Knowledge is not power, but it’s a start
What young people know about their rights and obligations in employment

BY PAULA MCDONALD, ROBIN PRICE & JANIS BAILEY

Scholarship addressing the employment concerns of school-age workers has identified a number of areas of vulnerability. Prominent among these is that young workers have insufficient knowledge of their rights in employment, yet the extent of this knowledge has not previously been quantified. This study explores areas of strength and deficit in awareness of employment rights and obligations in a sample of 892 young people in Australian high schools. The findings demonstrate that despite part-time work being a majority experience for school students, young Australians know relatively little of their employment rights. The conclusions underscore the need for education strategies that inform young people prior to and in the very early stages of their working lives.

Research on the employment participation rates of secondary school students in Australia and other developed economies indicates that paid employment is a majority experience (e.g. Australian Bureau of Statistics (ABS) 2008; Ruscoe, Morgan & Peebles 1996). In Australia, three-quarters of school students will have worked at some point before completing secondary school (New South Wales Commission for Children and Young People 2005). Behind these high participation rates are a number of social, economic and cultural factors: increased participation in education; a relative abundance of casual jobs in retail and service industries, driven by the growth of deregulated trading hours; low wage costs associated with youth wage rates; increased consumerism among young people; and changes to government welfare policies such as Youth Allowance and the Higher Education Contribution Scheme (ABS...
Research suggests that youth in paid work are a vulnerable group. Key areas of concern are underpayment; adverse employment conditions, such as pressure to work while sick, and missed meal breaks; occupational health and safety breaches; and lack of access to formal redress when underpaid or otherwise exploited (Brosnan & Loudoun 2004; JobWatch 2004; Quinlan, Mayhew & Bohle 2001; Unions SA 2005). These vulnerabilities have been attributed to both structural and individual factors. Principal among these are young people’s concentration in precarious jobs, lack of power in the employment relationship (including very low unionisation) and deficits in knowledge of employment rights (Australian Council of Trade Unions 2003).

Lack of knowledge of employment rights is frequently cited as a key factor underpinning vulnerability. Sociological research on young people’s transitions to adulthood has revealed that youth are generally much less aware of their rights than their responsibilities in a range of spheres (Lister et al. 2003). However, empirical evidence about how young people understand and experience formative periods of employment is relatively scarce. This paper seeks to address this gap in the extant literature by quantifying the level of knowledge of school-age workers about paid work, with respect to both rights/entitlements and obligations.

The data come from a survey of nearly 900 students in 19 high schools in Australia. Younger students in Year 9, around two-thirds of whom were currently not working but who were likely to take up a part-time job in the near future, were compared with those in Year 11, most of whom were working. The findings contribute to the scant literature pertaining to school-age workers and inform specific educational strategies to assist young people to more effectively participate in the formative stages of their working lives.

**Contours of the Australian youth labour market**

Of the 1.48 million young people in Australia aged 15–19 years, 70% are full-time students, of whom 37% work, predominantly in part-time roles (ABS 2010a).

Student jobs tend to be unskilled manual work. Of 15- to 19-year-olds in employment in 2008–2009, the dominant occupation was sales workers (34%), with sizeable groups working as labourers (23%), technicians and trades workers (17%), community and personal service workers (13%), and clerks and administrators (7%) (ABS 2010b). Another persistent feature of Australian youth employment is casualisation, defined as contractual arrangements without leave entitlements and with no guarantee of ongoing work (Creighton & Stewart 2005). Low wages, known as “junior” wage rates, are also an enshrined feature of the Australian wage fixation system, introduced to encourage entry-level employment (Australian Industrial Relations Commission (AIRC) 1999). A 1996 survey of awards found that 60% contained junior rates (AIRC 1999); an estimated 56% of young workers receive youth rates (Daley et al. 1998).

The regulatory framework surrounding young people’s employment is multi-layered. It includes the rights and responsibilities that have been established for all Australian workers at both national and state levels, mainly via national employment legislation, the Fair Work Act 2009 (Cth), as well as distinct legislative protections for young workers (Stewart 2008). Workplace health and safety legislation – at present state-based, but in the process of shifting to the national sphere – establishes a...
duty of care for all employees, particularly young workers. In Queensland, where this study was conducted, the Child Employment Act 2006 (Qld) restricts school-age children, defined as those 13 years of age and over, but who have not yet completed Year 10, from working more than 12 hours per week during a school week, and 38 hours in a non-school week. Limits also apply to the duration of each working day – four hours on a school day and eight on a non-school day – with exclusions for family businesses. Parental consent is also mandated.

