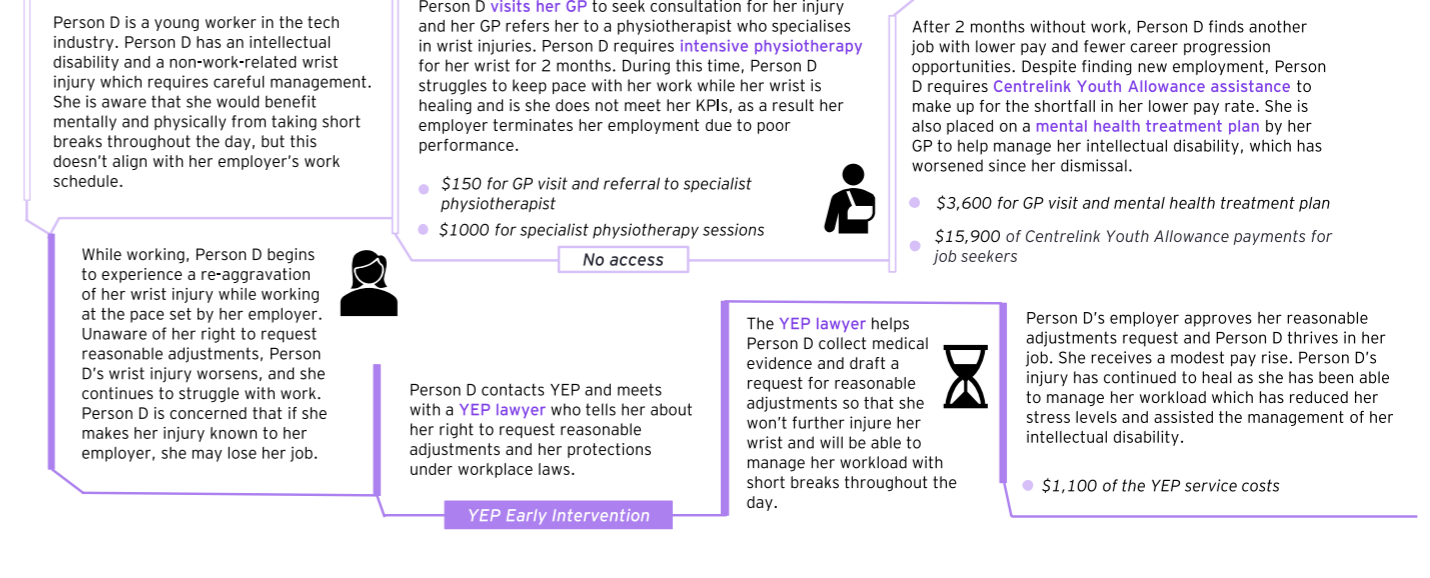
# Persona Journey Mapping

## Person B



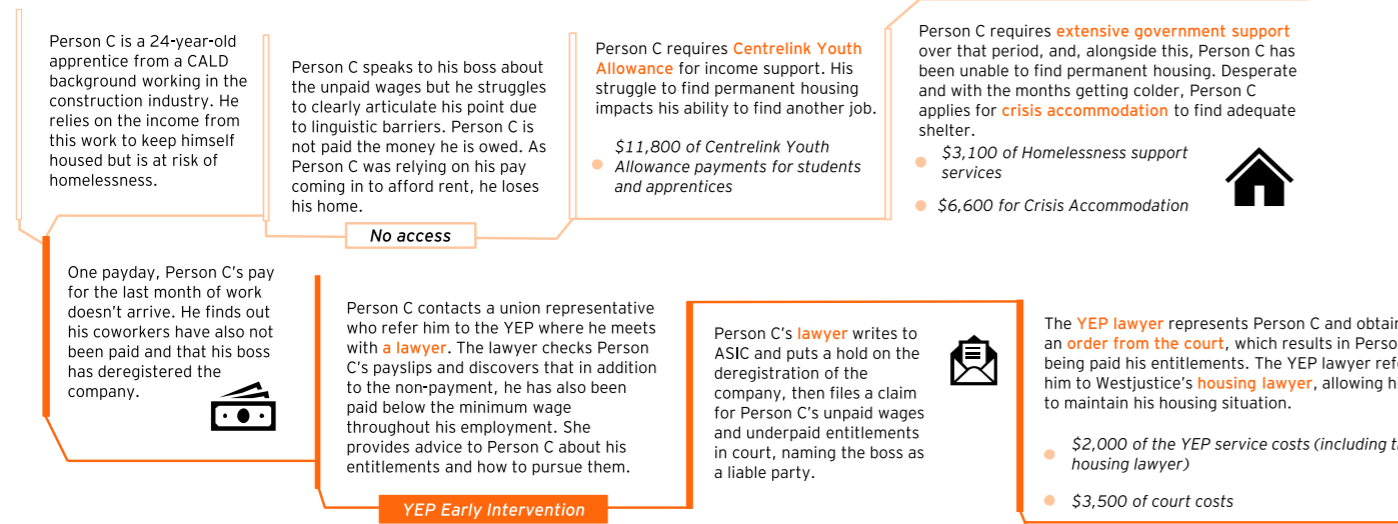
# Persona Journey Mapping

## Person D



# Persona Journey Mapping

## Person C



# Avoided Costs

Westjustice's YEP provides targeted legal services to young people and engages in community education to inform them about work rights and responsibilities, addressing common issues faced by young workers.

Based on the assumptions and scenario used, the findings of the Avoided Cost Modelling Analysis demonstrated that Westjustice's YEP could generate an estimated \$2.2 million savings in avoided costs to governments across the four-year period. These potential savings arise due to the reduction in preventable interaction with high-cost government services such as Centrelink Youth Allowance, crisis accommodation, homelessness support. Additional potential savings are also significant where a client requires mental health support such as counselling or a mental healthcare treatment plan.

This analysis suggests that Westjustice's YEP appears to provide value to governments and a return on investment, that could amount to approximately \$545,000 savings per annum. The table below presents the summary of estimated potential avoided costs to governments for each persona. Assumptions and data sources used to support this analysis are provided in the Appendix.

Persona	Expected number of YEP clients <sup>2</sup>		Total expected government cost per scenario per case		Avoided Costs <sup>3</sup>		
	Year 1	Year 4	No Access	Access to YEP through Early Intervention	Total savings for government over four-year period	Sensitivity lower bound (10%)	Sensitivity upper bound (10%)
Person A	17	17	\$14,600	\$1,100	\$875,100	\$787,600	\$962,600
