



Fair Treatment for People coming to Work in Australia from Overseas

June 2019

When a foreigner resides with you in your land, you must not oppress him. You must treat the foreigner living among you as native-born and love them as yourself, for you were foreigners in the land of Egypt. I am the Lord your God.

Leviticus 19:33-34

The Coalition Government established a Migrant Worker Taskforce headed by Professor Allan Fels and Professor David Cousins (who is chair of the Board of Uethical, the Synod's investment arm) to investigate how to better protect people coming to work in Australia from overseas from exploitation. The Taskforce presented its final report to government in February 2019 and made 22 recommendations. The government has stated that it accepts the recommendations in principle. We need to encourage the government to thoroughly implement the recommendations.

The Taskforce found the issue of wage theft from people from overseas working in Australia on a temporary basis is widespread, with the most comprehensive academic survey available suggesting that up to half of all such people have wages stolen from them. Wage theft is particularly prevalent by owners of food service businesses and by farmers and owners of labour hire businesses related to fruit and vegetable farms.

While people coming to work in Australia from overseas on a temporary basis make up only 6% of the workforce, they make up 20% of the cases that the Fair Work Ombudsman (FWO) deals with and were 63% of the cases taken to court by the FWO in the 2017-2018 financial year.

Something very fishy

In 2018, the FWO investigated 45 sushi businesses in Newcastle, Coffs Harbour, Canberra, the Gold Coast and other parts of NSW. It found that 87% of them were not complying with employment laws. There was widespread use of false records, not issuing people working with pay slips, and wage theft particularly targeted at young people who did not speak English. The FWO issued 15 warnings, nine fines and commenced legal action against six business owners. The FWO recovered \$797,063 in stolen wages from 406 people working in the Sushi businesses.

Climate of Fear for some

The Migrant Worker Taskforce commissioned research into people working in Australia on a temporary basis. Of concern, 15% did not seek out information about Australian workplace laws and conditions because they were fearful they would get into trouble and an additional 10% did not want to get their employer into trouble. A number said they were fearful of losing their job, getting fewer hours or causing cultural offence.

The recommendations from the Migrant Worker Taskforce included:

- That it be illegal to advertise jobs with illegally low pay rates;
- That the courts be able to ban employers who exploit people from overseas working in Australia from being able to employ more people from overseas;
- Establish a National Labour Hire Registration Scheme so that labour hire businesses in the areas of horticulture, meat processing, cleaning and security are required to be registered and it will be illegal for an employer to use an unregistered labour hire business;

Positive responses were made by the government in relation to the following areas covered by the recommendations:

The Government will finalise and introduce a model, in consultation with stakeholders, for a National Labour Hire Registration Scheme that will reduce worker exploitation, improve accountability, provide greater transparency and drive behavioural change among labour hire operators in high-risk sectors, without causing major disruption to the entire labour hire industry.

The Government will consider making it an offence for a person to knowingly pressure or coerce a temporary migrant worker to breach a visa condition. The Government will start exploring mechanisms to exclude employers who are convicted by a court for underpaying migrant workers from employing new temporary visa holders for a specific period of time.

Bitter harvest

On 23 May 2019 the Fair Work Ombudsman publicly stated it had secured \$144,000 in penalties against Zucco Farming for stealing the wages of two people from Malaysia and then attempting to hide the crime with false pay records. Zucco Farming operates a stone fruit farm at Woorinen near Swan Hill. The two Malaysian men had \$13,529 in wages stolen from them in 2015 and 2016.

When one of the Malaysian men asked Mr Zucco why their pay slips said they were being paid \$21 an hour when in reality they were being \$15 and \$17 an hour, Mr Zucco told the man "I am not paying you \$21... I do that just for my bookwork."

The Victorian Government is in the process of putting in place a licencing scheme for labour hire businesses operating in the state.

What You Can Do

Write polite and respectful letters to:

Senator the Hon Michaelia Cash

Minister for Employment, Skills, Small and Family Business
PO Box 6100
Senate
Parliament House
Canberra ACT 2600

The Hon Scott Morrison MP

Prime Minister
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Salutation: Dear Prime Minister

Salutation: Dear Minister

Points to make in your letters:

- Express concern at the widespread exploitation of people coming from overseas to work in Australia on a temporary basis, including international students who come to study but who also often work.
- Welcome that the Government set up the Migrant Worker Taskforce to investigate the exploitation.
- Ask that the Government implement as a matter of priority the recommendations of the Taskforce.
- In addition ask that the Government contract community groups to be put in touch with people coming from overseas to work in Australia, so they have someone to go to for advice if they think they are being exploited. Many people coming from overseas will not ring law enforcement agencies directly as a first point of contact when being exploited.