

UNITED
WORKERS UNION



#RebuildHospo:

A Post-Covid Roadmap For Secure Jobs In Hospitality



1. EXECUTIVE SUMMARY

- This report argues that insecure work is the thread that underpins and accelerates the most fundamental problems in hospitality, including wage theft, sexual harassment and exploitation of migrant workers. ABS data shows hospitality has the highest rate of casualisation of any industry at 79%.
- This shaky ground, on which workers are forced to stand and build their lives on, is what has made the most devastating impacts of COVID-19 even worse.
- This report is based on surveys of 4281 workers from March to June 2020.
- 85% of hospitality workers had their hours cut or were not working at all at the height of the pandemic, including 58% who lost their jobs or were stood down.
- 94% of temporary visas holders lost jobs, were stood down or had hours cut.
- Wage theft combined with insecure work to magnify the impact of the industry shutdown on workers. 82% of workers reported wage theft in a current or previous hospitality job. When the pandemic hit:
 - 47% of workers did not have enough savings to cover a month's basic expenses;
 - 7% of workers have had to borrow money from friends or family; 32% have accessed their super; 32% fell behind in their bills;
 - 20% went without essentials; 12% had to access a foodbank or charity;
 - 7% experienced a relationship breakdown
- The deliberate exclusion of migrant and casual workers from JobKeeper and other support dramatically increased the trauma they experienced.
- Employer lobbyists have framed extreme casualisation as a lifestyle preference by workers.
- This is untrue. Even before the pandemic 64.5% regarded a permanent job was “extremely” or “very” important. Since COVID-19 hit the hospitality industry, this figure increased to 76.5%, an increase of 12%.
- Insecure work has a dramatic impact on workers’ ability to plan their lives. 70% reported that their shifts were reduced with little notice, and over 60% that their shifts varied dramatically from week to week.
- 84% of workers expect government to use COVID-19 stimulus money to push employers to create more permanent jobs.
- 91% of workers said they are worried about mental health in hospitality, while sexual harassment remains a major concern, particularly for women workers.
- The trauma of COVID-19 acted as a catalyst for workers to organise and build a new vision for their industry. More than 10,000 workers have taken part in petitions, surveys, online meetings and protests. Union membership has increased by 76%. Workers have endorsed a roadmap that calls for:
 - Secure jobs;
 - End to wage theft;
 - Safe and respectful workplaces; and
 - Justice for migrant workers

der Bikal, 24, lost
for government

an international student

UWU
SUPPORT



2. ABOUT THIS REPORT

This report has been produced by Hospo Voice - Australia's first digital union. Hospo Voice combines online tools to empower hospo workers, along with worker-led campaigns and protests, to name and shame employers that mistreat staff.

Hospo Voice is a project of the United Workers Union (UWU). UWU is a powerful new union with 150,000 workers across the country from more than 45 industries and all walks of life, standing together to make a difference. Our work reaches millions of people every single day of their lives – we feed you, educate you, provide care for you, keep your communities safe and get you the goods you need. Without us, everything stops.

UWU is committed to building the power of working people, and how we respond to the COVID-19 pandemic and crisis can permanently change systems that have never worked for the majority of workers, especially vulnerable workers in insecure industries like hospitality.



hospovoice.org.au



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@hospo.voice



@hospovoice

“I’m using up any savings I’ve got just to make ends meet. In one week these savings will have diminished. I’ve got rent to pay and mounting monthly bills. I’m going without meals so that I can ensure my four kids have something to eat. I’m struggling during this pandemic as I am also a young widow. My anxiety at the moment is sky high along with all the stress of worrying about the future.”

- Joanne, Hospitality Worker, NSW



3. INTRODUCTION

Hospitality is one of Australia's largest industries, with almost 800,000 workers identifying hospitality as their primary source of income.¹ Before COVID-19, employment in the sector was on the rise, and was expected to continue growing over the next five years.² Now the future is unsure. But with uncertainty comes the opportunity to rethink the industry and make it work better for workers.

For too long, insecure work has been the thread underpinning the most fundamental problems in hospitality. In this report, we define "insecure work" as:

*"Poor quality work that provides workers with little economic security and little control over their working lives. Indicators of insecure work include: (i) unpredictable, fluctuating pay (ii) inferior rights and entitlements, including limited or no access to paid leave (iii) irregular and unpredictable working hours, or working hours that, although regular, are too long or too few and/or non-social or fragmented; (iv) lack of security and/or uncertainty over the length of the job; and (v) lack of voice at work on wages, conditions and work organisation."*³

The longstanding and calculated uncertainty bosses maintain around workers' wages, entitlements, and hours means having a job in hospitality is synonymous with "insecure work". 2016 Australian Bureau of Statistics data reveals that an extraordinary 79 per cent of hospitality workers are casual, the highest rate for any group of workers.⁴ The shaky ground on which workers are forced to stand and build their lives on is what has made the most devastating impacts of COVID-19 even worse: it is easy to exploit and cull workers, en masse, when they have been primed for poor treatment from their first day in the industry.

Since mid-March, when the pandemic effectively shut down the hospitality industry, workers have been speaking out and coming together to fight for change. More than 10,000 workers have taken part in petitions, surveys, online meetings and protests, calling out exploitative practices of dodgy employers. They have also spoken out against the contempt shown by the Morrison Government toward their industry. The JobKeeper program, purported to be a lifeline for workers in need, has handed even more power over workers' livelihoods to their employers and excluded the most vulnerable workers - casual and migrant workers. Hospitality workers have stood up and said that no-one in their industry should be left behind.

Workers have also sought to re-imagine what jobs in the sector could look like as the industry emerges from COVID-19. Together, they have used this time to organise and move forward on their plan for better and fairer jobs.

¹ <https://nationalindustryinsights.aisc.net.au/industries/tourism-travel-and-hospitality/hospitality>

² Australian Government, Labour Market Information Portal, <https://lmip.gov.au/default.aspx?LMIP/GainInsights/IndustryInformation/AccommodationandFoodServices>

³ ACTU, The future of work in Australia: Dealing with insecurity and risk (2011)
<https://www.actu.org.au/media/125289/Future%20of%20work%20industrial%20options%20paper.pdf>

⁴ ABS, Characteristics of Employment, cat. no. 6333.0, quoted in Gilfillan, Geoff
Characteristics and use of casual employees in Australia Australian Parliamentary Library (2018)

This report tells the story of these workers and how COVID-19 has further exposed the rotten and insecure foundations on which this industry is built. It shares the extent to which wage theft, harassment, and the exploitation of migrants and Australia's youngest workers, have gone unchecked in hospitality. Most importantly, it demonstrates how insecure work has allowed poor and exploitative working conditions to expand and thrive, and how workers are responding with stronger demands for more secure and permanent hospitality jobs.

