



TOPIC:

EXPLOITATION & HOW TO AVOID IT

Individuals, including international students, who are engaged to perform work in Australia have basic rights and protections in the workplace under Australia's workplace laws. The most common type of engagement will be as an employee. However, you can also be engaged by a business or organisation in a number of different ways, for example, you can be engaged as a volunteer, on an internship, work experience, or even as an independent contractor.

Regardless of the type of work you perform, it is important to understand your rights and protections whilst working in a foreign country to ensure that you are not taken advantage of as a student.

This fact sheet highlights key things to look out for as an employee or when engaging in unpaid activities as well as what exploitation can look like and who to talk to if you find yourself in an exploitive situation.

THINGS TO LOOK OUT FOR DURING EMPLOYMENT**EMPLOYMENT TERMS SHOULD BE IN WRITING**

Before starting work with a business or organisation, make sure that your **employment terms and conditions are in writing** and that you **understand them before signing anything or starting work**.

**ASK FOR ADVICE OR CLARIFICATION**

Take the time to read through the terms and conditions given to you and do not be afraid to ask for advice or clarification about anything you do not understand – your employer as well as another adult such as a university lecturer or tutor are good options. **You should never feel pressured or forced to sign a document related to your employment.**

**PAID WORK V UNPAID EXPERIENCE**

If you are considering doing work without pay, make sure that it is a legitimate form of unpaid work. **Legitimate forms of unpaid work can include volunteering, vocational placements, some kinds of internships, or work experience.**

There are **special rules** around when work should be paid and when an employer can ask you to do work for free. If the work you are being asked to do does not comply with those special rules, it may not be a legitimate form of unpaid work and you may be entitled to be paid for any work that you perform. Visit www.industrialrelations.nsw.gov.au to learn more.

**CORRECT PAY AND TAX DEDUCTIONS**

If you are doing paid work, make sure that you are **paid the correct amount** and that you are **provided a pay slip** after each pay period which accurately reflects any payment you have received and **the tax that has been deducted**.

There are only certain circumstances in which an employer can lawfully make deductions from your pay, such as for tax and superannation purposes.

Most employers will pay you by electronic funds transfer to your bank account, however, you may be paid in cash as long as your employer has deducted any applicable tax and kept proper records of what you were paid.

**DISCRIMINATION IS NOT OK**

It is also important to remember that **employees cannot be treated differently in the workplace because of attributes such as their race, colour, sex, sexual orientation, marital status, pregnancy or religion.**

RISKS OF EXPLOITATION

Unfortunately, the employment of international students in Australia has become an area that is rife with exploitation by businesses who see this as an opportunity to secure cheap labour from those who may not be aware of their rights and protections under Australian law.

Exploitative measures by employers can include:



Misrepresentation of employment status as unpaid work trials or work experience – employees may be advised that the work they want you to perform is unpaid when, in fact, you should be paid



Underpayment – being paid less than the minimum rate of pay or not being paid appropriate penalty or overtime rates for the work performed



Unauthorised deductions or cash-back schemes – employers may deduct from an employee's pay more than they are authorised to deduct, or they may ask an employee to pay back some of the wages they have been paid – this is illegal



Threats of loss of employment or visa status – employees may be deterred from raising concerns or complaints about their employment for fear of loss of employment or their visa. If this occurs tell someone at your university and/or contact the Fair Work Ombudsman.

FURTHER INFORMATION – If you have any questions about your rights and protections in the workplace, or are concerned about your employment, you can contact the Fair Work Ombudsman who can provide further information and advice. <https://www.fairwork.gov.au/>

If you are unsure about the work that you are permitted to perform under your visa, you can contact the Department of Home Affairs. <https://www.homeaffairs.gov.au/>

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