

MIGRANT WORKERS CENTRE

2019 ANNUAL REPORT



**MIGRANT
WORKERS
CENTRE**

THE MIGRANT WORKERS CENTRE

The Migrant Workers Centre a non-profit organization open to any workers in Victoria who were born overseas. It helps migrant workers connect with one another, understand our rights, and get empowered to enforce the rights. The Migrant Workers Centre assists workers from emerging communities to address problems they encounter at workplaces, collaborates with unions and community partners to seek long-term solutions to the exploitation of migrant workers by organizing workshops, conducting research, and developing policy recommendations, and bridges language barriers that limit workers' access to information. Its ultimate goal is to fix the system of labour exploitation in this country.

REPORT OBJECTIVES

This Annual Report provides information for Government and the local and international communities we support. The Report summarises the Migrant Workers Centre's achievements in the fiscal year of 2018-2019. It reviews activity against our strategic objectives and highlights key milestones reached. This Report is also available on our website at www.migrantworkers.org.au/resources.

ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge that the Migrant Workers Centre stands on the lands of the Wurundjeri people, traditional owners and continuing custodians of this land.

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IN OUR FIRST YEAR OF OPERATION, WE HAVE...

- carried out over 30 outreach activities
- assisted over 280 workers on workplace issues
- recovered over \$188,000 in wage and superannuation for workers

DIRECTOR'S REPORT



Our first year has flown by and since launching in August 2018, the MWC's work has continued at full pace. The demand the centre has witnessed shows that the acute need for an organisation specifically targeted at industrial education and support for support migrant workers. The Victorian State Government is to be congratulated for its timely support for migrant workers' rights.

We have been heartened by the great support and generosity of the community during our first year. Particularly how quickly the community came to the support of Vignesh, who was badly burnt during the Bradbury fire in Melbourne's north-west. The community dug deep and raised almost \$25,000 for Vignesh, a Tamil refugee who after seeking safety and refuge in Australia, found nothing but exploitation and danger in his workplace. The explosive fire demonstrated the need to organise around workplace health and safety. We are very excited to be expanding our work in this area with the Multicultural Safety Ambassador Program, which will enhance community understanding and help make workplaces safer for all workers.

Wage theft remains an issue that disproportionately affects migrant workers. In our first year, we have recovered almost \$200,000 in stolen wages and superannuation. We expect to double that figure by the end of 2019.

The MWC is committed to see increased sanctions for employers who rip off their workers. In the coming year, we will continue our policy advocacy to ensure any changes to laws around wage theft are inclusive of the needs of migrant workers. In the interim, we will continue to organise workers and campaign with them to see justice done.

Our centre rejects the divisive politics that blames migrants for suppressing wages or stealing jobs. Instead, we turn our gaze to barriers migrant workers face in full participation in our society.

One particular barrier to migrant workers achieving wage justice has been the discriminatory application of the Fair Entitlements Guarantee. The FEG is a Federal Government backed program that ensures workers are paid their wages and entitlements if their employer goes into liquidation. Temporary migrant workers are excluded from this scheme, which means they have little to no chance in recovering their money in such circumstances. This year, we will continue our campaign for the Federal Government to expand the scheme to ensure all workers have equal access to this protection.

Another barrier to justice is the precarity and insecurity inherent in our migration system, that relies too heavily on temporary migration and limits pathways to permanency. We will continue to listen to migrant communities and work with them to advocate changes that allow improve security and permanence for those who want to stay to better build a life for themselves and their families.

I'd like to pay tribute to the excellent work of the centre's team of organisers and officers. They have all done such a great job in working with migrant communities to raise awareness about workplace rights and have tenaciously pursued justice alongside workers. Thanks also to the members of the MWC Board, who have shown such leadership in building this project of ours.