We look at survey data from more than 4000 workers who shared their stories and experiences with Hospo Voice between March and June 2020. This report is a meta-analysis of the responses received during the first peak of the pandemic and collates the anger, frustration and hopes of the survey's respondents. With COVID-19 acting as a catalyst for worker-led calls-to-action, hospitality workers are making it known that they need:

1

Secure jobs;

3

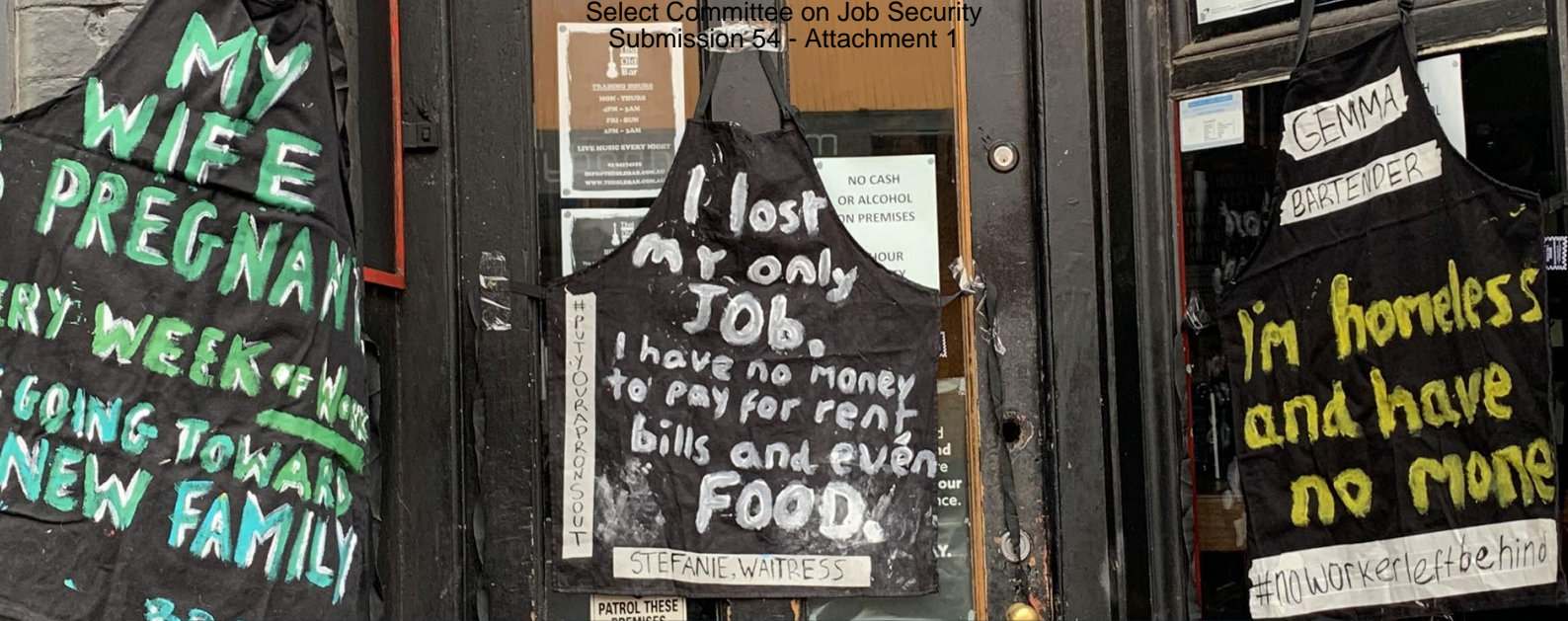
Safe and respectful workplaces; and

2

End to wage theft;

4

Justice for migrant workers



4. THE IMPACT OF COVID-19 IN HOSPO: WHEN A CRISIS HITS, INSECURE WORK LEAVES NO FALLBACK FOR WORKERS

KEY STATISTICS

- ▶ From our #RebuildHospo survey, 85% of hospo workers had their hours cut or were not working at all at the height of the pandemic;
- ▶ 58% of workers lost their jobs or were stood down;
- ▶ COVID-19 increased the need for permanent work, with over three quarters (76.5%) of workers indicating it was “extremely” or “very” important
- ▶ Almost half (47%) did not have savings to cover a month’s basic expenses;
- ▶ 37% of workers have had to borrow money from friends or family; 32% have accessed their super; 32% have fallen behind in their bills; 20% have gone without essentials; and 12% have had to access a foodbank or charity;
- ▶ 93% of casual and migrant workers had their hours cut or were not working at all at the height of the pandemic. 79% lost their jobs or were stood down.

COVID-19 pushed the hospitality industry into meltdown. It has been the worst hit industry during the pandemic, with around 1 in 3 paid jobs lost by mid-March and total wages cut by a massive 30%.⁵ The Australian Hotels’ Association (AHA) reported that over 250,000 people in pubs were directly impacted, clubs in NSW alone have impacted 63,000 workers, and Hospo Voice’s #ilostmyhosposhift website estimates that, for the 3000 workers who participated in the survey, over \$1.3 million were lost in wages.⁶

The pandemic plunged many hospitality workers into poverty overnight. Workers had nothing to fall back on. When jobs are founded on uncertainty and precarity, and where wage theft is endemic, this leave little room for workers to speak out as their hours are, once again, chopped and changed without care or consultation.

⁵ <https://www.abs.gov.au/AUSSTATS/abs@.nsf/mediareleasesbyReleaseDate/C9E9F14708FC0AE7CA25855E0018F325?OpenDocument>

⁶ <https://www.theguardian.com/australia-news/2020/mar/23/job-losses-from-australias-coronavirus-shutdown-will-be-devastating>

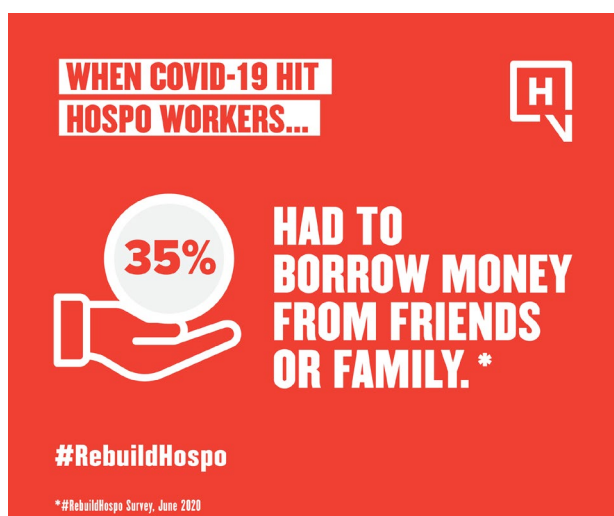
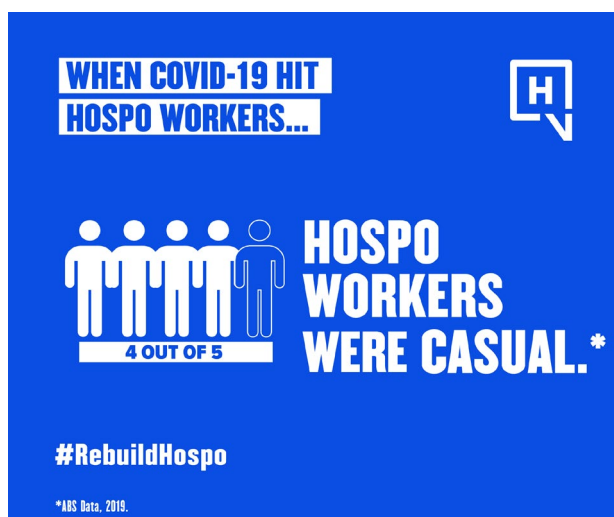
The pandemic has magnified and made visible every facet of insecure work in hospitality – the unpredictable hours, inconsistent pay and lack of worker autonomy. The impact was so widespread that only a small minority of workers can claim they were left unscathed. Of those who responded to our #RebuildHospo survey, 26% lost their jobs, 32% were stood down, and 27% had their hours cut, which made up 85% of the industry. **This means that 85% of workers were left falling short or without their regular income at the peak of the pandemic.**



On March 22 Hospo Voice launched [ILostMyHospoShift.com.au](https://www.ilostmyhosposhift.com.au) with 3000 workers logged losing shifts and hours.

