

Know your rights at work



international students

International students and workplace rights

International students face many barriers in the workplace because of the 20 hour work restriction (condition 8104 and 8105). It means that most international students cannot legally work more than 20 hours per week during semester. Many international students have no choice but to work over 20 hours per week to make enough to get by, particularly due to rising student fees and the rising cost of living.

International students who are breaking the 20 hour work restriction are often less confident to stand up for their rights at work. This results in unequal treatment of international students in the workplace and can lead to reduced wages and poorer working conditions.

It is ILLEGAL for bosses to force international students to work over their 20 hours, yet many employers do it. In some cases these employers use threats of deportation to drive down wages and working conditions. It is important to remember that these employers face thousands of dollars in fines or prosecution if they get caught, as they are breaking the law themselves.

Equal rights for international students!

International students often work in sectors that are largely un-unionised and there are few protections. For example, many international students do not know their workplace rights or the standard award rates that apply to their industry. This means that international students are often being paid below the minimum wage or putting up with conditions they shouldn't have to.

International students contribute as much to society as other workers do. They deserve the same workplace rights as everyone else!

The 20 hour work restriction

The 20 hour work restriction was supposed to ensure that international students focused on study not work, and “protect” local wage rates. Instead, the 20 hour work restriction means international students have no flexibility to organise work around their study timetable, like local students do. With the rising cost of study and living, this has forced many international students into low-paid work in sectors where the 20 hour rule is not enforced, leaving them vulnerable to exploitation because of fear of the Immigration department. Many international students work for well below the local wage rate because they do not know their rights or are afraid to speak up about them.

The 20 hour work restriction, and the lack of information provided to international students about their workplace rights, has created a situation in which gross underpayment of wages, fraud by employers, bullying and intimidation of international student workers thrives.

The Department of Immigration states that employers can be prosecuted or fined for knowingly using, and exploiting someone who is working illegally. But many students fear coming forward because of the 20 hour rule.

Your rights as an international student

Many bosses pay international students much lower than they would other workers for the same work, even though this is illegal. Bosses often hire international student workers because they think they can convince them they don't have the same rights to pay and conditions as other workers. While the 20 hour work restriction makes life difficult for international students, they still have many rights.

As an international student worker you have the right to:

- Receive a pay slip.
- Be paid for all hours worked
- Receive the legal minimum wage
- Be paid the same wage for the same work as a permanent resident or citizen
- A safe and healthy workplace as defined in the 2004 OH&S Act (Victoria)
- Receive compensation for lost wages and medical expenses if injured at work
- Receive 9% employer contribution to your superannuation
- Join a trade union
- Be free from discrimination. Under the Equal Opportunity Act it is against the law to discriminate against someone on the basis of their gender, race, nationality, union membership, etc.

violence against international students

Many international students work late night shifts or in jobs where they are the only staff member at work. These jobs place students at greater risk of violence both at work and traveling home. Often international students are traveling home late at night after late shifts, to areas where public transport is inadequate. Your boss has an obligation to provide a safe workplace for you. The best way to ensure the safety of international students in and around the workplace is to fight for better wages and working conditions. Penalty rates should be paid for late night shifts (so that workers can afford a taxi home) and adequate security should be in place (like cameras and shields in taxi's and around cash registers).

Unpaid work and stolen wages

International students often find themselves working unpaid trial work. THIS IS ILLEGAL. Even if you are new to a job, you have to be paid an hourly wage for all the work you perform. Even the hours that are worked to meet the requirements for an application for skilled migration MUST be paid hours. In many cafes and restaurants it is normal for workers to be given food for meal breaks or to take home, but THIS IS NOT YOUR PAY. You must be paid in money for all the hours that you have worked.

Your boss CANNOT take money out of your wages if the till doesn't add up or something is stolen on your shift. Even if your employer accuses you of stealing, they cannot take the missing amount out of your wages.

International students have the legal right to make complaints about breaches of workplace law and health and safety law, without this impacting on their visa. However, if you are working in breach of the 20 hour work restriction, you should contact UNITE for confidential advice and support. UNITE will not pass on any of your details without your permission.

International students need to organise!

While it can be difficult to organise your workplace when you are an international student, it can be done! UNITE international student members have won back pay and improved wages for international students by working together and fighting back against exploitative bosses. UNITE members are also campaigning to have the 20 hour work restriction abolished. By organising international students into fighting unions with other workers, we can improve conditions for international student workers.

If you work in fast food or retail... **join UNITE!**

UNITE is a fighting union for fast food and retail workers in Victoria. The fast food and retail industries are a source of employment for thousands of young people. Employment in these industries usually means casual hours, low pay, workplace bullying, and unsafe work practices.

This growing sector is mostly dominated by a handful of greedy corporations who are determined to drive down production costs in order to boost profits. One way that they reduce production costs is by employing young people and paying them low wages. Another way is by employing most of their staff on a casual basis. This saves them money by not having to pay out holiday pay, sick pay and all of the other benefits permanent staff enjoy.

It doesn't have to be this way! The creation of low paid casual jobs in the fast food and retail industries is only a relatively recent development. The reason other industries have been able to achieve better wages and conditions is by building fighting unions and bargaining collectively to force these greedy companies to pay higher wages, improve conditions and to provide workers with some security in their lives.

The time for workers in fast food and retail to have their own fighting union is long overdue. We urge all workers in the fast food and retail sectors in Victoria to join UNITE.

**CONTACT
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Membership fees:

HOURS (per week)	WEEKLY FEES
0 - 10	\$2
10 - 20	\$4
20 +	\$6