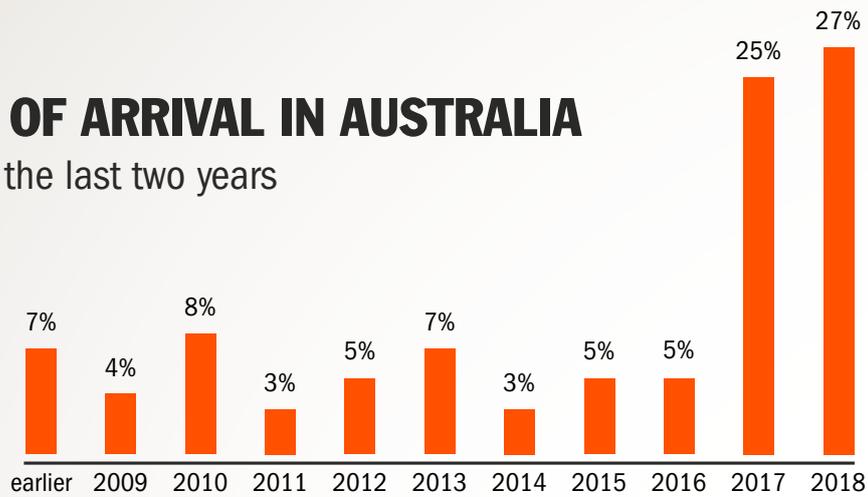
All of us, no matter where we were born, are in this together. There are those that falsely declare efforts to reduce inequality and discrimination are attacks on the rights of those who already enjoy them. We are doing what we can to shift the prevailing anti-migrant sentiment and re-establish a true and broad solidarity between all workers. Overcoming inequality is not a zero-sum game; the rising tide lifts all ships.