The hardest hit by the pandemic were unsurprisingly hospitality's migrant and casual workforce. **In our #RebuildHospo survey around 300 casual, migrant and international student workers responded and only 20% reported they were still working.** A devastating 80% of respondents stated they had their income slashed by the pandemic, which is to be expected when more than three quarters of this vulnerable group were left out of work.

It is, therefore, unsurprising that the impact of the pandemic resulted in a significant number of workers having to seek out help to make ends meet for themselves and their families. **Around a third of the workforce had to borrow money from family and friends, access their super, and ask for reduction or deferral of their rent.** Circumstances were so desperate for some workers that they have had to rely on charities and foodbanks, move out of their homes, and have suffered relationship breakdowns. **A staggering 20% of workers were simply left without the essentials they needed.**



“I have a baby due to be born in the next few weeks. I also have home loan repayments, and other bills to pay. Between the home loan repayments, and a newborn on its way, I have little savings. In just a few months’ time, I can see myself having to raise my child from the back seat of my car.”

- David, Chef, QLD

“I (was) the main wage earner for my wife and I. My wife suffers from MS and is unable to work full time. We are going to struggle to pay bills and we have to change our lifestyle. It is putting stress on my wife’s health as she feels she needs to work more to make up for me losing my job.”

– Yoven, Sous Chef, VIC

The impact of COVID-19 on hospitality workers was, however, not only felt by employers cutting jobs and hours. For workers who found they were still able to wrangle a few shifts, maintaining a COVID-safe workplace for staff was subpar at best. **Our #RebuildHospo survey found that 15% of workplaces did not put in safety measures at the start of the pandemic.** At these venues, workers reported that they had little to none of the equipment needed to protect themselves. It was also difficult to minimise the amount of people workers were exposed to at work, given their increasingly short and irregular shifts.

Migrant workers and casual workers who experienced COVID-19 symptoms were additionally disincentivised to come forward and take leave. With the possible loss of employment looming over their heads, as well as the cost of testing and treatment, many workers were left in a debilitating bind that forced them back to work prematurely. For migrant workers, coming forward and taking leave to keep themselves and their workmates safe also fuelled a fear of deportation.



5. INSECURE WORK IN HOSPITALITY: A FORCE MULTIPLIER

Almost five million Australian workers are in insecure work.⁷ These workers experience unpredictable and fluctuating pay; inferior rights and entitlements; limited or no access to paid leave; irregular and unpredictable working hours; a lack of security and/or uncertainty over the length of the job; and a lack of any say at work over wages, conditions and work organisation. With casualisation reaching astronomical levels in industries like hospitality, it is clear insecure work is no longer a ‘stepping stone’ to more secure work. Indeed, across hospitality insecure work is the primary mode of employment and in many workplaces, the only type of jobs available. Insecure work is most prevalent among already disadvantaged groups – women, migrants, and young people.⁸ It is an on-going state of insecurity and hardship, and in many cases poverty, especially in a pandemic.

Insecure work has also been identified as a key contributor to the spread of COVID-19 virus. Workers were forced to go into work, despite being symptomatic of the virus, for fear of losing their job and not having enough money to pay the bills. In some sectors, like aged care, this was recognised as an issue that needed to be addressed. The Fair Work Commission ruled that aged care workers symptomatic of, or diagnosed with, COVID-19 must have access to two weeks of paid pandemic leave. Chief Health Officer Brett Sutton has also drawn attention to the relationship between insecure work and the spread of COVID-19, stating: “I think there are genuine structural issues about work, workforce, that make transmission more likely”.⁹ Hospitality, however, has been neglected despite it being ground zero for insecure work, and its capacity to spread COVID-19 being significant. In the US, for example, adults who had tested positive for the virus were twice as likely to have dined at a restaurant.¹⁰ In Australia we have seen COVID-19 clusters form around hospitality venues, such as Crossroads Hotel in Casula NSW with 57 cases¹¹, and Thai Rock Café in Potts Point, which was Sydney’s largest cluster with 103 cases.¹² Without careful measures in place for workers and patrons, hospitality has the potential to be a super-spreader industry for another COVID-19 peak in Australia.

⁷ BS figures show 4.8 million workers or 37% of the national workforce are in insecure work, this includes casual workers and self-employed workers <https://www.abs.gov.au/statistics/labour/earnings-and-work-hours/characteristics-employment-australia/latest-release>

⁸ PEPSO, The Precarity Penalty: The Impact of Employment Precarity on Individuals, Households and Communities – and What to do About it, p. 11, <https://www.unitedwaytyr.com/document.doc?id=307>

⁹ <https://www.theage.com.au/national/victoria/new-covid-19-hotspot-emerges-in-melbourne-s-south-east-20200914-p55vj1.html>

¹⁰ https://www.cdc.gov/mmwr/volumes/69/wr/mm6936a5.htm?s_cid=mm6936a5_w

¹¹ <https://www.abc.net.au/news/2020-08-01/nsw-coronavirus-man-dies-crossroads-hotel-cluster/12514812>

¹² <https://www.abc.net.au/news/2020-09-10/nsw-coronavirus-cluster-devastates-thai-rock-restaurant/12644338>

¹³ <https://www.australianchamber.com.au/news/business-welcomes-closing-of-casual-employment-loop-hole/>

Often when looking at hospitality, it is assumed that workers choose to work in the industry as the “flexibility” of casual work suits them. This is largely because employers have sought to frame the prevalence of insecure work as a lifestyle preference of “young people, students, parents and carers”. Typical of this attitude, James Pearson, CEO of the Australian Chamber of Commerce and Industry, said: “We need to remember that most casuals chose to stay casual because they like the additional pay and flexibility.”¹³

Our survey data shows this is not true for hospitality workers. Even prior to COVID-19, a significant majority of hospitality workers (64.5%) said it was very or extremely important to have a permanent job. Since COVID-19 this margin has increased to 76.5%, with more than half weighing their need as “extremely important”. **This means that more than three quarters of hospitality workers wanted a permanent job and, in a post-COVID world, over half said it was extremely important to them.**

“I had no choice but to accept a casual job. I work the same regular hours per week and have done so for over two and a half years but my employer refuses to put anyone on anything other than casual.”

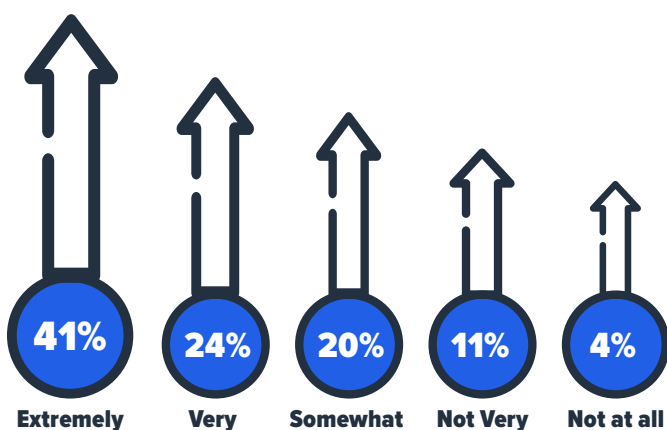
– Tara, Chef, Victoria.

Workers also expect the government to take action on this issue. **84% of workers expect government to incentivise employers to create more permanent jobs.** There is also very strong support for tying government stimulus money to the creation of more permanent jobs, with 76% supporting the proposition that government money, given to hospitality employers to assist the industry during the pandemic, should be used to promote more permanent jobs in our industry.