**Structural effects that limit rights**

A range of structural issues affect the context in which young people work. The domains of work and education interact, in that young people cannot legally exit the education system until they have completed Year 10 or attained 16 years of age. Another limitation is that young people can work part-time from the age of 13 years with parental permission (Child Employment Act 2006 (Qld)), yet, as indicated above, are not entitled to an adult wage until somewhere between 18 and 21 years of age, depending on the wage fixation instrument (AIRC 1999). The persistence of youth rates also reduces young people’s earning capacity, and pervasive casualisation leaves young workers exposed to arbitrary management rostering decisions. Even when young workers are aware that their rights have been breached, they remain loath to “complain or seek redress” (Australian Law Reform Commission 1997), possibly because they lack an understanding of the available mechanisms to do so, due to endemic disparities in power between young people and their employers (Denniss 2005), and because young people are generally constructed as incompletely developed and less able to make informed choices (Carson, Fitzgerald & Roche 2000).

While the above literature informs us about shifts in and the extent of young people’s labour market participation, and how their ability to exercise their rights in the employment relationship is likely to be limited, it tells us little about how literate young people are in terms of knowledge of their rights and obligations at work, or how and when this literacy is acquired. This research aims to establish what young people know of their employment rights and obligations.

**Methods**

The questionnaire data reported in this paper formed part of a larger study that examined high school students’ experiences of work from a multi-stakeholder perspective. Questionnaires were administered to 892 students attending 19 schools (47% metropolitan; 28% rural; 25% provincial city) in the state of Queensland. Comparisons in levels of knowledge were explicitly made between Year 9 students (n = 579, 65%), who were 13 to 14 years old and who had low workforce participation rates (35% employed), and Year 11 students (n = 313, 35%), who were 15 to 16 years old and had higher workforce participation rates (80% employed). Females comprised 64% (n = 569) of the sample and males 36% (n = 316). This gender disparity was likely due to a greater propensity for female students to return the necessary parental consent forms. We report on questions that were relevant to knowledge of rights and obligations in employment.

The knowledge measure comprised 20 questions derived from provisions in the Child Employment Act 2006 (Qld), in addition to prior scholarship identifying common breaches of employment legislation and specific areas of vulnerability for young workers. Questions addressed five themes: health and safety (five questions); freedom of association (three questions); duties and entitlements (three questions); remuneration (seven questions) and work hours (two questions). Each question...
allowed for three response options (‘true’, ‘false’ and ‘don’t know’). Ten statements were written with ‘true’ as the correct response and 10 with ‘false’ as the correct response. A ‘don’t know’ option was included to distinguish students who gave incorrect responses from those who were genuinely unsure, which has been shown to impact on the learning process (Willingham 2003/2004). Analysis was conducted using SPSS and consisted of summing correct responses within each theme to give a subtotal, with total correct responses providing an overall knowledge score between zero and 20. Differences in knowledge across gender, year level and region were ascertained through t-tests and ANOVAs.

Results

Students’ overall knowledge of employment rights and obligations

Just over half of the student cohort surveyed (51%; n = 438) was currently employed, and/or had participated in paid employment in the previous year. Females (53%) were more likely to have been employed than males (48%). As we expected, a much larger proportion of Year 11s worked (n = 245, 80%) than students in Year 9 (n = 193; 35%). Most working students knew their employment status. Ninety percent were employed as casuals, 3% as permanent and 2% indicated they were self-employed. However, most (83%) did not know which industrial instrument – that is, whether an award, agreement or individual contract – applied to them. Fifteen percent (n = 64) said they were engaged under an individual contract – known as an Australian Workplace Agreement (AWA) – and 2% knew they were covered by a collective agreement.

Overall, students were not well informed about their work-related entitlements or regulatory constraints governing employment. As expected, t-tests confirmed that Year 11 students had significantly higher levels of overall knowledge (Mean = 13.3419) than their Year 9 counterparts (Mean = 11.3903) (t = -7.44 (890); p<.001) and this knowledge difference held for all sub-themes. The only question that Year 9 students were more likely to answer correctly included “all workplace injuries should be reported and recorded” (20% correct compared to 15% correct; a small but significant difference). There was no significant correlation between hours worked per week and knowledge of workplace rights but there was a significant positive correlation between age and knowledge (correlation = .18, p = .000). Notably, for both working and non-working student groups, there were significant differences in knowledge across year levels, though mean differences in total knowledge scores were greater for working students than non-working students. Taken together, these results support the notion that the fact of being employed is what determines knowledge, rather than hours worked. However, even if school students do not engage in paid work, they still acquire knowledge as they get older and/or become more developmentally mature. Learning may be acquired via non-workplace sources such as schools, parents or the media. There were no significant gender differences in total knowledge scores.