Matt Kunkel
Director, Migrant Workers Centre

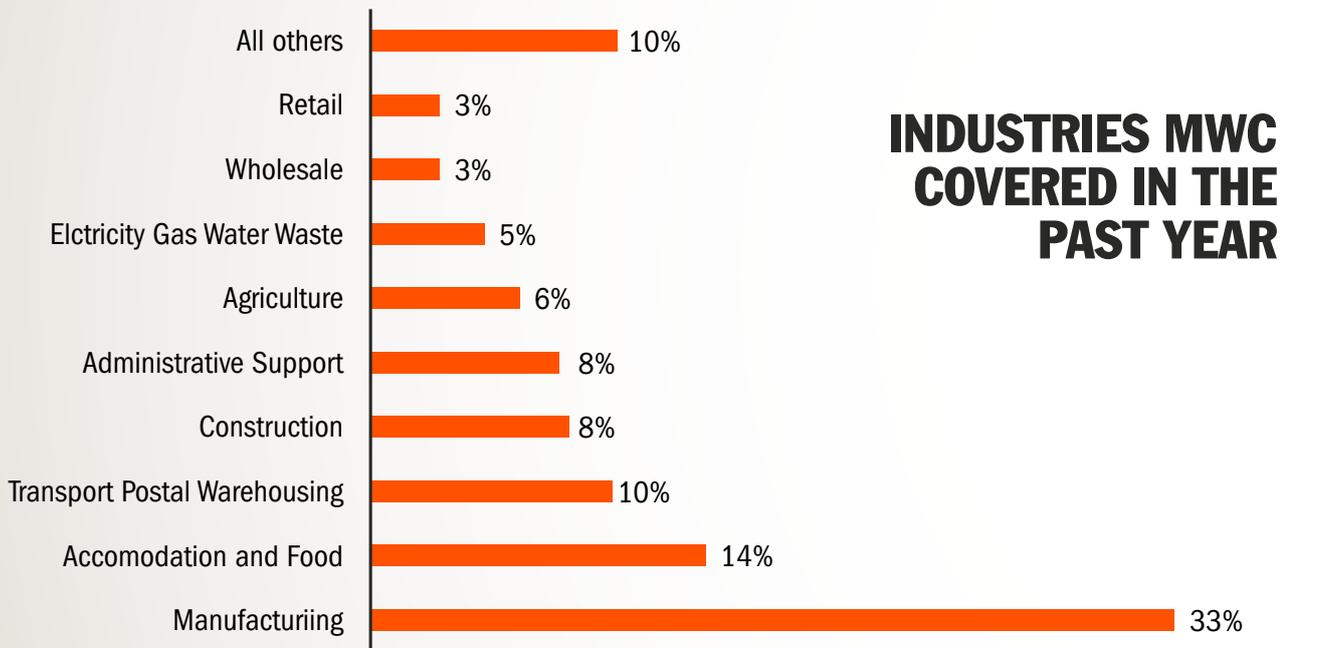
SNAPSHOT 2018/19

YEAR OF ARRIVAL IN AUSTRALIA

52% in the last two years

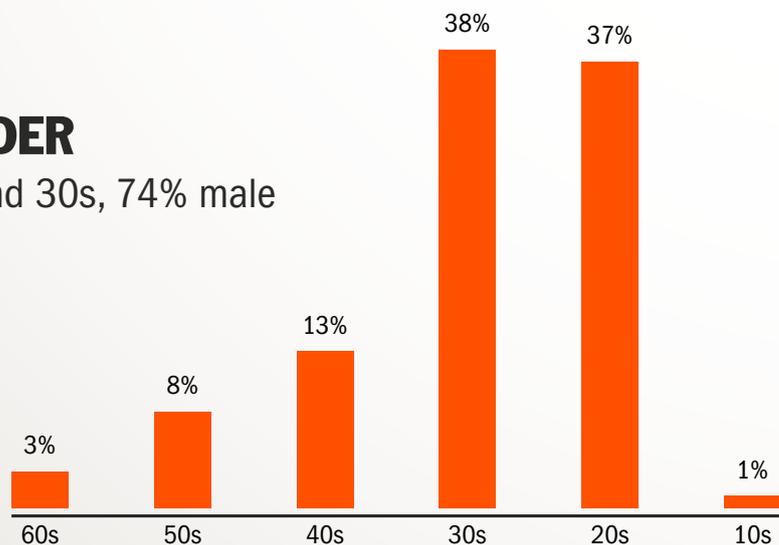


INDUSTRIES MWC COVERED IN THE PAST YEAR



AGE AND GENDER

75% in their 20s and 30s, 74% male

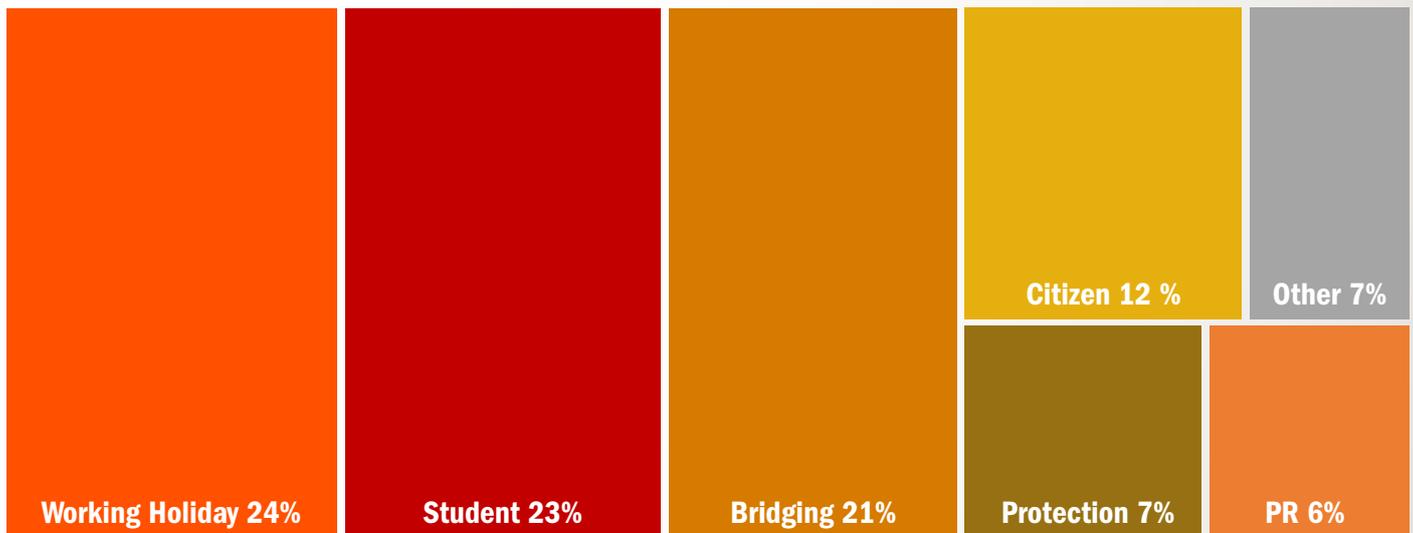


PRIMARY WORKPLACE ISSUES

Entitlements	underpaid wage	5%
	deductions, deposits, forced housing etc.	29%
	tax or superannuation-related	4%
	final payment	7%
	Fair Entitlement Guarantee	3%
Occupational health and safety	injury	3%
	bullying	12%
	hazards	8%
General industrial inquiries		1%
Unfair dismissal		7%
Visa-related issues		1%
Others		2%

MIGRATION STATUS IN AUSTRALIA

Over 47% in short-term visas with no pathway to permanent residency (including a majority of bridging visa holders were not moving onto permanent residency, either)



LANGUAGES

50% can represent themselves in English (Other languages include 17 different languages)



“ Our centre rejects the divisive politics that blames migrants for suppressing wages or stealing jobs. Instead, we turn our gaze to barriers migrant workers face in full participation in our society. ”





KICKING OUT A DODGY SUBBIE



Together with unions, the Migrant Workers Centre fights against sham contracts and fraudulent labour-hire arrangements!

Student visa holders in Australia have work permits, but are not allowed to work only up to 40 hours every two weeks. This restriction disadvantages them in the job market against other workers and makes it difficult for students to make ends meet

with the little income they earn. To make matters worse, some employers use the restriction as an excuse to exploit student visa holders. They force students to accept pay below the minimum wage as well as other exploitative work conditions.

A HOUSING CONTRACT INSTEAD OF A JOB CONTRACT

Brenda and Viviana are students from Latin America. They met each other at an English course in Melbourne and became friends. They were looking for jobs that are not underpaying students when they found online an advertisement for a part-time cleaning job that promised to pay according to the award rate.