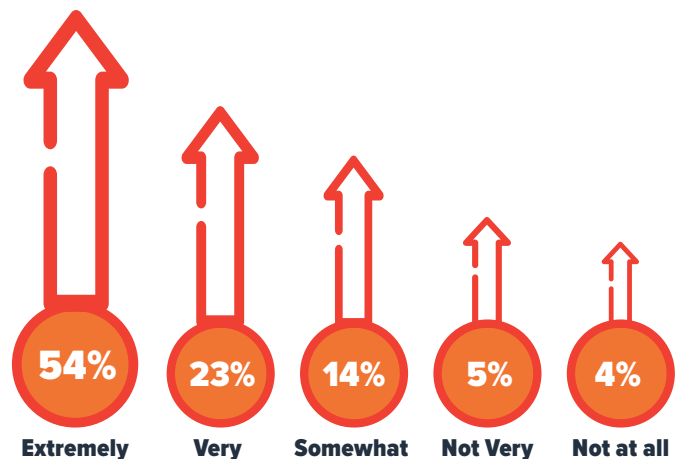
The current reality of working in hospitality is that it is even more insecure than it was before. Workers are living highly fragmented lives, **with over 70% of workers reporting that their shifts were reduced with little notice, and over 60% that their shifts varied dramatically from week to week or that they received their roster within a 24-hour period.** Alarming, over a third felt they had lost shifts for standing up against insecure work and other injustices they had experienced in their work.

HOW IMPORTANT IS A PERMANENT JOB TO YOU?

PRE-COVID



POST-COVID



¹³ <https://www.australianchamber.com.au/news/business-welcomes-closing-of-casual-employment-loop-hole/>

“We never have shift finish times on the roster. Any persons shift may end after 3 hours or 12 hours on any given day. Only the owner knows this information, and will tell you go to home immediately whenever he feels like it.”

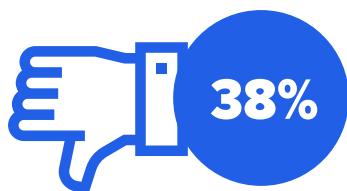
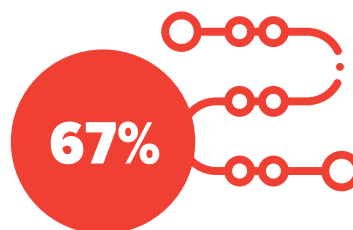
– Eli, Barista, Victoria.

“Having shift cancelled as I have arrived at work, it was ‘too quiet’. Having a roster delivered day by day by poor management. Taking a job which promised 40 hour weeks, was then given 10 hours over 4 days, so the business could save money by not paying super - staff turnover in a month was close to 80%.”

– Sally, Front Of House, Victoria.

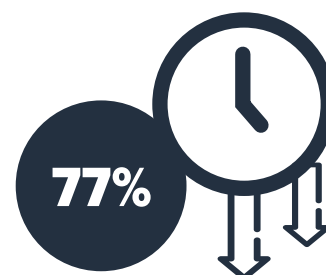
HOW INSECURE WORK AFFECTS HOSPO WORKERS

Having rosters that vary wildly from week to week



Losing shifts or your job because you stood up for your rights at work

Having shift hours reduced on the day





Having shifts cancelled on the day

Employers are effectively pulling the rug out from underneath their workers on a weekly, if not daily, basis. This is often a deliberate and calculated move. Maintaining such insecure conditions means that workers have less power to stand against other forms of exploitation and mistreatment, including wage theft, sexual harassment and poorly managed workplace health and safety. Inconsistent shifts have a destabilising effect on workers. They are expected to rearrange their lives at a moment's notice and this undermines their ability to communicate and unite around workplace issues.

In this way, insecure work acts as a force multiplier, helping to enable and accelerate other fundamental problems in the industry, including wage theft, sexual harassment and migrant worker exploitation. It is the underlying thread responsible for the hospitality industry's most egregious structural problems and fosters the "transience" that is incorrectly assumed to be an inherent part of the hospitality industry.

"As a casual employee I have been living pay check to pay check since January as business has been slow. I was told on Tuesday that there is no longer work for me. I have no way of paying my bills and am seriously worried about becoming homeless within weeks."

– Kirsty, Hospitality Worker, VIC



6. WAGE THEFT IN HOSPITALITY

KEY STATISTICS

- ▶ In our #RebuildHospo Survey, 82% of workers reported wage theft in their current or previous hospitality job
- ▶ Almost half were paid below the minimum Award rate in hospitality
- ▶ Over 30% were paid off-the-books without access to their entitlements; were not paid their superannuation; and did not receive the tips they got from customers

Wage theft is rampant in hospitality and goes hand in hand with insecure work. Workers know that speaking up about wage theft is a dangerous move when most are in casual employment and employers routinely stop giving shifts to workers who voice their concerns. **A huge 82 per cent of workers surveyed were affected by wage theft.** Workers were routinely not paid the minimum wage, their superannuation entitlements or the penalty rates they deserve for working unsociable hours. Workers reported the following ways in which they have had their wages stolen.

WAGE THEFT AND HOSPO WORKERS



UNPAID SUPER



PAID CASH
IN HAND



PAID BELOW THE
AWARD MINIMUM



The sheer proportion of hospitality workers who, from the outset, were not being paid their entitled pay, has meant that the pandemic caused a rapid plunge into poverty for many workers. Our #RebuildHospo survey found that when the pandemic struck, 48% of hospitality workers had less than a month’s savings in the bank to cover rent, food and bills, which is a staggering proportion of the workforce. On top of this, massive delays were experienced for newly unemployed workers who sought financial assistance through Centrelink.

With the introduction of the JobKeeper payment program many employers seized this as another opportunity to rort workers out of their pay: either asking workers to “pay back” some of their entitlement or demanding that they work beyond their ordinary hours to “earn” the payment, which are both illegal.

“I lost my income, and because the government somehow didn’t anticipate millions of people losing their jobs, it’s been a trial and a half to get onto Centrelink or even speak to someone to access benefits from being laid-off.”

– Kristiane, Bartender, VIC

“(My partner and I) have no income. It’s quite difficult to get a job back in hospitality and even to receive Centrelink due to the system being inundated with everyone else getting fired. My partner is from Korea and can’t even receive any financial support, despite being in a de facto relationship with myself and living in Australia for 7 years.”

– Simon, Café Manager, NSW

On top of this, employer groups are actively lobbying for new bargaining rules that would circumvent the “better off overall test” that underpins the enterprise bargaining system, as well as a proposal to cut penalty rates via changes to the award system that would, for example, adopt a single rate of pay across five days, including weekends.¹⁴ In this way, they are aiming to legitimise systemic wage theft and provide the legal backing necessary for employers to line their pockets at the expense of workers.

It is, therefore, no wonder that criminalising wage theft has been a key objective for hospitality workers since Hospo Voice first launched. Having come together to build a platform to unite against dodgy employers, workers have since taken to the streets on a number of occasions and directed the Fair Work watchdog to investigate multiple hospitality venues, including restaurants and cafes on popular Melbourne CBD destination Degraes Street. They have also called out wage theft among many high-profile employers including George Calombaris’s MAdE empire and Dinner by Heston Blumenthal.¹⁵

The highly visible, media-grabbing actions taken by these workers since the very first days of Hospo Voice have resulted in sector-wide reform. Wage theft has successfully been criminalised in Victoria and Queensland, in no small part due to the efforts and activism of Hospo Voice members.

Hospitality workers are, however, far from done. Until wage theft is recognised nationally as endemic within the industry, strong measures need to be put in place to ensure no worker is left short-changed.