Person B	3	3	\$19,500	\$1,800	\$211,100	\$190,000	\$232,200
Person C	8	8	\$21,600	\$5,500	\$457,400	\$411,600	\$503,100
Person D	9	9	\$20,600	\$1,100	\$634,500	\$571,000	\$697,900
TOTAL	37	37	\$76,300	\$9,700	\$2,178,100	\$1,960,300	\$2,395,900

<sup>2</sup> Expected population has been quantified using data provided by Westjustice. This relied on the instant growth assumption defining the expected population following the increase in funding. All assumptions are provided in Appendix: Avoided Cost Modelling Assumptions.

<sup>3</sup> Adjusted for 4% discount factor.



## Appendix: Avoided Cost Modelling Assumptions

## Data inputs and modelling assumptions

### Avoided cost modelling - YEP Early Intervention assumptions per journey map

Persona	Legal officer support (hours)	Source
Person A	5	Westjustice
Person B	15	Westjustice
Person C	18 (including the housing lawyer)	Westjustice
Person D	5	Westjustice

### Avoided cost modelling - YEP program assumptions

YEP program assumptions	Annual amount (\$ FY2025)	Source
Total annual funding (expected)	\$350,000	Westjustice
Estimated share of operational cost	20%	Westjustice
Annual operational costs	\$70,000	Calculated
<b>Anticipated demand per year</b>		
<i>Instant growth in number of clients (60%) from year 1 of the analysis (base assumption of 53 clients per annum), constant hereafter (based on the ability to meet demand with current and additional funding)</i>	85 clients	Westjustice <sup>8</sup>
<b>Operational cost loading per persona</b>		
<i>Quantified using 20% of the annual funding as overhead costs with the anticipated demand of 85 clients</i>	\$825	Calculated

<sup>8</sup> Westjustice, Ignorance is NOT bliss (September 2021), [link](#).

