



Submission to the Multicultural Framework Review

Migrant Workers Centre Inc.
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Acknowledgement of Country

The Migrant Workers Centre Inc respectfully acknowledges the Wurundjeri people of the Kulin Nations, the traditional owners and custodians of the land on which our office stands. We pay our respects to their elders past and present and acknowledge that sovereignty was never ceded.

1 Introduction

- 1.1 The Migrant Workers Centre Inc. (MWC) is pleased to contribute the Multicultural Framework Review (hereafter 'the Review'), which provides an historic opportunity to shape multicultural policy in Australia.
- 1.2 The Migrant Workers Centre Inc. (MWC) is a not-for-profit organisation that connects migrant workers with one another and empowers them to understand and enforce their workplace rights. The MWC collaborates with unions and community partners to organise grassroots campaigns, deliver education sessions on workplace safety and rights, and advocate for long-term solutions to the exploitation of migrant workers in Australia. The MWC advocates for all workers who were born overseas and work in Australia, irrespective of their migration status.
- 1.3 Throughout its history, Australia has reaped immense benefits from migration. Successive waves of migrants provided not only the skills and labour essential to Australia's economic growth and sustainability but have also enriched its societal fabric. Their contributions continue to leave an enduring mark.
- 1.4 However, too often, migrant workers face exploitation in the workplace and are denied opportunities for decent work. Safe, secure, and fair employment that treats all workers with dignity and respect is foundational to well-being. As Australia looks to again bolster its economy by increasing the migrant intake, the Review presents a timely opportunity to ensure that the groundwork for enhanced inclusion, access, and integration is firmly in place. A society where every member, regardless of their migration status, feels valued and respected, is bound to be more harmonious and united.
- 1.5 In this submission, we highlight the need to improve the social and economic inclusion of migrant workers within the broader scope of multicultural and language services policy. Immigration-driven economic growth can create the conditions for exploitation – and it is crucial that such growth is pursued in a way that is sustainable, inclusive, and that can provide opportunities for all. To that end, we recommend dedicated investment in:
 - 1.5.1 Programs that build the capacity and capability of migrant workers to understand and enforce their work rights;
 - 1.5.2 Strategic and targeted dissemination of in-language information about workplace rights; and
 - 1.5.3 Workplace planning and development for interpreting and translation in the justice context.
- 1.6 Addressing migrant worker exploitation through multicultural policy will have benefits for Australian society as whole. It will help promote social cohesion, maintain the integrity of the Australian labour system, and foster a cultural shift grounded in human rights, where the inherent dignity of all workers, regardless of their migration status, is celebrated and upheld.

2 Summary of recommendations

Recommendation 1. That the Australian Government dedicate increased resourcing to co-design and deliver initiatives that build the capacity and capability of migrant workers to understand and enforce their workplace rights.

Recommendation 2. That the Australian Government facilitate greater collaboration between the Department of Home Affairs and the Department of Employment and Workplace Relations to deliver capacity-building programs to migrant workers as part of a streamlined inter-governmental response.

Recommendation 3. That the Australian Government dedicate increased resourcing to develop and disseminate in-language information about workplace rights throughout the migrant worker journey.

Recommendation 4. That the Australian Government support a more efficient allocation system for interpreters that prioritises experience and NAATI credentials, and that provides secure employment opportunities and accessible, funded training in specialised areas such as industrial relations.