“The cafe I worked for had been underpaying me over two and a half years. I missed out on weekend and public holiday rates and I was paid below the legal hourly minimum. I worked out they owed me at least \$18,000.

“That wage theft meant that when Covid hit I didn’t have that money to fall back on. You start to realise how much you are owed and how much you missed out on and how hospitality employers have been taking advantage of their staff.

“Covid really opened my eyes to just how insecure all our jobs are in hospitality. With casual employment you have to stay silent about wage theft and about abuse and sexual harassment or you will have no job.

“We need more permanent jobs in the industry, so we have more security and real rights we can enforce.”

- Claudia, Café Worker, QLD

¹⁴ <https://www.afr.com/politics/federal/ir-talks-unions-do-deal-on-wage-theft-20201012-p5645f?fbclid=IwAR13gmfoHDWignj7HTLCsZC2DPaOPenmWuvNXXFs05vxsYv5vGF7QjCihw>

¹⁵ <https://www.goodfood.com.au/eat-out/news/restaurants--wages-and-the-wash-up-20191114-h1jmpw>



7. HARASSMENT AND MENTAL HEALTH IN HOSPITALITY

KEY STATISTICS

- ▶ In our #RebuildHospo Survey, 91% of workers indicated they were worried about mental health in hospitality;
- ▶ 78% of women in the sector are concerned about sexual harassment in the industry.

The insecure jobs that dominate the hospitality industry have also fostered a working environment where harassment and chronic stress plague its workforce. For workers with precarious working arrangements, who are looking to lock in their next shift, speaking out against sexual harassment and job-induced anxiety can get in the way of their next pay cheque and ultimately cost them their livelihoods. And, when presented with the ultimatum of paying the bills or insisting on a safe and respectful workplace, it is often safety and respect that are sacrificed.

In a 2017 survey run by Hospo Voice, as a part of its Respect Is The Rule campaign, an alarming 89% of young women working in hospitality reported they had been sexually harassed.¹⁶ These incidents have had devastating consequences, from undermining workers' passion for the industry to triggering a complete breakdown of a worker's emotional and physical well-being. While dozens of Victorian employers have stepped up and signed on to Hospo Voice's campaign for zero-tolerance of sexual harassment, the issue remains a toxic influence across the industry. When reporting on whether employers stepped up to address the harassment experienced by these workers, many indicated that they were expected to continue to serve offending customers.

Our 2020 #RebuildHospo Survey data, taken when much of the industry had shut down, reveals that sexual harassment still remains a concern to more than three quarters of female hospitality workers. Hospo Voice activists are now rolling out their grassroots "Respect Is The Rule" campaign nationally, by signing employers on to a pledge to remove patrons who sexually harass staff or patrons. With the pledge comes campaign stickers and posters, and resources that train staff about sexual harassment, to ensure a zero-tolerance approach is promoted among both the staff and patrons of venues. However, while the number of venues taking the pledge are on the rise, harassment is still incredibly pervasive within the industry.

"There have been too many times to recount individual events. Mostly copping inappropriate comments about my appearance, physique or uniform. Being subjected to unsolicited sexual advances and harassment, almost exclusively from much older gentlemen. This has occurred both working in an airport bar and at a local coffee shop."

- Ashleigh, Front-Of-House, VIC

¹⁶ Hospo Voice Sexual Harassment Survey, April 2017. First reported in <https://www.smh.com.au/interactive/2017/harassment-in-hospitality/>

The biggest health and safety concern identified by workers was their mental health and the mental health of their colleagues. **91% of workers indicated they were worried about mental health in hospitality. This prevalence should not come as a shock.** Given the compounding effects of high rates of exploitation, harassment, job insecurity, long hours, unpaid overtime and other forms of wage theft; these all take a toll on mental well-being and is almost an inevitable by-product of working in hospitality.

The industry during the pandemic has super charged these triggers and made the hospitality landscape more uncertain than ever before. This has left many workers failing to cope with the pressures of the industry.

“Unstable hours have really affected my mental health in the past. My current bartending position has been put in jeopardy unjustly multiple times and has made me feel worthless and unhappy. It is also frustrating to have shifts cancelled when you’re already at work, where I could have been working at my other job had they just not rostered me on.”

– Brittney, Bartender, VIC

“I am very stressed. I just received my last pay cheque from my previous employer and now have to pay a month’s rent plus live off the remainder of the money until I can get help. (It’s) scary to think how long that could take. I’m having to also try to call my bank as I will be unable to meet my required payments and am scared about paying next month’s rent or being able to afford food.”

- Cheyne, Bar Supervisor, VIC



On 7 April 2020, Hospo Voice activists stuck up on Melbourne bars aprons painted with comments from hospitality workers, as part of a Covid-safe protest to demand the Federal Government support the workers being left behind.

International students turn to foodbanks as casual work dries up in second Melbourne lockdown

Locked out of federal assistance, many are subsisting on one meal a day as charities are overwhelmed by demand



Select Committee on Job Security
Submission

Most international students would tell others not to come to Australia after coronavirus response

AM / By Isobel Roe

Posted Mon 17 Aug 2020 at 6:03am



8. EXPLOITING MIGRANT WORKERS

Migrant workers and international students on temporary visas have been the hardest hit by the COVID-19 pandemic. With job losses and reduced shifts being as high as they are, migrant workers have still experienced this loss more severely. 94% of temporary visa holders in our #RebuildHospo Survey reported that they had lost their jobs, been stood down or had their hours cut.

Like wage theft and sexual harassment, the exploitation of migrant workers is a by-product of the unchecked levels of insecure jobs in the hospitality industry. Temporary visa holders, however, are more susceptible to insecure working arrangements than any other cohort. This is due to the working and sponsorship arrangements employers which can corner migrant workers, under our current legal frameworks.

The mandate that international students must not work more than twenty hours per week, for example, restricts these workers' capacity to earn enough to make ends meet. International students are often in Australia without any safety net and rely on earning an income to support their study. Restricting their working hours can therefore trigger a lot of anxiety around affording necessities and paying the bills. To mitigate this uncertainty, international students are left with no choice but to enter exploitative arrangements with their employers, in order to be paid off-the-books. Being paid off-the-books strips employers of all accountability and allows them to pay as little as they can get away with, effectively leaving workers in a state of bonded labour.

This is also the case for workers on sponsored visas, who are tethered to their employer for as long as they need to stay in Australia. Options available to workers with bad employers, such as joining a union or lodging a complaint with government authorities, are often avoided by sponsored visa holders who fear their employer may find out. With lost sponsorship comes the fear of deportation and, in many cases, the uprooting of the worker's family from a home they have worked hard to establish.

Tiff Tan, a chef and international student from Malaysia, was paid as little as \$3 an hour by her former employer, Hochi Mama.¹⁷ She said she only endured the conditions because she was "scared and desperate". The promise of sponsorship for a more secure visa was held over her head if she stayed at Hochi Mama, but this never happened. She eventually recovered \$10,000 in stolen wages with the backing of her union, Hospo Voice.¹⁸

¹⁷ <https://www.heraldsun.com.au/leader/north-west/hochi-mama-scandal-management-pays-staff-after-investigation-of-wage-theft-allegations/news-story/e57f0ab3747994f3f53207c9bafd28f3>

¹⁸ <https://www.heraldsun.com.au/leader/north-west/hochi-mama-scandal-management-pays-staff-after-investigation-of-wage-theft-allegations/news-story/e57f0ab3747994f3f53207c9bafd28f3>



“I had a lot of anxiety, I had to pay my rent, I needed money, if I didn’t go to work then I didn’t get anything. I only had a half an hour break, I was tired, exhausted, I would go home and cry, my body was shaking.”

