

MEDIA RELEASE

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JOBSEEKERS SHOULD KNOW THAT UNPAID TRIAL WORK IS UNLAWFUL

Two leading community legal centres have joined forces to warn jobseekers about the practices of some recruitment and job placement agencies that are directing clients into unpaid trial work, using the incentive that it may result in paid work down the track. In truth, this practice is unlawful, and is highly unlikely to result in paid employment.

The Consumer Action Law Centre, in conjunction with employment rights legal centre JobWatch, is advising jobseekers to avoid these types of unpaid placements, and warning those offering unpaid work that they are putting themselves and their businesses at risk of prosecution.

'Sadly, desperate jobseekers will pay thousands of dollars to companies such as Punk Jobs who find them unpaid trial work – these companies may claim to be offering "volunteer work" to evade legal protections but it's clearly unlawful unpaid trial work,' said Consumer Action's co-CEO Carolyn Bond.

'Punk Jobs requires job seekers to do a minimum of six weeks unpaid work, with the clear implication that if you perform well it will lead to a paid role.

'That's over 200 hours of work with no pay, no superannuation, no sick leave and only a speck of light at the end of the tunnel.'

Ms Bond said that Consumer Action had supported a vulnerable jobseeker to take legal action in the Victorian Civil and Administrative Tribunal against Punk Jobs, alleging misleading and unconscionable conduct, breach of contract, and unfair contract terms.

JobWatch's Zana Bytheway said jobseekers should think twice about unpaid trial work which only results in paid work 13 per cent of the time, but is unlawful 100 per cent of the time.

'Businesses must pay their employees at least the relevant minimum rate of pay, it's as simple as that – even if it's a trial period, employees must be paid and receive superannuation,' said Ms Bytheway.

'The bottom line is that when you are working you must be paid for every hour of work.'

Ms Bytheway said the fact that there are recruitment companies out there promoting this type of work is a real worry. They either don't know the law, in which case they should get out of the industry, or they're deliberately flouting the law in which case they should be dealt with by the authorities.

"These companies can play around with semantics all they like. The fact of the matter is these people are hoping to get a job with the company they're placed with – that makes it an unpaid trial, and that makes it unlawful."

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