



# Young Workers Legal Service

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*National Young Workers Conference*



# Young Workers Legal Service

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- Est. 2003 by SA Unions
- Volunteer based service
- Young workers under 30
- All employment related issues
- Our Philosophy



## Statistics and data

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- 574 clients – July 2007
- 75 open files
- Underpayment of wages
- Unfair Dismissals
- Discrimination & sexual harassment
- Traineeship/apprenticeship
- General rights information



## Young Workers in SA

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- Generally they do not know all their rights
- They have not as much access to unions
- They are vulnerable to exploitation
- Less confident to bargain/negotiate
- Highly casualised workforce
- Industries with high turn over of staff



## 2005-2006 Annual Report Data

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- 167 clients
- 86 - Female, 81 - Male
- 38 - Full time
- 36%- Casual
- 16%- Trainee/Apprentice



## 2005-2006 Annual Report Data

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- 40% - underpayment of wages
- 27% - unfair dismissal
- 16% - equal opportunity
- 13% - training issue



# 2005-2006 Annual Report

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- 18% - Retail
- 12% - Hospitality
- 11% - Administration
- 8% - Construction & Trades
- 6%- Hair & Beauty ; Fast Food
- 5% - Manufacturing ; Automotive



# Impact of WorkChoices

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- Inability to challenge unfair dismissals
- Increasing use of AWAs
- Increasing use of “flat rate” and removal of penalty rates when no AWA
- Hostile and unfriendly workplace – bullying
- Pressure on workload and overtime
- Generally, a very confusing and complex industrial relations system



# Unfair Dismissal

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- Retail, hospitality, administration and manufacturing
- Casuals – lack of job security
- Substantive unfairness
- Procedural unfairness



## Unfair Dismissals- common themes

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- Terminated without notice
- “One strike & you’re out” - Not put on notice re work performance
- Not trained in areas of work
- Terminated for taking sick leave
- Minor indiscretions



# Unfair Dismissals . WorkChoices

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- Cut out many young people from pursuing unfair dismissals
- *26 March 06 - 1 June 07* - 11 unfair dismissal applications (7 AIRC ; 4 SAIRComm)
- 28 other young workers have been prevented from pursuing unfair dismissal
- Jurisdictional points mean that the merits of a case become irrelevant
- 100 employee rule
- 6 month qualifying period
- 12 month qualifying period – casuals



# Discrimination

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- Of increasing importance – in industrial laws and equal opportunity
- Sex, age, disability, race, pregnancy
- During the course of employment
- Discriminated by employer or co-workers
- Reason for termination



# Discrimination . Case Studies

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- Race Discrimination – “the terrorist”
- Disability Discrimination – “the sickie”



## Discrimination . Impact

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- Low self-esteem and confidence
- Inability to trust in others
- Inability to return to work
- Anxiety and paranoia
- Depression
- Sleeping problems
- Suicidal thoughts



# Underpayment of Wages

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- Young workers particularly vulnerable
- Non-payment of penalty rates
- Non – payment of casual loadings
- Non payment of entitlements
- No overtime, allowances, meal breaks,
- No paid notice period
- On payment of commission
- Not paid at all



# Underpayment . Case Study

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- The Contractor vs The Employee



## Where to for young workers?

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- Become unionised
- Become pro-active and aware of the IR system
- Talking to co-workers/friends/family
- Not accepting sub-standard wages and conditions
- Be prepared to fight for rights