- Migrant hospo worker Tiff Than on why she endured wage theft.

On top of this, migrant workers have been left without any recourse for assistance during COVID-19. Arguably the workers who have been left most in need by the pandemic, they have been callously left behind by the Morrison Government. The JobKeeper program excludes temporary visa holders from its payment scheme, except for temporary visa holders from New Zealand. This negligence is symptomatic of the extent to which migrant workers are treated as an “underclass”, both in the industry and in Australia. In many cases, migrant hospitality workers were among the first to lose their jobs, and for those on sponsored visas, they suddenly faced the near impossible task of finding another employer to sponsor them within 60 days or face being deported. In Tiff’s case, she faced being forced to leave a country she had lived in for a decade, paying taxes and contributing to our hospitality industry.¹⁹

¹⁹ <https://www.sbs.com.au/news/the-australian-visa-rule-impacting-migrants-who-have-lost-their-job-in-the-pandemic>

“As an international student, (our) 20 hours working limit (was) already making life hard enough. Then last week I just got an email (saying) that (my employer) has to cut all casual workers hours. I am so stressed and scared. I can’t focus on my studying. I feel like I have got nowhere to go and ask help. I just want to be treated as other citizens since I have been paying tax and enormous school fees in Australia for over 2 years.”

– Nil, Front-of-House staff, Vic

On the back of a nationwide survey of 6000 temporary visa holders, a report from UNSW Law Associate Professor Bassina Farbenblum and UTS Law Associate Professor Laurie Berg, co-directors of the Migrant Worker Justice Initiative, indicated that “more than half (of the survey’s) respondents (57%) believe their financial stress will deepen by year’s end, with one in three international students forecasting their funds will run out by October.” It also adds that “thousands expressed anguish and anger over the federal government’s decision to exclude temporary migrants from JobKeeper and JobSeeker support.”

Hospo Voice member Giovanni Calandro, an Italian international student working at a restaurant in Victoria, is one of these thousands of workers. He had his hours cut from twenty to eight during the pandemic, leaving him with a substantially lower income. The Victorian State Government provided Giovanni with a one-off \$1100 payment, this was welcome but insufficient. His wife was due to have their first child and they had no way to return to Italy. Giovanni and his family were forced to live off their meagre savings and superannuation to keep poverty at bay. With schools closed, Giovanni was also unable to complete his practical training as a student teacher in time before his visa was due to expire, and needed to find \$5000 to pay for it to be extended.

On the absence of a national response for international students fighting poverty during the pandemic, Giovanni said,

“It makes me think differently about this country. I always worked and pay my taxes and being cut from any sort of help from the government made me feel ... [like leaving] this country.”²⁰

²⁰ <https://www.theage.com.au/national/victoria/victoria-offers-1100-relief-grants-to-struggling-foreign-students-20200429-p540ao.html>

No job, no welfare: workers on temporary visas left in the cold

Select Committee on Job Security
Submissions on 24 March 2020

For our free coronavirus pandemic coverage, [learn more here](#).

By Paul Sakkal

25 March 2020 — 5.01pm



When Kiwi Sam Melville lost his job as a chef at the Mount Erica Hotel in Melbourne's Prahran last week, he was forced to live rent-free with a family friend.

He couldn't afford rent at his place while also paying child support, and he knew the prospects of finding a new job in hospitality were minimal.



25 March 2020, smh.com.au

9. LEAVING HOSPO WORKERS BEHIND

The COVID-19 “safety nets” funded by the Morrison Government came nowhere close to providing the relief the hospitality sector needed. Our #RebuildHospo Survey found that 67% of workers who needed the wage subsidy did not receive it – 55% were not eligible and 12% reported their employers did not apply on their behalf. Of those left behind, who were largely migrant and casual workers, 80% were not at work and 87% were adversely impacted by the pandemic.

Instead, the Morrison's Government payment scheme has fragmented the hospitality industry further. The decision to exclude temporary migrant workers, undocumented workers and casual workers with less than 12 months' service supercharged insecurity in this industry, and contributed to many more job losses than were necessary. This policy decision ignored that casual workers are now a fundamental part of Australia's economy - they are a quarter of the Australian workforce,²¹ and substantially higher in hospitality industry; an alarming 78 per cent.²² Long term clubs and hospitality worker, Kelly-Maree, is one of these workers and missed out on JobKeeper despite working in the industry for seven years. As Kelly-Maree says:

“I've missed out on the JobKeeper payment because I've been working at my current employer for 6 months as a casual, even though I've worked in the clubs and hospitality industry for around 7 years. I was stood down in March and it took a while for my Job Seeker payment to get processed so I didn't have any income for 3 weeks. I didn't have enough money for rent. I wanted to negotiate a rent reduction but the real estate agency didn't agree to a reduction. They said if I couldn't pay rent they would look at evicting me, even though I'd been living there for 7 years and always paid rent on time before the pandemic.”

²¹ <https://www.abs.gov.au/AUSSTATS/abs@.nsf/second+level+view?ReadForm&prodno=6333.0&viewtitle=Characteristics%20of%20Employment,%20Australia%20August%202019%20Latest%2009/12/2019&&tabname=Past%20Future%20Issues&prodno=6333.0&issue=August%202019&num=&view=&>

²² <https://www.abs.gov.au/ausstats/abs@.nsf/Previousproducts/B01ACCD5C5C23B22CA2575DF002DA5AA?opendocument>

Nearly one million casuals left out of JobKeeper wage subsidy



31 March 2020, sbs.com.au

The JobKeeper payment, simply put, places all power in the hands of the employer. It is employers that get to decide whether to apply; it is employers that can exclude workers who should be included; it is employers who can cut workers' hours to fit in with JobKeeper so they don't have to top up wages. On top of this, hospitality workers have reported that employers have forced them to work more than their contracted hours and/or pay back some of their allowance to "earn" the entitlement, which is against the rules.

Laurence, a hospitality worker at Grill'd, had to take unpaid leave because his partner is immunocompromised and he wanted to keep his family safe from COVID-19. However, his employer used JobKeeper to pressure employees to take on extra work, meaning most shifts had more people rostered on than ever before. Social distancing between co-workers was impossible in the small kitchen Laurence works in, but Laurence was worried he would be fired if he said no to shifts. As Laurence said himself:

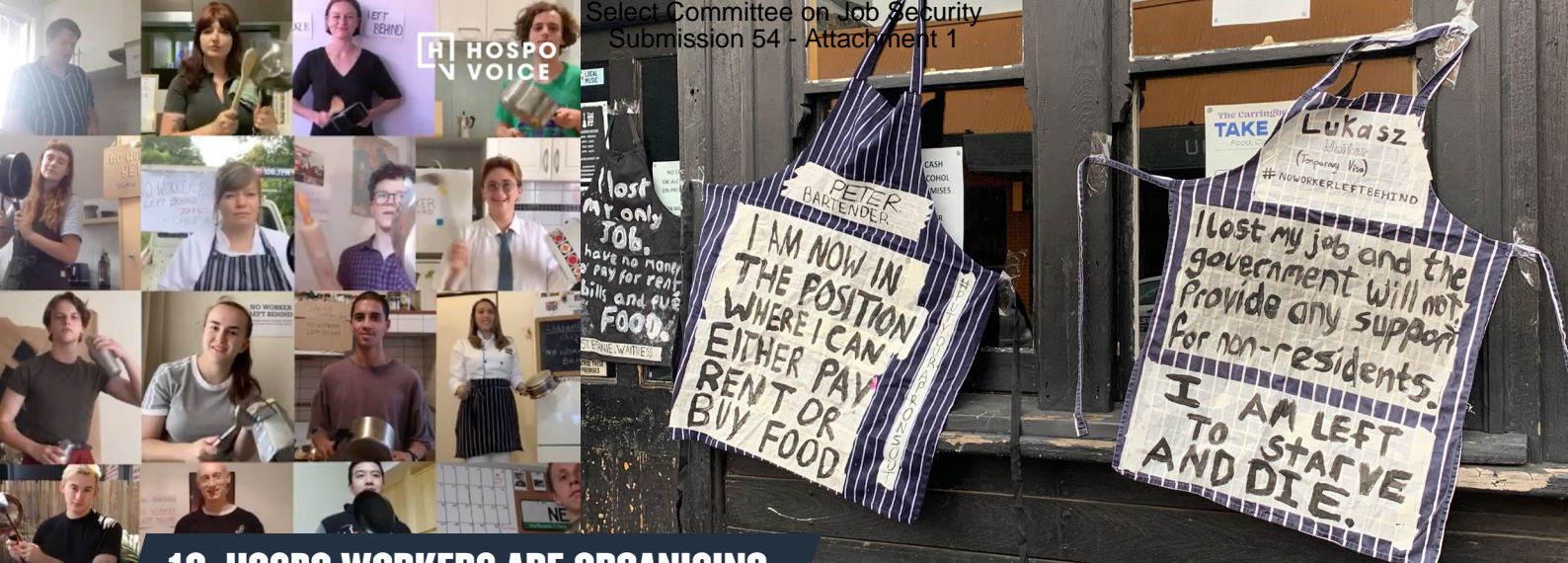
"In simple terms, I feel unsafe at work because of JobKeeper. It seems insane to me that I, with a genuine concern about the spread of COVID-19, should be forced to return to work to receive a payment that was explicitly designed to help ease the spread of COVID-19 by not forcing people to choose between work and health."



Credit Artist: Hollie Bolton

Hundreds of hospitality workers, like Laurence, reported employer manipulation of the supposed worker payment. They reported that their employer was not applying for JobKeeper, despite being eligible; that employers had made significant changes to their roster and duties; and that they were being asked to sign non-ATO documents, entitling the employer to some of the payment or other unlawful changes. Other issues reported by hospitality workers included:

- ▶ workers being sacked for asking about receiving JobKeeper
- ▶ workers being pressured into accepting JobKeeper on the employer's terms
- ▶ workers forced into changes in hours and duties to receive JobKeeper (including carrying out renovations, cleaning, painting and gardening)
- ▶ workers being asked to provide up to \$300 'cash-back' per week to employers in exchange for being nominated for JobKeeper
- ▶ workers forced to take annual leave in order to receive JobKeeper
- ▶ employers not wanting the administrative burden, telling workers they have had accounting advice that 'it's too much work to apply for JobKeeper'
- ▶ businesses recently changing hands to new owners denying long-term casuals access to JobKeeper
- ▶ rostered hours cut back to be only enough to cover the JobKeeper payment, or hours for part time workers increased to full time with an expectation to work enough hours to 'earn' the \$750 payment



10. HOSPO WORKERS ARE ORGANISING

While the devastating impact of COVID-19 on the hospitality industry has been widespread, so too has the call-to-action it has incited among hospitality workers. The pandemic has seen hospitality workers, like never before, speaking out against the abuses and exploitation that riddle every corner of the industry. Longstanding wage theft has been brought to light with the onset of JobKeeper cuts across the industry; unsafe work practices have been collated and fought against in the name of public health and safety; and hospitality workers, at large, are making it known that they have put up with too much for too long.

Workers are putting employers and politicians on notice. They are ramping up their demands for more secure jobs, the criminalisation of wage theft, safe workplaces, and justice for migrant workers, by hitting the streets and making noise. COVID-19 has been a galvanising moment for hospitality workers. They are now ready to fight, and keep on fighting, for better and fairer jobs in their industry.

More than 10,000 hospitality workers have taken part in petitions, surveys, online meetings and protests, calling out exploitative practices of dodgy employers. This unprecedented level of engagement shows that the hospitality workforce is ready to have big conversations around the future of work in their industry. Hospo Voice membership has increased by 76% since February this year and new activists have hit the ground running. During the pandemic, Hospo Voice activists have fought for, and won, massive victories such as the criminalisation of wage theft in Queensland.

Stealing wages now crime in Queensland

ALEXIA AUSTIN alexia.austin@thechronicle.com.au

AFTER applying for a job at a Toowoomba hotel earlier this year, chef Sam Keating was shocked when he was

sent the low-paying contract. The full-time role was significantly un-

derpaid and, had Mr Keating accepted, he would have missed out on \$460 per week and \$44 in superannuation.

When he questioned the employer, they rescinded the offer due to coronavirus but were advertising the same role again days later.

Mr Keating, who is building a house in town, reported the business.

"I laughed because it's so common I saw it coming," Mr Keating said.

"It was the difference between paying my house off in 20 years or paying it off in 10.

"I've been qualified for four years and have had one job that has paid correctly."

On Wednesday afternoon, Mr Keating joined workers from across the region at parliament as new laws on wage theft were passed.

The legislation recognises many forms of wage theft, including underpayment, withholding super and not paying penalty rates, with the maximum

penalty 10 years in prison.

"I was relieved, but I also know there's a lot of work to be done," Mr Keating said.

"One of the quotes I saw, from an MP, said thinking wage theft being criminal is a radical idea will now be a thing of the past – and I agree with that.

"The next problem in our work force is all of the positions are casual."

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FAIR PAY FIGHT: Gathering outside parliament on Wednesday in support of new wage theft laws were United Workers Union's hospitality members (from left) Tara Small, Dirk Kieseker, Sam Keating and Ben March-Prior.



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Where to next?

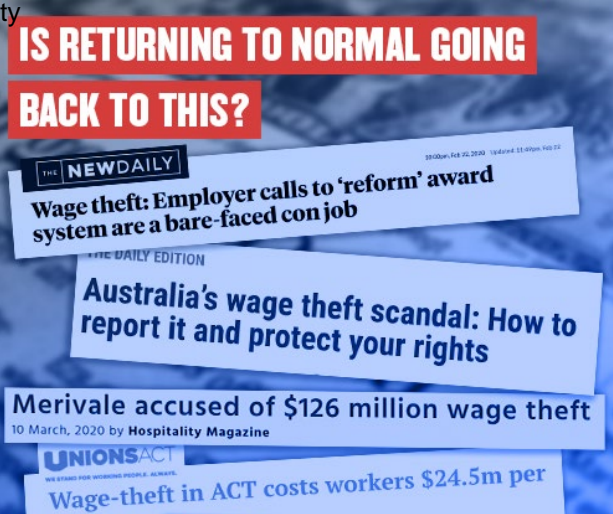
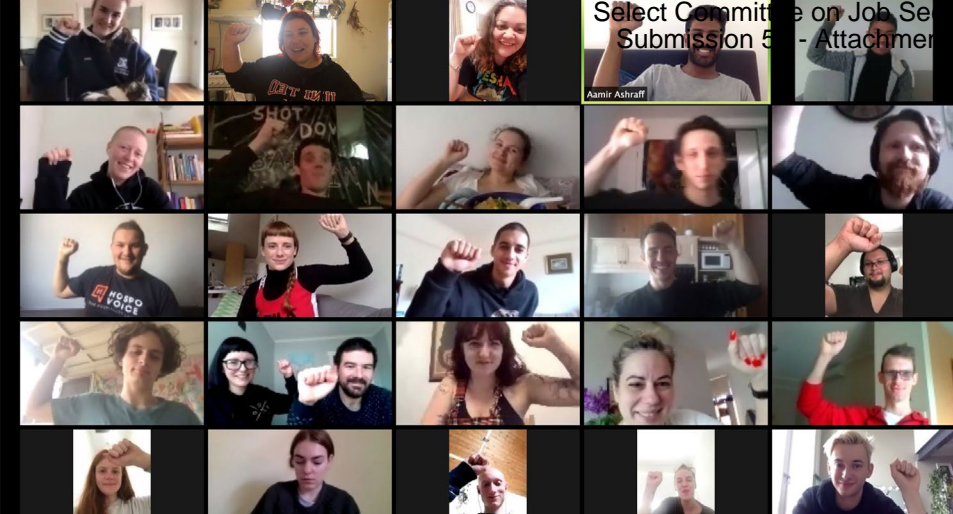
Hospo Voice members have come together to create a plan that will see them through this crisis and beyond.