3 Migrant workers in Australia

- 3.1 Recent data underscores the significant presence of migrant workers and their integral role in Australian society. As of June 2022, there were 1.93 million temporary migrants in Australia, making up approximately 7% of our workforce.¹ The care sector is particularly reliant on migrant workers. 2021 Census data shows that more than 40% of care workers were born overseas, compared to the average of 32% overseas-born workers across all occupations.² Since 2000, approximately 3 million migrants have been granted permanent visas, accounting for 12% of the Australian workforce. A majority of permanent migrants (59%) have acquired Australian citizenship.³
- 3.2 As Australia continues to rely on and benefit from the skills and labour of migrant workers, it has a moral responsibility to protect their rights and welfare. In recent years, the exploitation of migrant workers has gained increased attention and recognition. However, despite increased awareness, migrant workers continue to experience disproportionately high levels of underpayment, exploitation, and unsafe conditions at work.⁴ This exploitation stems not just from individual cases of employer malpractice but is symptomatic of a deeper, systemic issue in Australia's labour and migration frameworks.
- 3.3 The vulnerabilities of migrant workers, particularly those on temporary visas, are exacerbated by their dependent relationship with employers. The fear of jeopardising their job, income, and residency status or future visa pathways often prevents migrant workers from reporting maltreatment or seeking rightful compensation. Further complicating their situation are prohibitive visa conditions, limited access to secure/sustainable employment, potential language barriers, and a lack of comprehensive information about their rights and entitlements.
- 3.4 Migrant workers, especially those on temporary visas, often face challenges securing decent employment due to discrimination in the Australian labour market. Being locked out of equal opportunities can increase the risk of workplace exploitation due to reduced bargaining power, and the fear of reprisal from employers should they report it. The international community has endorsed 'decent work' in the 2030 Agenda for Sustainable Development, which it defines as work that:
- 3.4.1 Pays a fair income;
 - 3.4.2 Guarantees a secure form of employment and safe working conditions;
 - 3.4.3 Ensures equal opportunities and treatment for all;
 - 3.4.4 Includes social protection for the workers and their families;
 - 3.4.5 Offers prospects for personal development and encourages social integration; and
 - 3.4.6 Allows workers to freely express their concerns and to organise.⁵

¹ Scanlon Institute, '[Australian Migration and Population Dashboard](#)' (Web Page); Grattan Institute, '[Migrants in the Australian workforce: A guidebook for policy makers](#)' (Report, 2022).

² Australian Bureau of Statistics (ABS), '[A caring nation – 15 per cent of Australia's workforce in Health Care and Social Assistance industry](#)' (Media Release, October 2022).

³ ABS, '[Permanent Migrants in Australia](#)' (29 March 2023)

⁴ Migrant Workers Centre, '[Insecure by Design: Australia's migration system and migrant workers' job market experience](#)' (Report, March 2023).

⁵ International Labour Organisation (ILO), '[Decent Work](#)' (Web Page).

- 3.5 The International Labour Organisation (ILO) has stressed the importance of promoting ‘decent work’ for migrant workers to meet sustainable development outcomes, and the need to view labour migration as not merely transactional but within the “broader context of employment and labour markets”.⁶ Australia has committed to the 2030 Agenda, but it is currently far from achieving its goals with respect to labour migration.⁷ The Review of the Migration Framework (2023) found that Australia is at risk of becoming a ‘guest worker society’ because it is heavily reliant on ‘permanently temporary migration’, a system that undermines fairness and equality for migrant workers in the labour market.⁸
- 3.6 Our joint research with Unions NSW, *Unlocking Talent: Empowering Migrant Workers with Equal Work Opportunities*, explored migrant worker experiences in the labour market, canvassing issues such as access to work, racial equality, feelings of inclusion, and skills recognition. Thirty-nine per cent of workers reported being denied job opportunities due to their visa status, with 37% reporting that they were offered a lower salary due to their visa type.⁹ These and other research findings underscore the ineffectiveness of current frameworks at ensuring equal employment opportunities and fair working conditions for all.¹⁰ Meaningful reforms are on the horizon, but they do not go far enough in addressing the systemic issues that make migrant workers vulnerable to unfair and insecure work.