When they went for a job interview, the employer told them that the job was in regional Victoria and that they had to move in to an area nearby before starting to work. He handed them a rental agreement to sublet a room with a shared bathroom from him at \$290 per week (utilities not included) and asked them to sign it if they wanted the job.

Brenda and Viviana left Melbourne and moved in to the new house in regional Victoria. It took at least a couple of weeks before they were assigned any work. To their surprise, the public schools they were finally assigned to do cleaning work were in Melbourne. There was no reason for them to move in to the employer-provided accommodation if their employer had not made the job placement conditional to living in the accommodation provided by him. Every day, Brenda and Viviana had to travel long distances to go to classes or to work in Melbourne. There was no public transportation to the house at night, and they had to walk almost half an hour every time they finished late at work.

LABOUR-HIRE SUBBIE'S SEXUAL HARASSMENT

What made it more unbearable for Brenda and Viviana to live in the employer-provided accommodation was the fact the employer was also living in the house. He would ogle them in the hallway and enter their room uninvited and unannounced. Brenda and Viviana were worried if they could safely survive until their rental agreement expired.

Before coming to Australia, Brenda had 6 years of work experience in Argentina's fashion industry and Viviana 4 years in Columbia's banking industry. They knew what unions were, but did not know migrant workers including themselves could join unions in Australia. Besides, it didn't occur to them that their housing problem was actually a workplace issue.

At the occasion of International Women's Day, Brenda came to the Migrant Workers Centre's International Sisterhood Night and shared their hardship at the employer-provided accommodation. They learned that it was against the law for employers to make workers stay at their accommodations. Their employer might have been paying Brenda and Viviana correctly on paper, but was effectively underpaying them by collecting money back in the form of rent and utilities. They could now see why the employer did not allow them to make any bank transfers and insisted on them paying the rent and utilities in cash.