## Data inputs and modelling assumptions

### Avoided cost modelling - general assumptions

General	Assumptions
Timing	The persona journeys begin on 1 October 2024, and continue to 1 October 2025
Model period	Costs / projections modelled over 4 years starting 1 <sup>st</sup> October 2024
Discount rate (real)	4% - reference: Department of Treasury and Finance technical guidelines on economic evaluation
Growth assumption	Instant growth in number of clients (60%) from year 1 of the analysis, constant hereafter (based on the ability to meet demand with additional funding)

### Avoided cost modelling - journey map persona assumptions

Persona	Case study	% of YEP clients	Expected total population Year 1	Expected total population Year 4	Source	Scenario Likelihood	Rationale for the Scenario Likelihood Assumption
Person A	A 16-18-year-old student from a culturally and linguistically diverse background (school referral)	40% (out of total 85)	17	17	Provided by Westjustice	51%	1 in 3 young people (32.8%) are not reporting workplace injuries or illnesses to managers or supervisors. Young people reported fear as a major contributor. <sup>4</sup> Two Thirds of Incidents go Unreported. <sup>5</sup>
Person B	A young person aged 19-25-year-old from a refugee background (self-referred)	5% (out of total 85)	3	3	Provided by Westjustice	75%	Roughly three out of four individuals who experienced harassment never talked to a supervisor, manager, or union representative about the harassing conduct. <sup>6</sup>
Person C	A young person aged 19-25-year-old at risk of homelessness (referred by other service provider)	10% (out of total 85)	8	8	Provided by Westjustice	89%	Economic reasons as a most common reason for being at risk of becoming homeless within the CALD community. <sup>7</sup>
Person D	A young person living with a disability (self-referred)	20% (out of total 85)	9	9	Provided by Westjustice	51%	Same as Persona 1.

<sup>4</sup> Young Workers Centre Victoria, Young Workers Health & Safety Snapshot (2016), [link](#).

<sup>5</sup> SOSPEs, Two Thirds of Incidents go Unreported, [link](#).

<sup>6</sup> U.S. Equal Employment Opportunity Commission, Select Task Force on the Study of Harassment in the Workplace (June 2016), [link](#).

<sup>7</sup> Multicultural Mental Health Australia, Homelessness amongst culturally and linguistically diverse people with a mental illness (2011), [link](#).

## Data inputs and modelling assumptions

### Avoided cost modelling - No access efforts assumptions

Persona	Service 1	Service 2	Service 3	Source
Person A	10 physiotherapy sessions	10 mental health counselling sessions	Fortnightly payments for Centrelink Youth Allowance payments for students over a 12-month period	Westjustice
Person B	Fortnightly payments for Centrelink Youth Allowance payments for Jobseekers over a 3-month period	10 mental health counselling sessions	Fortnightly payments for Centrelink Youth Allowance payments for Jobseekers over a 9-month period	Westjustice
Person C	Fortnightly payments for Centrelink Youth Allowance payments for students and apprentices over a 9-month period	Homelessness support services (average annual cost)	Crisis Accommodation (up to 3 weeks for 2 quarters of the year)	Westjustice
Person D	10 physiotherapy sessions	Fortnightly payments for Centrelink Youth Allowance payments for Jobseekers over a 12-month period	10 mental health counselling sessions	Westjustice

### Avoided cost modelling - YEP Lawyer costs

Cost	Base (AUD)	Source year	Source
<b>YEP Legal Officer</b>			
<i>Hourly pay rate (Includes additional 26.5%: Super 11.5%, Leave/ benefits 10%, Prof. Development 5%)</i>	\$68	2024	Westjustice



