

Australia's systemic migrant labour exploitation exposed

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Much has been said about the rampant exploitation of migrant workers in Australia but the Migrant Workers Centre has data showing it is even worse.

The Melbourne-based non-profit organisation that advocates for migrant workers' rights surveyed more than 700 migrant workers across many industries. [Lives in Limbo](#), released in November, found that a huge 65% of those surveyed were subjected to wage theft while on a temporary visa.

The number marks a stark difference to another study on wage theft, conducted by private consulting firm PricewaterhouseCoopers (PwC). Using Fair Work Ombudsman's data, PwC modelled wage theft and concluded that just 13% of the population is being underpaid. Although it also suggested wage theft could take place at higher rates in certain industries, such as hospitality that employs many migrant workers, the Migrant Workers Centre's 65% and PwC's 13% are not comparable.

What explains the difference?

Lives in Limbo found a strong correlation between migrant workers' vulnerability to wage theft and their entry visa type: 91% of those who experienced wage theft arrived on a temporary visa that does not lead to permanent residency.

Workers on a student visa or working holiday visas are disadvantaged because they are subject to regulations that limit their work rights. This forces them to grab whichever job they find, even ones where the pay is not correct. Employers are aware of their conundrum and take advantage. It's also possible that employers find it easier to exploit people who they believe will not stay long.

Lives in Limbo also revealed that one in every four migrant workers on temporary visas was pressured to work excessive overtime, to work on public holidays and were denied access to annual leave and sick leave.

The situation was worse for migrant workers sponsored by employers. As many as 53% sponsored by their employers reported having been forced to work excessive overtime. This is because migrant workers on temporary employer sponsorships need their employer to also act as a sponsor for a permanent visa even though nothing obliges the employer to do so.

Transition to permanent residency is solely up to the employer's discretion. Migrant workers on employer sponsorship cannot speak up at work. Their only option is to try their best to please the employer until the day they become permanent residents.

Lives in Limbo suggests the exploitation of migrant workers will continue as long as Australia's restrictive visa conditions are in place. The visa conditions — work limits and employer sponsorship — deprive migrant workers of the power to negotiate work conditions, not to mention to exercise

their workplace rights.

For example, temporary skilled visas are directly linked to employer sponsorship and can be cancelled after the person loses their job unless they find another sponsor within 60 days. Even when a worker loses their job as a result of employer abuse, this condition remains making it difficult for migrant workers to fight against wage theft for fear of losing not only their jobs but also their livelihood.

On the other hand, working holiday visa holders must complete a prescribed minimum period of government-specified work to be eligible to apply for a visa extension.

Some employers take advantage of this and commit wage theft against those on working holiday visas, who have little alternative but to endure exploitation.

Temporary migration programs must change to protect migrant workers against exploitation. First, migrant workers on a temporary employer sponsorship must be freed from the unpredictability of waiting for a sponsorship arrangement for a permanent visa. Migrant workers should be allowed to replace employer sponsorship with state/territory sponsorship for permanent residency after a period of residency and local employment.

Another problem *Lives in Limbo* identified is migrant workers' unfamiliarity with the country's industrial relations policies. Just half of the participants said they knew about penalty rates and as few as 18% knew about an enterprise bargaining agreement.

This should not come as a surprise given where migrant workers receive information about their workplace rights. Temporary visas are issued electronically and, when they come with work rights, the government sends the visa holders an electronic link to the Fair Work Ombudsman's website for details.

There is no follow-up education or in-person consultation provided when migrant workers arrive. Even student visa holders do not receive information about what to expect at workplaces.

The Migrant Workers Centre is the only government-funded organisation that provides education catered to the needs of migrant workers. We cannot expect migrant workers to understand their workplace rights without giving them a chance to learn about them.

Equally importantly is helping migrant workers exercise their rights and speak up against labour exploitation. Currently, migrant workers have to give up the possibility of settling down in Australia if they want to fight against exploitation. They lose their chance to progress towards permanent residency and take the risk of their visa expiring before the justice system resolves their issue.

We must improve migrant workers' access to justice, compensation, injury treatment and protect whistle-blowers.

To help amplify migrant workers' voices and *Lives in Limbo* recommendations, the Migrant Workers Centre arranged a series of meetings between politicians and migrant workers last year. While all seemed moved by the testimonies, they concurred across party lines on the need to safeguard the "Australian job market".

We will not end the exploitation of migrant labour as long as migrant workers' workplace rights are restricted by visa conditions and the justice system is weighted towards unscrupulous employers.

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