UNION'S COLLABORATION WITH MIGRANT WORKERS CENTRE

The Migrant Workers Centre helped Brenda and Viviana move out of the employer-provided accommodation and join United Voice. United Voice had been actively working to fix fraudulent labour-hire arrangements in service sectors, especially for security guards and cleaners. Cleaners are exploited by a chain of subcontractors as known as "subbies". In 2018 the union succeeded in making the Victorian government adopt an area-based cleaning model in metropolitan schools, which prohibits the exploitive practice of subcontracting and holds labour-hire providers accountable for the exploitation of cleaners in their designated areas.

United Voice confronted the "subbie" and the labour-hire provider responsible for the area on behalf of Brenda and Viviana. The labour-hire provider kicked the subbie out and

directly employed the two women. They keep working at the same workplaces without having to stay at the accommodation they don't like or pay the dodgy subbie hundreds of dollars in cash every week.

Brenda and Viviana became proud union activists. They love the union movement's message of workers standing together to change working people's lives. They take part in every rally or event they can in the union movement and help their friends in South American communities join their unions. Brenda and Viviana are also part of the United Voice's campaign for workers on international student visas called "Respect for International Students". Brenda is taking courses on leadership now, hoping to become a strong union leader someday.



The Migrant Workers Centre works with anyone in Australia with a migrant background, including temporary visa holders, tourists, as well as people with no documents!

John (pseudonym) is a cook with years of experience. He decided to come to Australia and refine his skills when a migration agent in Victoria told him he would easily gain permanent residency in the country as a cook. Following the migration agent's advice, he came to Australia on a tourist visa with a plan of applying for permanent residency onshore.

When John arrived in Victoria, the migration agent changed her words: John did not meet the minimum points needed to apply for permanent residency. Nor was he qualified for a student visa to study and practice cookery.

PERILS OF AN INVISIBLE WORKER

The migration agent said that she could find employers who might nominate John to a position of cook and he could apply for permanent residency under Victoria's regional sponsored migration scheme. She introduced him to a restaurant in regional Victoria.

Tourists are not permitted to work in Australia. However, the restaurant owner asked John to work for him during the visa application process. John worked hard because he didn't want



FIGHTING VISA FRAUD & EXPLOITATION

his employer to change his mind on nominating him. He did not complain when he was underpaid to \$20 per hour in cash, although he was entitled to \$26.14 according to the hospitality industry award.

In the meantime, John's migration agent kept charging him for various fees to process his visa application. The total amount he had paid her grew close to \$10,000, which is almost three

times the GDP per capita of John's home country. John thought it meant his dream was coming true soon.

One day, however, John's employer suddenly dismissed him. No explanation was given. He simply told John that he was no longer interested in having him at his restaurant. There had been no employment contract signed. His migration agent said there was nothing John could do about the situation.

FIGHTING THE VICIOUS CHAIN OF EXPLOITATION

John's migration agent said she would find another employer who might nominate him to a position at another restaurant. He didn't like the idea. It meant more time for John to spend in Australia without a proper work permit, getting underpaid and hoping his employer would not change their mind at the last minute again.

John contacted the Migrant Workers Centre for help. We were able to uncover the vicious chain of exploitation between John's migration agent and employer. The two were friends and fraudulent business partners.

The migration agent charged John money for things she could never fulfil under the current migration schemes and put John's life at risk by advising him to come to Australia on a tourist visa. The owner of the restaurant took advantage of John's skills and vulnerable migration status, making him break the conditions of his tourist visa and paying him below the award rate.

The Migrant Workers Centre confronted the migration agent and the employer on behalf of John. In a couple of weeks, John recovered all the money he had paid his migration agent. If he had not called us, he would have had to return home with a huge debt.

Regrettably, the hardship John experienced is not unique to him. Many migrant workers, not familiar with Australia's migration schemes or workplace rights, endure exploitative work conditions with a false hope of getting permanent residency and out of exploitation one day. This is why the Migrant Workers Centre puts the utmost importance on collaborating with migrant communities to disseminate knowledge about what every worker in Australia is entitled to.



HIGHLIGHTING THE HEALTH AND SAFETY RISKS FACED BY MIGRANT WORKERS

Migrant workers are exposed to higher health and safety risks. Migrant Workers Centre works with WorkSafe, unions, and multicultural communities to raise awareness of occupational health and safety.