4 Building the capacity of migrant workers

- 4.1 Capacity-building initiatives have gained increased recognition in Australia for their transformative impact. These strategies are guided by grassroots, ‘bottom-up’ principles, and aim to enhance the capacity and capability of communities to solve collective problems. The United Nations defines capacity-building as:

*...the process of developing and strengthening the skills, instincts, abilities, processes and resources that organizations and communities need to survive, adapt, and thrive in a fast-changing world. An essential ingredient in capacity-building is transformation that is generated and sustained over time from within; transformation of this kind goes beyond performing tasks to changing mindsets and attitudes.*¹¹

- 4.2 Migrant worker exploitation is a pressing issue globally. Yet, there has been limited emphasis on empowering migrant workers through capacity-building initiatives.¹² In Australia, much of the focus has been directed towards providing individual migrant workers with the legal recourse to enforce their workplace rights, by way of criminalising wage theft, for example. Current law reforms also reflect this trend: there are proposals to penalise employers who coerce workers

⁶ International Labour Organisation, [Promoting Decent Work for Migrant Workers](#) (Discussion Paper, February 2015) 1.

⁷ Department of Foreign Affairs and Trade (DFAT), [‘Australia’s Report on the Implementation of the Sustainable Development Goals’](#) (Web Page).

⁸ Martin Parkinson, Joanna Howe, John Azarias, *Review of the Migration System* (DHA Final Report, March 2023) 102.

⁹ Migrant Workers Centre & Unions NSW, [Unlocking Talent: Empowering Migrant Workers with Equal Work Opportunities](#) (Report, June 2023), 14-15.

¹⁰ Migrant Justice Institute, [Wage Theft in Silence: Why Migrant Workers Do Not Recover their Unpaid Wages in Australia](#) (Report, October 2018); Migrant Workers Centre, [Lives in Limbo: The Experiences of Migrant Workers Navigating Australia’s Unsettling Migration System](#) (Report, November 2021).

¹¹ United Nations, [‘Capacity-building’](#) (Web Page).

¹² Neha Misra, [‘Guest Editor’s Note: A Worker is A Worker: Protecting the Labour Rights of Workers on the Move’](#) (2023) 3(1) *The Global Labour Rights Reporter* 4.

into breaching their visa conditions, and measures that prevent employers from hiring temporary visa holders where they have exploited migrant workers in the past.¹³

- 4.3 While the industrial reforms announced by the Labor Government are both commendable and long-awaited, **there remains a significant gap in how we address migrant worker exploitation.**
- 4.4 There is a noticeable lack of resources and efforts dedicated to strengthening the capacity of migrant workers and their communities to both *understand* and *enforce* their workplace rights. There are structural issues that contribute to the reluctance of migrant workers to report exploitation – most significantly, the lack of adequate protections against visa cancellation, as canvassed in our joint report, *Not Just Numbers: A Blueprint of Visa Protections for Temporary Migrant Workers*.¹⁴ Nonetheless, without ‘upstream’ investment in collective capacity-building solutions, the reform agenda of the Labor Government will fall short of its intended policy objective of stamping out migrant worker exploitation. **Case Study 1** provides one example of a capacity-building program tailored for migrant workers in Victoria.

Case study 1. Bicultural Work Rights Ambassadors Program

The MWC’s education program delivers information on workplace rights and obligations to thousands of migrant workers every year and builds capacity in migrant communities by training and employing community leaders as bicultural educators through the [Bicultural Work Rights Ambassadors Program](#).

The Program trains and empowers migrant leaders from established and new and emerging cultural groups to deliver educational sessions on workplace rights and safety directly to their communities.

Bicultural workers play a significant role in strengthening community capacity. They have been widely harnessed in the care and health sectors by other organisations that work closely with migrant and refugee communities in Australia.

Much like other bicultural workers, Bicultural Work Rights Ambassadors use their ‘insider’ cultural knowledge and extensive community networks to reach migrant workers, many of whom may lack an understanding of their workplace rights and how to navigate mainstream services for assistance. An understanding of culture is just as important as proficiency in the community language, as it allows the educator to establish trust through engagement that is both culturally safe and resonant.