In a similar way to year level, geographic location was significant as regards to knowledge of employment rights and obligations. Rural students (M = 12.44, SD = 3.44) had significantly higher mean knowledge scores compared to those of metropolitan students located in Brisbane and the Gold Coast (M = 12.18, SD = 3.99) (F = -7.445 (891); p<.05; .018) and students located in provincial cities, which were defined as towns with more than 10,000 residents (M = 11.48, SD = 3.94). Hence, rural school students may have better access to relevant employment relations information than...
metropolitan and provincial students. Table 1 summarises students’ overall knowledge scores.

Table 1: Students’ overall knowledge of paid work by demographic categories

<table>
<thead>
<tr>
<th>Demographic Category</th>
<th>Mean*</th>
<th>Median</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>12.1</td>
<td>13.0</td>
<td>3.8</td>
</tr>
<tr>
<td>Females</td>
<td>12.1</td>
<td>13.0</td>
<td>3.7</td>
</tr>
<tr>
<td>Year 9</td>
<td>11.4</td>
<td>12.0</td>
<td>3.8</td>
</tr>
<tr>
<td>Year 11</td>
<td>13.3</td>
<td>14.0</td>
<td>3.6</td>
</tr>
<tr>
<td>Metropolitan</td>
<td>12.2</td>
<td>13.0</td>
<td>4.0</td>
</tr>
<tr>
<td>Provincial</td>
<td>11.5</td>
<td>12.0</td>
<td>3.9</td>
</tr>
<tr>
<td>Rural</td>
<td>12.4</td>
<td>13.0</td>
<td>3.4</td>
</tr>
<tr>
<td>Overall knowledge</td>
<td>12.1</td>
<td>13.0</td>
<td>3.8</td>
</tr>
</tbody>
</table>

*Knowledge scores ranged from 0 to 20.

Knowledge of health and safety

Workplace health and safety was the thematic area where students demonstrated the highest levels of knowledge. Most students knew that employers could not legally harass them and that they were not required to tolerate such treatment. These statements attracted the most correct responses on the survey, perhaps because anti-bullying programs are widespread in Queensland schools. However, knowledge of injury reporting and of workers’ compensation were answered correctly less often than questions related to harassment and obligations to follow employers’ directives. Nearly one-quarter of students indicated they did not know whether all employees were entitled to workers’ compensation. However, more than four-fifths of students knew that they did not need to do everything their employer asked of them, especially if unsafe.

The most likely explanation for the lower scores on injury reporting is that students’ experiences in the workplace have led them to believe that only serious injuries need to be reported. This was borne out by the student focus group interviews (see McDonald et al. (2013 in press), during which students often spoke of minor injuries such as cuts and burns that went unreported. Of the employed students who completed the survey, just over a quarter had been injured in the course of their employment. In fact, students who indicated they had been injured were significantly less likely to answer this question correctly (t = -2.47, 435, p = .014), indicating that poor employment practices may lead young workers to believe that injuries do not need to be reported.

Table 2: Students’ knowledge of health and safety

<table>
<thead>
<tr>
<th>Question</th>
<th>Correct</th>
<th>Incorrect</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employers can legally harass those under 18 years old</td>
<td>91</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Employees who are harassed at work need to learn to deal with it</td>
<td>85</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>I have to do everything my employer asks me to, even if unsafe</td>
<td>81</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>Only serious injuries need to be recorded and reported</td>
<td>72</td>
<td>19</td>
<td>9</td>
</tr>
<tr>
<td>All employees are entitled to workers’ compensation</td>
<td>70</td>
<td>6</td>
<td>24</td>
</tr>
<tr>
<td>Mean responses across all health and safety questions</td>
<td>80</td>
<td>9</td>
<td>11</td>
</tr>
</tbody>
</table>

Duties and entitlements

Around seven in 10 students knew that they required written parental consent in order to work. Given the high workforce participation rates in the sample, it is likely that many young people had had to obtain a parent’s consent to obtain work. Only half of those surveyed knew that casual employees could have their hours changed at short notice and another quarter indicated they did not know the answer to this question. This was surprising, given that most students were employed on a casual basis, but perhaps indicates that many casual student workers actually experience regular
hours and are advised of those hours with reasonable notice. The majority of students indicated correctly that they were required to take care of their employer’s property.