Every worker has a right to a safe and healthy working environment. They are entitled to know what health and safety hazards they are exposed to at work and refuse unsafe work. They can also elect representatives among themselves, who can take the role of watchdogs in the workplace to make sure businesses comply with the law on health and safety issues and negotiate how hazards are dealt with.

Migrant workers are often exposed to extensive occupational health and safety risks. According to a recent study, migrant workers are at increased risks of poor health outcomes compared to native workers because they have longer working hours and dangerous working environments that go unnoticed by authorities.

INFERNO AT A WASTE MANAGEMENT FACILITY

At 6:40 in the morning of 5 April 2019, a big fire broke out at a waste management factory in North Melbourne. Vignesh Varatharaj was tending a chemical drum when it blew up in his face. Seriously injured and intoxicated by chemical fumes, Vignesh was taken to a special burns unit.

Vignesh's employer, Bradbury Industrial Services, provided storage and disposal services for hazardous and industrial waste. The business accepted chemical waste for a fee and

stockpiled it in warehouses. On to the hazardous materials collected, the business added more risks by not properly labelling the chemical waste and by not informing workers about what they were handling with. Vignesh and his colleagues received no training before they were put to work. They were merely told not to use a phone or smoke nearby the chemical waste.



The Migrant Workers Centre had been raising a voice against the risks at Bradbury for months. We learned about Bradbury's risky business practices when one of our organisers spotted blisters on the skins of Bradbury workers she met. When the fire broke out, it was revealed that the business had not followed

the Environment Protection Authority's safety regulations. There were three times more hazardous materials on the premises than the business was licensed to hold. It took four days for the fire department to extinguish the fire.

CAN ASYLUM SEEKERS FIND A SAFE HAVEN IN AUSTRALIA?

Many of the workers at Bradbury Industrial Services were asylum seekers. Vignesh himself was one who had fled human rights violations in the aftermath of Sri Lanka's civil war. With not enough documents to prove their skills or experiences from their homelands, asylum seekers have difficulty finding jobs in Australia. When they find one, they are often exposed to poor working conditions with serious occupational health and safety risks.

Bradbury was one such workplace. The Migrant Workers Centre helped 12 workers at Bradbury to join the Australian Workers' Union and helped them recover over \$55,000 of underpayment in total. Regrettably, our lonely voice against the safety risks at Bradbury could not save Vignesh from the accident. However,

Australian Workers' Union is planning to investigate other waste management facilities in Victoria to prevent other foreseeable accidents.

MWC crowdfunded \$24,000 for Vignesh's medical expenses. In addition, MWC launched the Multicultural Safety Ambassadors Program. This project recruits a dozen migrant community leaders and provides training on the occupational health and safety system and how to deliver community-based training. Ambassadors will organise and deliver information sessions in their communities to promote good workplace health and safety practices, using specially created in-language informational resources.



PREVENTING WAGE THEFT

Migrant Workers Centre collaborates with unions to provide migrant workers with tools to fight with and support them to make their voices heard!

Hospitality is an industry that demands intensive physical and emotional labour as well as extended working hours to meet the needs of customers. And yet, businesses hire workers on short-term contracts or on a casual basis, making workers vulnerable to exploitation and abuse at work. The industry suffers from a low rate of unionisation, nonetheless, because most of the workers in hospitality are scattered across small, single-site venues such as restaurants, bars, and cafés that rely on local foot traffic and have fewer chances to learn about their workplace rights.

In response, a new type of union membership was created for workers in hospitality in 2018. Hospo Voice (hospovoice.org.au) is a pilot project of United Voice Victoria, which is designed to appeal to the young, transient, and casual workforce in hospitality. The union provides members with digital tools to record their hours worked, document instances of workplace injury or bullying, and check how much they should be paid for their work. Members are also provided with template letters they can send to employers when they get underpaid.

UNHOSPITABLE FOR MIGRANT WORKERS

The Migrant Workers Centre works closely with Hospo Voice. Hospitality is an industry that sets relatively low barriers to entry for overseas-born workers, requiring less documentation to prove prior experience or qualifications. The cost of relatively easy access is poor working conditions that put workers at risk of workplace injury, abuse and bullying at work, and pay rates violating the minimum wage.