- 4.5 Government investment is needed to help scale work rights capacity-building programs and ensure that they can complement upcoming industrial reforms. This is because **migrant workers must be first empowered to *understand* workplace rights in order to enforce them.** It’s equally important that migrant communities have a say in how these investments are implemented. Their involvement ensures the development of tailored solutions that cater to specific

¹³ Department of Home Affairs, [‘Albanese Government to tackle worker exploitation’](#) (Media Release, 5 June 2023).

¹⁴ Human Rights Law Centre, Unions NSW, Migrant Workers Centre, Migrant Justice Institute, Immigration Advice and Rights Centre, [Not Just Numbers: A Blueprint of Visa Protections for Temporary Migrant Workers](#) (Report, July 2023).

community needs, enhancing the success of such initiatives. Central to this will be a respectful and productive co-design process.

- 4.6 Capacity-building initiatives can have profound ‘downstream’ impacts for migrant and refugee communities. Ultimately, the goal of capacity-building is to empower communities to devise, implement, and sustain their own solutions, allowing them to take charge of their future development and exercise control over their lives. To ensure that capacity-building efforts are effective and well-coordinated, a comprehensive whole-of-government response that places greater emphasis on bolstering multiculturalism and celebrating diversity is crucial.

Recommendation 1. That the Australian Government dedicate increased resourcing to co-design and deliver initiatives that build the capacity and capability of migrant workers to understand and enforce their workplace rights.

Recommendation 2. That the Australian Government facilitate greater collaboration between the Department of Home Affairs and the Department of Employment and Workplace Relations to deliver capacity-building programs to migrant workers as part of a streamlined inter-governmental response.

5 Improving access and equity through language services

- 5.1 Clear and effective communication about work rights and obligations is crucial to the well-being and fair treatment of migrant workers in Australia. The journey of a migrant worker, from pre-departure preparations to settling in Australia, is fraught with challenges. One of the most significant of these challenges is understanding workplace rights in a new country, and it is magnified when information is not available in a language they are familiar with.
- 5.2 As a condition of their visa, many migrant workers are stationed in regional areas where access to such information is limited. Unlike their counterparts in metropolitan areas, migrants working in remote areas may also have smaller communities from their country of origin to connect with and seek support from. This, coupled with a lack of pre-departure knowledge about work rights and conditions, can increase migrant workers’ vulnerability to exploitation.
- 5.3 A strategic approach is needed to enhance the dissemination and clarity of communications about work rights and labour standards in Australia. In-language information and resources must be seamlessly integrated into the workers’ journey, starting from pre-departure and continuing upon their arrival in Australia. This is critical to bridging the knowledge gap that many migrant workers experience, ensuring that all workers are informed, protected, and empowered at every stage of their journey.

Recommendation 3. That the Australian Government dedicate increased resourcing to develop and disseminate in-language information about workplace rights throughout the migrant worker journey.

- 5.4 Language can also present a barrier to **participation and access to the justice system**. Access to justice is a fundamental element of the rule of law, but for many migrant workers with limited English proficiency, navigating the legal system can present unique challenges. An essential component of ensuring this access is the provision of high quality, culturally competent justice support and language services.
- 5.5 Our community organisers have reported incidents that underscore the significance of this issue. This includes cases where interpreters mischaracterised the details of sexual harassment complaint made by a worker, due to shared cultural sensitivities and/or stigmas. Instead of providing an accurate translation, the interpreters presented a version that either downplayed the severity of the incident or misrepresented its nature altogether. **Case study 2**, provided below, provides one glimpse into a common scenario in the justice context.

Case study 2. Interpreting in industrial matters

Yiwen, originally from Taiwan, was underpaid \$20,000. The Migrant Workers Centre provided ongoing support to help Yiwen recover the underpayment. A support person with extensive experience in industrial relations accompanied Yiwen at the hearing. On request, the Fair Work Commission arranged for a NAATI certified interpreter as Yiwen was not proficient in English.*

Unfortunately, the interpreter struggled to interpret industrial concepts and terminology. The support person, who is not NAATI accredited, had to step in and interpret. After the hearing, the interpreter confided that they lacked experience, as they had only started work as an interpreter two weeks prior.