Table 3: Students’ knowledge of duties and entitlements

<table>
<thead>
<tr>
<th>Total (%)</th>
<th>Correct</th>
<th>Incorrect</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students under 16 must get their parents’ consent to work</td>
<td>71</td>
<td>17</td>
<td>12</td>
</tr>
<tr>
<td>As an employee, I have to take care of my employer’s property</td>
<td>70</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Casual employees can have hours changed at short notice</td>
<td>50</td>
<td>23</td>
<td>27</td>
</tr>
<tr>
<td>Mean responses for all duties and entitlements questions</td>
<td>64</td>
<td>18</td>
<td>18</td>
</tr>
</tbody>
</table>

Work hours

The two questions about restrictions on working hours rested on provisions in the Child Employment Act 2006 (Qld). Around two-thirds of students knew that they were not allowed to work more than 12 hours in a school week, though one in six answered incorrectly and one in five did not know. Far fewer students (one in four), however, were aware they could not work more than four hours on a school day. This does not necessarily indicate that students are actually working more than four hours per day during term-time, but it does indicate that the limits are not monitored by employees themselves, but rather by employers and possibly parents.

Table 4: Students’ knowledge of work hours

<table>
<thead>
<tr>
<th>Total (%)</th>
<th>Correct</th>
<th>Incorrect</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students under 16 cannot work &gt;12 hours in school week</td>
<td>65</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Students under 16 can work &gt; 4 hours daily during school term</td>
<td>28</td>
<td>41</td>
<td>31</td>
</tr>
</tbody>
</table>

Remuneration

Seven questions addressed knowledge of remuneration in employment. Knowledge of entitlements (paid annual and sick leave) for casual and permanent employees was quite high at 70% and 80% correct respectively. However, around half of the sample incorrectly believed that all workers receive penalty rates for Sunday working (those on some industrial instruments do, while others do not), while only 28% answered this question correctly. Students who actually received penalty rates in their jobs – a question that was asked in another part of the survey (n = 165) – were no more likely to answer this question incorrectly than the total group (52%). Hence, young workers, regardless of whether they receive penalty rates themselves, appear not to understand that penalty rates may or may not apply depending on occupation and industrial instrument. So while the “correct” answer is that not all workers receive penalty rates, some of the students working in retail or hospitality would have, and, by virtue of their experience, assumed that this was the norm.

The majority of students knew that they should be paid at least monthly. However, a number were not aware that employers are not entitled to take money from their wages without permission to cover breakages. Taking money from employee’s wages without their written authorisation, although unlawful, has also been identified as a common breach in other research on young people and work (e.g. JobWatch 2004, p.58).

Around two-thirds of students indicated correctly that they could not be made to stay back and clean their work premises without payment, though one in six answered incorrectly and one in five did not know.
Empirical research indicates that unpaid overtime is an area where young people are commonly exploited, and studies indicate that substantial numbers of young people do not receive payments for attending meetings and training, and are frequently engaged in unpaid “trial” work (JobWatch 2004; Unions SA 2005).

Under the terms of the Superannuation Guarantee (Administration) Act 1992 (Cth), all workers are entitled to superannuation if they earn more than $450 a month; however, under-18s are not entitled to superannuation unless they work more than 30 hours per week. We defined the term superannuation for the students prior to administering the survey but the data show that nearly half the sample indicated they did not know whether employers were required to pay superannuation to under-18s. This is perhaps unsurprising since the student sample worked part-time and few would have qualified for superannuation. Nonetheless, some students, especially those who work more hours during school holidays, may be eligible for superannuation and should know when this is the case. Indeed, 34 students in our sample indicated they worked 30 or more hours per week during school holidays.

Table 5: Students’ knowledge of remuneration

<table>
<thead>
<tr>
<th></th>
<th>Correct</th>
<th>Incorrect</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent employees usually get paid holidays and sick leave</td>
<td>80</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>I should be paid at least each month</td>
<td>76</td>
<td>9</td>
<td>15</td>
</tr>
<tr>
<td>Casual employees do not get paid holidays/sick pay</td>
<td>70</td>
<td>14</td>
<td>16</td>
</tr>
<tr>
<td>My employer can make me stay back and clean up without paying me</td>
<td>66</td>
<td>14</td>
<td>20</td>
</tr>
<tr>
<td>Employers can take money without permission to cover breakages</td>
<td>56</td>
<td>16</td>
<td>28</td>
</tr>
</tbody>
</table>

Table 6: Students’ knowledge of freedom of association

<table>
<thead>
<tr>
<th></th>
<th>Correct</th>
<th>Incorrect</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employers do not have to pay super for part-time workers under 18</td>
<td>29</td>
<td>22</td>
<td>49</td>
</tr>
<tr>
<td>All workers get penalty rates for Sundays</td>
<td>28</td>
<td>47</td>
<td>25</td>
</tr>
<tr>
<td>Mean responses for all remuneration questions</td>
<td>58</td>
<td>16</td>
<td>24</td>
</tr>
</tbody>
</table>