One café in East Melbourne has hired workers on student visas for years and always paid them about 50% of their proper award rates. Migrant Workers Centre has met three of the workers, a rough sum of whose underpaid wages easily surpassed \$200,000. They were never paid any

penalty rate or overtime pay. The employer's contributions to their superannuation was well below the minimum standard.

In another example, Hospo Voice found out that popular restaurants in Melbourne's Chinatown hire predominantly migrant workers and pay them \$70 cash in hand for a 12 to 14 hour-long day. These businesses do not bother to sign a contract with workers. The workers can be fired anytime at the whim of their bosses just by getting deleted from staff WhatsApp groups. In this culture of business that puts little value on human labour and dignity, migrant workers often feel powerless, disposable and unable to unionise.

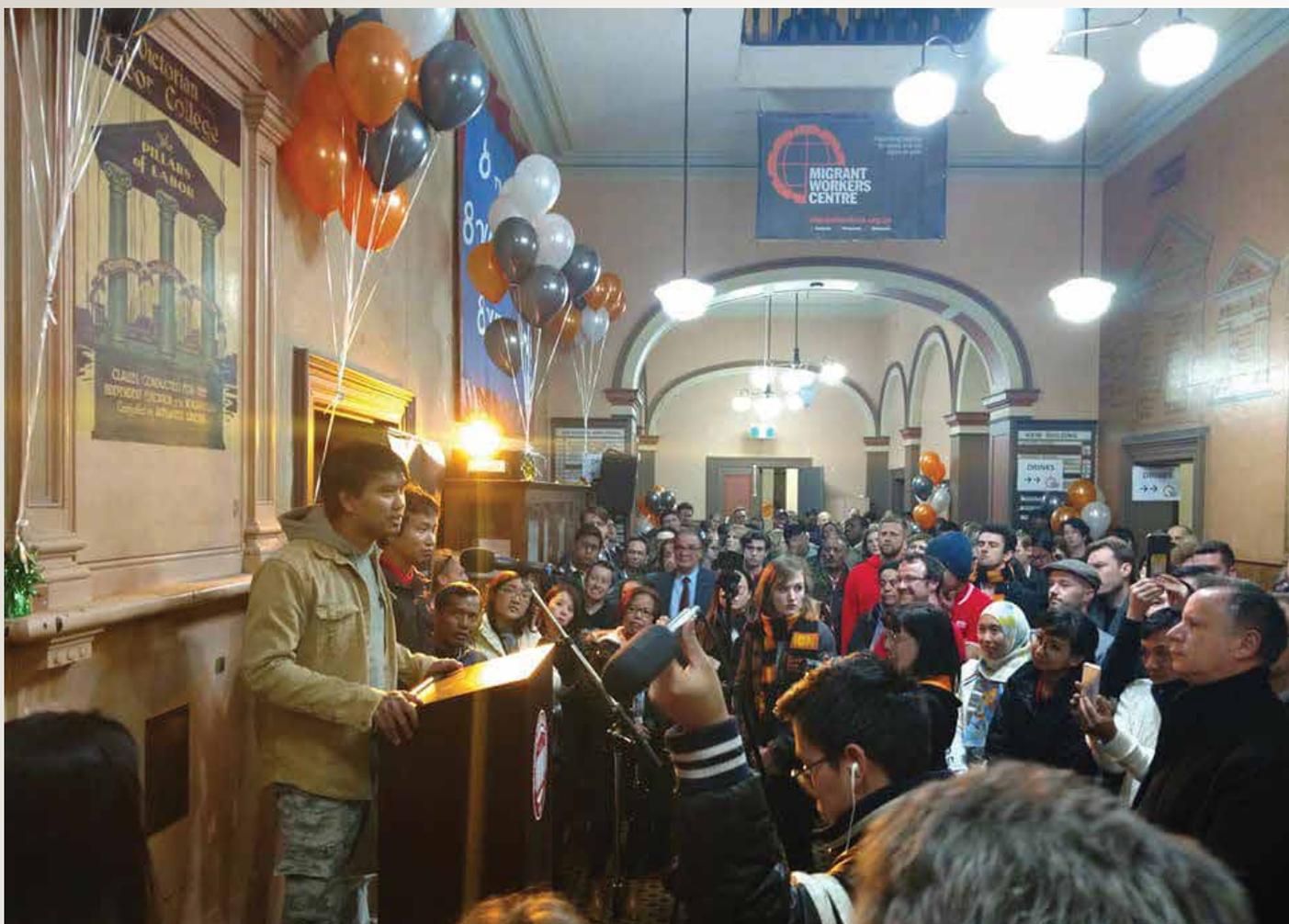
COLLABORATION WITH A DIGITAL UNION

Hospo Voice uses technology to fight back exploitation in hospitality. For example, it is not easy for workers to keep a good track of hours worked when they are given no payslips. Record My Hours is one of Hospo Voice's tools workers can use to keep their employment records.

The Migrant Workers Centre also actively uses technology-based strategies to assist migrant workers to make their voices heard. We are on

various social media, and workers can easily get in touch with us online. Both Hospo Voice and the Migrant Workers Centre are not only available online. Together, we have organised protest actions in front of businesses with bad practices to expose and publicly shame their exploitative business practices and successfully pressured the employers to pay back for their workers' entitlements.





EVENTS OF YEAR 1

LAUNCH 2018

The Migrant Workers Centre officially opened its doors at the Victorian Trades Hall on 28 August 2018, amid cheery celebrations and high hopes expressed by around 300 workers, trade unionists, politicians, legal professionals, and academics.

George Lekakis, a champion of the Australian multicultural movement and inaugural chair of the Board of the Migrant Workers Centre, cut the ribbon at the launch party, together with

Luke Hilakari, Secretary of the Victorian Trades Hall Council, and Robin Scott MP, Victorian Minister for Multicultural Affairs.

