Experience or Exploitation: An Australian Perspective

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Australian Context

• Work integrated learning’ (WIL) as an umbrella term for a range of approaches and strategies that integrates theory with the practice of work within a purposefully designed curriculum. (The WIL Report P 9)
  – Diverse models, paid and unpaid, range of terminology.
  – WiL is an integral component of an increasing number university programs with students seeking experience prior to graduation.

• The nature and prevalence of unpaid work experience, internships and trial periods in Australia: Experience or Exploitation? Report for the Fair Work Ombudsmen, Jan 2013 by Professor Andrew Stewart & Professor Rosemary Owens

• The report focuses on unpaid work arrangements in Australia

• Fair work Act 2009: Federal legislation and is the principle statute dealing with rights at work.

• Exception for those who are on ‘Vocational Placement’ that is undertaken as a requirement of an educational or training course. Authorised courses not to be considered employees.

• Volunteering in not for profit organisations is also exempt.
Report Findings

• Unpaid internships or work experience is not confined to being a component of authorised training or volunteering

• 60% of ACEN members indicated knowledge of students undertaking unpaid placements or internships that are extra curricular ie not for course credit, that are facilitated or encouraged by Universities

• There is confusion or lack of awareness of the Act. Universities are possibly liable as an employer or as an accessory in contravening the Fair Work Act in facilitating extracurricular work placements

• In some industries particularly in areas with an oversupply of graduates eg media, event management, legal services, advertising this practice is common and incidence appears to be increasing

• The Vocational Placement exception in the Fair Work Act is unclear and there is significant confusion regarding unpaid work arrangements. More detailed information required and the scope needs clarification.

• International students are particularly vulnerable, are also paying agencies to secure unpaid internships and may violate their visa conditions.
What next?

• Report has generated great deal of interest / concern in Australia

• Universities are
  – reviewing current practices
  – seeking legal advice in relation to the report
  – implementing a range measures to ensure compliance

• Universities continue to focus on providing with enhancing the learning of students through WIL and meet the demands of industry for job ready graduates in a constricting job market

• FWO has accepted all recommendation of the report and will:
  – provide more detailed guidance in relation to the Vocational Placement Exception
  – conduct targeted campaigns in key industries
  – instigate legal action

• ACEN is actively involved in consultation with FWO and supporting members with information
More information

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• Fair Work Ombudsmen Report Experience or Exploitation Report, PowerPoint, Video and FWO summary

• www.acen.edu.au