Freedom of association

The young people we surveyed knew very little about trade unions and this was another term we needed to define prior to the administration of the survey. Of the student sample currently working, only 5% cent belonged to a trade union, and an additional 3% did not belong to a union at present, but once had. The remainder either did not belong to a union (38%) or did not know whether they belonged (54%). Given their very limited experience with unions, it was perhaps unsurprising that only a third of students knew that they could not be legally prevented from joining a union and a third correctly answered that anyone can join a trade union. Around half the sample did not know whether they could be legally prevented from joining a union and half incorrectly believed that trade union membership was restricted.
Conclusions

The findings of this study suggest that in some areas students have reasonably sound levels of knowledge, whereas in others there is a significant need for strategies that inform young people of their rights in employment. Knowledge of weekly working limits during school terms was reasonably high and consistent with the notion of “partial knowing” that comes with a degree of familiarity with the content (Willingham 2003/2004). Knowledge of rights around harassment was also generally high, probably due to anti-discrimination and anti-bullying programs operating in schools at the time the survey was conducted.

The highest levels of knowledge were in the area of workplace health and safety, except for the requirement to report non-serious injuries, which only a minority of students answered correctly. This deficit in knowledge is despite high levels of workplace injury among young people, as measured by injury surveillance data collected by hospitals and workplace surveys (Caritas Aotearoa New Zealand 2003; JobWatch 2004) and lack of reporting regarding young people’s injuries (Unions SA 2005). So, although young people seem to know that they are entitled to compensation for injury, they appear to lack the procedural knowledge to accomplish this. The implications of this for young people are that few records of minor injuries exist, preventing a later claim on an employer should the injury become more serious, and suggesting employers lack data to rectify unsafe workplaces. Given other research that indicates that school-aged children are twice as likely to be injured in the workplace as other age groups (Queensland Injury Surveillance Unit 2004), this lack of knowledge is a concern.

Another significant area of knowledge deficit was around the functions of trade unions. Recent research indicates that young people are not less inclined to join trade unions than any other group in the labour market and that around 50% of young workers are “fairly” or “very” likely to join if asked (Pyman et al. 2009). The structure and content of the Queensland secondary curriculum indicates that a very low proportion of students is likely to be exposed to information about trade unions. This has clear implications for the union movement, which needs to urgently and decisively engage with youth in a new social, cultural and economic environment in order to make the recruitment and retention of young workers a central plank of union renewal (Esders, McDonald & Bailey 2011).

The contrast between sound knowledge of weekly limits on working hours, and poor knowledge of daily limits, was surprising, although consistent with the notion of “partial knowing” that comes with a degree of familiarity with the content (Willingham 2003/2004). Hence, students need better information about the limits on work hours and other restrictions that are imposed under the child employment legislation. This may not necessarily prevent situations where young people work too many hours, especially if a young worker holds two jobs and where the respective employers are not necessarily aware of this, but a better awareness of these limits imposes a greater obligation on young people themselves to communicate to employers when these limits have been reached. Knowledge of when penalty rates apply would allow young people to verify that they are receiving the correct rate of pay at different times of the week.

Further, if young people are not aware of lawful requirements, such as bans on deductions for breakages and unpaid trial work or overtime, their capacity for agency is restricted. Indeed, high participation rates of students in their early and mid-teens alongside low levels of employment-based rights knowledge as revealed in this study,
point to a need to develop accessible strategies to inform young people of their workplace entitlements, and, ultimately, for them to be able to exercise those rights. Recently, for example, the Australian Government Department of Education, Employment and Workplace Relations has made available a young worker toolkit that aims to promote fairness and provide information to young people to help them make a positive transition to work (see http://youngworkertoolkit.youth.gov.au/). Knowledge of employment practices and entitlements could also be integrated to a greater extent into high school curricula, although the wide variety of educational pathways available to students makes this difficult, as does the already overcrowded school curriculum (Faulks 2006). An active, experiential learning initiative would be to require Year 10 students doing the customary fortnight’s work experience to compile information about their workplace’s working conditions, and their source (legislation, awards, etc.) with the aid of a “youth friendly” employment website.

Finally, information about employment relations needs to be widely available through multiple channels so that young people can proactively seek information and, if necessary, take steps to enact their rights as valued participants in the formal labour market. Without this knowledge, the likelihood of young people developing the knowledge and cognitive strategies to deal with employment-related problems may be significantly constrained.

Note
1. The mean work hours per week during school term-time (for all jobs) for all working students was 12.1 hours.

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