

FACT SHEET

Wage Theft Against Students

How does wage theft affect students working part-time?

Most commonly, both college and high school students work within low-wage industries. Over half of all high schoolers work in retail and roughly 44% of college students work in vulnerable sectors like childcare, food service, and retail. Student workers are more likely to be taken advantage of due to their part-time or temporary status.

As a student, what employer behavior should I be wary of?

As with most wage theft violations, the burden of proof often lies with the worker. Even as a part-time or low-wage worker, student's minor hourly losses have an additive effect. As a student worker in high-risk sectors, you should be checking to make sure:

- In service industries, you are paid for all tips earned.
- You are being fully compensated for all hours worked, and avoiding "off-the-clock" unpaid labor.
- Your paystub reports an hourly wage equal to or higher than the state minimum (\$2.13/hour for Tipped Employees*, \$12.00/hour for Non-Tipped Employees).
- Review your paystub for any strange deductions – employers cannot make certain deductions without your written consent.
- You are properly classified – if your employer lists you as an independent contractor, you may be missing out on many part-time benefits while your employer evades taxes.

What is worker misclassification?

Worker misclassification, also called payroll fraud, is when an employer improperly classifies a worker as an independent contractor instead of an employee. Generally, you are an employee if you work for one company and they control your tasks.

Why does it matter? If you are misclassified, you:

- Pay double employment taxes – your share and the employer's share.
- Cannot get unemployment if you lose your job, until you prove you were misclassified.
- Are not eligible for employee benefits like health insurance and retirement savings.
- Are not covered by workers' compensation, which means you could have trouble getting help if you are injured on the job.
- Will not get paid overtime (1.5 times your hourly rate) if you work more than 40 hours.

How can I help fight wage theft?

By signing up for our [e-mail list](#), posting [informational material](#), and even advocating through word-of-mouth, you can protect yourself and others from unethical and unlawful employers.

Who should I contact if I suspect I am a victim of wage theft?

If you suspect you are a victim of unlawful employment practices, it is important to seek help for money that you are legally owed. You may fill out a wage/hour dispute form provided by the Virginia Department of Labor and Industry (DOLI) by clicking [here](#). (or going to doli.virginia.gov) To learn your rights or find a lawyer near you, visit our website at wagetheftva.org.

The Virginia Interfaith Center for Public Policy advocates economic, racial, and social justice in Virginia's policies and practices through education, prayer, and action.

*Employers are still required to subsidize up to \$9.87 to ensure tipped workers achieve minimum wage of \$12.00/hour