Yiwen later expressed concerns that the interpreter failed to accurately convey their statements. Despite these challenges, Yiwen was able to recover the underpayment.

***Not their real name**

- 5.6 Although the worker received the intended outcome, the case study highlights potential pitfalls when procedural tools, like interpreters, are not prioritised as an essential part of the justice system. The common law recognises the right to fairness in legal proceedings, the requirements of which are variable and turn on the circumstances of each case and the statutory framework in which a decision is made.¹⁵ Central to the principle of ‘fairness’ is providing affected individuals with a ‘reasonable opportunity’ to be heard and present their claim.¹⁶ However, procedurally, there is a lack of uniformity in assessing the competency of interpreters in legal proceedings. It is common practice for courts and tribunals prefer or insist that interpreters have NAATI accreditation, but the existence of that accreditation is not a guarantee of competency, particularly in matters that require special expertise. The Judicial Council of Diversity & Inclusion has developed *Recommended National Standards for Working with Interpreters in Courts and*

¹⁵ Matthew Groves, ‘[Interpreters and Fairness in Administrative Hearings](#)’ (2016) 40 *University of Melbourne Law Review* 506, 516-517.

¹⁶ *Ibid* 525.

Tribunals, but these are not uniformly implemented or referred to in Practice Notes of courts and tribunals across Australia.¹⁷

- 5.7 Currently, the justice system demands a high standard of interpreting skill, but it does not support or incentivise the professional development of interpreters. Many interpreters from new and emerging communities are untrained and untested; while they have NAATI accreditation, this acts as a 'rubber stamp' to meet immediate demand that is rarely, if ever, followed up. Additional NAATI training as a Certified Specialist Legal Interpreter is available, but it is not a requirement when assessing the need for an interpreter. This certification is also self-funded and does not attract higher remuneration when interpreting services are procured or arranged through the justice system.
- 5.8 The emphasis should be on equipping the interpreting and translation workforce adequately for specific areas of the law – such as industrial relations – that are highly specialised and can present significant cross-cultural challenges. For instance, many languages do not have specific terms for certain terminologies used in Australia, or they may have a vastly different understanding of common terms, such as superannuation. To promote consistent standards, it is vital to streamline workforce allocation, planning, and professional development, which can, in turn, foster a 'community of practice' that continually refines and advances best practice in the profession.

Recommendation 4. That the Australian Government support a more efficient allocation system for interpreters that prioritises experience and NAATI credentials, and that provides secure employment opportunities and accessible, funded training in specialised areas such as industrial relations.

¹⁷ The Judicial Council on Cultural Diversity, [Recommended National Standards for Working with Interpreters in Court and Tribunals](#) (2nd Ed, 2002); Federal Court of Australia, [General Practice Note Working with Interpreters \(GPN-INTERP\)](#), 24 March 2023.

6 Conclusion

- 6.1 Migrant workers are part of our society and must be treated with dignity and respect. All too frequently, migrant workers are framed as expendable, unskilled, and only sought after when Australia grapples with workforce and skills shortages. Beyond just addressing short-term needs, migrant workers bring diversity, varied skill sets, and global perspectives that enrich and strengthen our communities.
- 6.2 Multicultural policies underscore the principles of fairness, respect, and equity. It is a moral imperative to ensure that these principles are extended to migrant workers who, in many instances, may be vulnerable due to a lack of resources, understanding of rights, or social networks. The rights, concerns, and experiences of migrant workers should be a part of the Review's recommendations to government, ensuring that they do not continue to be marginalised and overlooked.
- 6.3 This submission has highlighted the need for the Labor Government's industrial reform agenda to be accompanied by strategies that arm migrant workers with the knowledge and tools to safeguard their rights. We have also called for reform to language services policy to ensure that every worker, irrespective of their linguistic background, has equal access to vital information about workplace rights, and can equitably enforce them through our legal system.