

# What is Workplace Justice visa?

The **Workplace Justice visa** is a temporary visa that allows some temporary visa holders, or recent temporary visa holders, to stay in Australia to take legal action if they have been exploited at work.

You must hold, or have held, a temporary visa with work rights to obtain a Workplace Justice visa.

**You will not have to pay a fee to apply for a Workplace Justice visa.**

**I want to apply for a Workplace Justice visa, what should I do?**

## ✔ To be eligible for a Workplace Justice visa you must:

- Be in Australia either:
  - On a temporary visa with work rights (other than a Bridging visa, Criminal Justice visa or Enforcement visa) that expires in 28 days or less OR
  - Have held a temporary visa with work rights (other than a Bridging visa, Criminal Justice visa or Enforcement visa) that expired no more than 28 days ago.
- Have your **workplace exploitation matter** certified by an accredited certifying organisation.
- Have health insurance and sufficient funds to cover your stay in Australia.
- Intend to stay in Australia for a temporary period.
- Meet certain health and character criteria.

## ✘ You may NOT be eligible if you:

- You may not be eligible for a Workplace Justice visa if you have had a visa refused or cancelled.
- You **will not** be eligible for a Workplace Justice visa if you have not held a temporary visa with work rights for more than 28 days and currently hold a Bridging visa, Criminal Justice visa, Enforcement visa or are unlawful.

## You may have a workplace exploitation matter if:



You weren't paid properly (or at all)



You were pressured to pay for a job



You worked in unsafe conditions



You were sexually harassed



Your boss threatened to cancel your visa



You were fired unfairly



You were forced to get an ABN when you should have been an employee



# I want to apply for a Workplace Justice visa, what should I do?

It is important that you get immigration **and** employment law advice before applying for a Workplace Justice visa.

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## You should get immigration law advice.

You can contact a community legal centre that specialises in immigration law, a union (and ask for a referral to their immigration law service) or a private migration agent or lawyer.

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## If they confirm you may be eligible for a Workplace Justice visa, you should contact an organisation who can provide you with employment law advice and certify your workplace exploitation matter.

### The following organisations can certify your workplace exploitation matter:

- Fair Work Ombudsman
- Australian Rail, Tram and Bus Industry Union
- Australian Workers' Union
- Australasian Meat Industry Employees' Union
- Electrical Trades Union of Australia
- Human Rights Law Centre
- Migrant Workers Centre
- Redfern Legal Centre
- SA Unions
- Shop, Distributive and Allied Employees' Association
- Unions Tasmania
- The Association of Professional Engineers, Scientists and Managers
- UnionsACT
- Transport Workers' Union of Australia
- Unions NSW
- UnionsWA
- United Workers Union
- WEstjustice

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## Once you receive your certification, you should contact a migration agent or lawyer to assist you with your application.

You can also apply for a Workplace Justice visa through your ImmiAccount. You will need to apply for a subclass 408 visa in the "Workplace Justice Pilot" and provide the following documents with your application:

- Certification of your workplace exploitation matter (see the list of organisations who can certify your workplace exploitation matter above).
- Evidence that you have sufficient funds for your stay in Australia.
- Evidence that you have suitable health insurance.



The **Migrant Workers Centre** is a small community legal service that provides employment law assistance to migrants who live or work **in Victoria**.

We can issue certificates to support an application for a Workplace Justice Visa. However, we will generally only provide certification to clients of our service, where we are representing them in their workplace exploitation matter.

Learn more about the Workplace Justice Visa

[migrantworkers.org.au](http://migrantworkers.org.au)



## EXPLOITED AT WORK?

You may be able to stay in Australia to take legal action.

## Ask about the WORKPLACE JUSTICE VISA.