## Data inputs and modelling assumptions

### Avoided cost modelling - services assumptions

Services assumptions	Base (AUD)	Escalation	Source year	Source
<b>Health</b>				
<b>Local GP Clinic Visit</b> <i>Health assessment (GP) - standard</i>	152	152	2024-25	Medicare Benefits Schedule - Note AN.0.37
<b>Specialised mental health service</b>	1,438	1,709	2019-20	Australian Institute of Health and Welfare 2024, Mental Health, Expenditure on mental health-related services, Public sector specialised mental health hospital services
<b>Mental Health Treatment Plan</b> <i>Session with GP to prepare plan</i>	63	63	2024-25	Medicare Benefits Schedule - item 272
<b>Mental Health Treatment Management</b> <i>Session with psychologist under plan</i>	161	161	2024-25	Medicare Benefits Schedule - item 80010
<b>Physiotherapy sessions</b> <i>Average cost per session</i>	100	100	2024-25	Localsearch, How Much Does it Cost to See a Physiotherapist in Australia?
<b>Social Services</b>				
<b>Social security - Youth Allowance for students and Australian Apprentices</b> <i>Cost per fortnight of Centrelink - Single, no children, 18 or older and need to live away from your parent's home</i>	639	635	2024-25	Services Australia, How much you can get (2024)
<b>Social security - Youth Allowance for job seekers</b> <i>Cost per fortnight of Centrelink - Single, no children, 18 or older and need to live away from parent's home</i>	639	635	2024-25	Services Australia, How much you can get (2024)

## Data inputs and modelling assumptions

### Avoided cost modelling - services assumptions

Services assumptions	Base (AUD)	Escalation	Source year	Source
<b>Social Services</b>				
<b>Social security - Youth Allowance for students and Australian Apprentices</b> <i>Cost per fortnight of Centrelink - Single, no children, younger than 18, and live at your parent's home</i>	395	393	2024-25	Services Australia, How much you can get (2024)
<b>Justice</b>				
<b>Court Case</b> <i>Average Cost per court case - Civil</i>	3,299	3,299	2021-22	Department of Treasury and Finance, Victorian Budget 2022/23 Putting Patients First Service Delivery Budget Paper No. 3
<b>Housing</b>				
<b>Homelessness support services</b> <i>Annual cost per person using homelessness service</i>	2,662	2,947	2021-22	Productivity Commission Report on Government Services 2023 - Table 19A.17 (2023)
<b>Crisis accommodation</b> <i>Cost per night in metropolitan Melbourne</i>	120	149	2016-17	DHHS - RQ367

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**ENDNOTES**

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[10] The Treasury, *Working Future: The Australian Government's White Paper on Jobs and Opportunities* (Final report, Australian Government, September 2023) 193 <<https://treasury.gov.au/employment-whitepaper/final-report>>

[11] *Fair Work Act 2009* (Cth), s294(4)(a) provides that a "special national minimum wage" applies to "all junior employees who are award/agreement free employees, or a specified class of those employees". From 1 July 2024, the Fair Work Commission's *National Minimum Wage Order 2024* (PR773884) provided junior rates for these employees under clause 8, "Special national minimum wage 3" <[www.fwc.gov.au/documents/awardsandorders/pdf/pr773884.pdf](http://www.fwc.gov.au/documents/awardsandorders/pdf/pr773884.pdf)>

[12] *Fair Work Act 2009* (Cth), s139(1)(a) provides that a modern award may include terms about minimum wages, including wage rates for junior employees. Section 153(1) of the *Fair Work Act* states that a modern award must not include a term that discriminates on the basis of age, however s153(3)(a) provides an exception to this rule, namely that a term of a modern award does not discriminate against an employee because it provides for minimum wages of junior employees, or a class of junior employees.

[13] *Fair Work Act 2009* (Cth), s195(3)(a) states that an enterprise agreement (which would otherwise not be approved by the Fair Work Commission for containing prohibited discriminatory terms) does not discriminate against an employee "merely" because it provides for wages for junior employees, or a class of junior employees.

[14] *Equal Opportunity Act 2010* (Vic), s75 and s76; *Age Discrimination Act 2004* (Cth), s39(8); *Fair Work Act 2009* (Cth), s351(2)(a), with reference to s351(3) (aa) and (b).

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[22] Rychner and McDonald, above n1, 16.



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