As the pandemic continues, Hospo Voice members demand:

- ▶ Rigorous Covid-safety training for all hospitality staff and strong reporting protocols, including:
 - ▷ Workers need to be trained in how to operate safely in a COVID-19 environment
 - ▷ Worker need to be trained in how to identify, raise and resolve concerns effectively
 - ▷ Workers need access to independent information, advice and support from worker representatives
- ▶ The provision of paid pandemic leave for all hospitality workers
- ▶ A zero-tolerance approach to all non-compliance, with a business' right to operate restricted or removed

More broadly, Hospo Voice activists have a vision for the sector based on more secure jobs and four key demands:

1. Fighting insecure work by reducing casualisation and winning secure and sustainable jobs;
2. Criminalising and eradicating wage theft across Australia;
3. Ensuring safe and respectful workplaces; and
4. Ending the “permanently temporary” underclass of migrant workers in the industry.



Ensuring that the pay in hospitality affords workers the safety and security they need is, in the current climate, not only beneficial to workers but a necessary public health measure. Hospitality workers should not have to choose between paying the bills and looking after themselves. Currently a business can reject any casual worker's request to convert to a part-time or full-time work, even if they are effectively taking on these hours and responsibilities. Employers can also change the roster of their part-time or full-time employees with only 7-days' notice. Changing the Award and employment standards, and restoring penalty rates, to relieve some of the precarity in workers' rosters, roles and pay, is a start to rectifying the unchecked insecurity in this sector.

JobKeeper and JobSeeker payments must expand to include all affected workers, including temporary visa holders, and continue to support those who have lost their income. Paid pandemic leave, on top of this, must be made available to all hospitality workers to keep workers and their communities safe. Hospo Voice activists are campaigning for these measures as targeted stepping-stones during the pandemic, in order to foster more permanent and sustainable work in their industry.

Our current legal frameworks have also fallen behind and are not working hard enough for workers. Instead of holding bad bosses accountable, the law leaves enough gaps for employers to exploit their employees, siphon their wages, and keep their jobs insecure enough to get away with it. Weak excuses such as organisation-wide accounting errors, one-off miscalculations, or confusing legal distinctions around role entitlements, mean that employers emerge with nothing but a slap on the wrist if they promise to do better next time. That's why Hospo Voice activists are petitioning state and federal governments to do better: to criminalise wage theft nationally; stop excusing "one-off" or "minor" instances of wage theft; capture the key actors committing the offence; and expand union right-of-entry powers to uncover and address wage theft across all industries.

Training institutions, including TAFEs and universities, must also work alongside workplaces to provide workers with the training they need, which needs to be guaranteed at the worksite level by our laws. This training, in turn, must ensure unions and workers play an active role in workplace safety as industries re-open. Hospo Voice activists therefore propose anti-harassment, anti-bullying, and workers' rights to be a key focus in pre-service and workplace training, because this knowledge is vital to creating better and fairer jobs. They will also continue to roll out the set of tools they have developed, under their Respect Is The Rule campaign, to cement a zero-tolerance approach to sexual harassment across the industry.

And, at the crux of their plan, Hospo Voice activists are making sure no hospitality worker is left behind. Migrant and casual workers are the most exploited workers in hospitality, and the bosses who take advantage of them must be named, shamed and held to account. The laws and conditions that work in concert to keep these workers downtrodden, such as visa work limitations, need to be removed so that workers aren't paid off-the-books and denied their minimum Award rates, superannuation entitlement, and are protected by WorkCover at all times during their employment. Hospo Voice activists will continue to reach out to, and organise, vulnerable workers to help build their strength, hold to account bad employers and the weak laws that enable them, and demand justice.

POST-COVID ROADMAP TO #REBUILDHOSPO



VISION

End insecure work by reducing casualisation and winning secure and sustainable jobs.

GOALS AND ACTIONS

1. Fight for major improvements to the Award and NES for casuals;
2. Expand and extend JobKeeper and JobSeeker for all workers, including temporary visa holders and all casuals;
3. Raise the minimum wage and restore and increase penalty rates;
4. Publicly name and shame bad bosses.



VISION

Criminalise and eradicate wage theft across Australia.

GOALS AND ACTIONS

1. Win strong wage theft legislation across Australia;
2. Publicly name and shame wage thieves;
3. Educate workers across Australia on how to identify and speak out against wage theft.



VISION

A safe and respectful hospitality industry

GOALS AND ACTIONS

1. Hold bosses accountable for keeping workers safe during the pandemic including provision of the equipment and training needed for infection control, and access to paid pandemic leave;
2. Secure a zero-tolerance approach to sexual harassment across the industry by rolling out our *Respect Is The Rule* campaign nationally;
3. Change our laws to ensure anti-harassment and anti-bullying in all hospo venues, including compulsory workplace training.



VISION

End the “permanently temporary” underclass of migrant workers in hospo.

GOALS AND ACTIONS

1. Change the law to remove work limitations on student and partner visas;
2. Provide accessible workers’ rights information and training to migrant workers in hospo;
3. Organise migrant workers alongside other community services, and name and shame the bosses who exploit them.



11. CONCLUSION

The hospitality industry is one of the most important sources of jobs and economic activity in the country. It is a vital part of Australia's economic future. In a post-COVID world, it is only a matter of time before the sector rebounds. Australians, everywhere, will rush back to their favourite watering holes and eateries, and the industry will grow as it was predicted to do so before the pandemic hit.

With the promise of revamped venues, menus, and other offerings waiting around the corner, hospitality has the potential to be an exciting space for workers. As always, many young people will take on their first paid roles within the industry, but we should also expect that many will want to stay there and build careers around the creativity, dynamism and quality customer service that can be found in hospitality.

But as the industry re-opens with much anticipation, it is important to recognise that it is a broken one and in need of urgent reform. Close to 800,000 workers' lives depend on this industry being a better place to work, including some of the most vulnerable workers in the country.

As the pandemic continues, the industry's first priority must be keeping workers and patrons safe. It is at this time that bosses, corporations and politicians must veer away from band-aid solutions and start to look at the causal factors that make hospitality such a threat to our broader community during the pandemic. Insecure work, in particular, must be recognised as the thread that fuels and exacerbates that risk of spreading the COVID-19 virus, as it does many of the other fundamental problems in the industry.

Hospitality workers are fed up with wage theft, exploitation and unsafe workplaces. Insecure work is, once again, to blame. Until good, secure jobs are available to all workers in hospitality, workers will not stop fighting for a better and fairer industry.