Minister Robin Scott delivered the Victorian government's support for the Centre, stating that "migrant workers and international students are critical to the strength of our community and our economy—it's essential we give them the information and support they need."

INTERNATIONAL SISTERHOOD 2019

The Migrant Workers Centre organised International Sisterhood Night on 4 March 2019 as part of the Women's Rights at Work Festival. Around 80 migrant women workers attended the event at the Victorian Trades Hall to share their experiences at work in fighting sexism and racism and learn about the Victorian union movement.

The Women's Rights at Work Festival is an annual event in Victoria that celebrates the International Women's Day on 8 March and

showcases the advances women have made in realising their rights at work. It commemorates the collective achievement of women workers and unions and provides stimuli for further advancing women's rights and safety at work.

MWC's International Sisterhood Night provided migrant women with an opportunity to expand their networks and share knowledge about taking practical steps to address sexism and exploitation of migrant workers in their workplaces.



KNOW YOUR RIGHTS AND WORK IN PROGRESS

The Migrant Workers Centre regularly organises workshops at local libraries, multicultural service centres and vocational schools to educate migrant workers about their workplace rights and help them answer questions about award entitlements, occupational health and safety, and freedom of association. Over 600 migrant workers have attended a workshop in the first 12 months of the Centre's operation.

On 30 April 2019, the Centre, together with NOMIT, organized Work In Progress for Migrant Workers, an educational forum on workplace rights at the Victorian Trades Hall. NOMIT is an Italian-Australian network organisation based in Melbourne, and Work In Progress is their annual event for workplace rights promotion.

Professor Anthony Forsyth of the RMIT Graduate School of Business and Law presided the event attended by around 50 participants across Victoria. Edwin Yeung, an international student worker from Hong Kong, shared his experience of fighting against his dodgy boss with the help of Wallace Huang of the Migrant Workers Centre.

In addition, Gabrielle Marchetti of JobWatch: Employment Rights Legal Centre discussed the signs of predatory workplaces and how to combat exploitative employers. Professor Joo-Cheong Tham of the Melbourne Law School presented his research on the Australian labour market and temporary migrant workers.



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