

The Migrant Workers Centre  
is supported by the Victorian  
Government



### **The Migrant Workers Centre**

The Migrant Workers Centre (MWC) is a non-profit organisation open to any workers in Victoria who are born overseas. The MWC assists and empowers workers from emerging communities to address problems in the workplace and collaborates with community partners to seek long-term solutions to the exploitation of migrant workers. The Centre organises workshops, conducts research, advocates for policy change and bridges language barriers that limit workers' access to information with the purpose of addressing systemic labour exploitation and creating fair and just working conditions for all workers.

### **Acknowledgement of Country**

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

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# Committee members



**Cyndy Connole**  
TREASURER

Cyndy Connole worked for 10 years with United Voice Union as the Partnerships Director. Connole has also contributed to a range of networks, committees, and boards such as 4 years with Maribyrnong and Mooney Valley Local Learning and Employment Network in both Honorary Treasurer (3 years) and Honorary President (1 year) positions.



**Jenni Blencowe**  
SECRETARY

Jenni Blencowe has over 30 years of experience working in the area of migrant and refugee settlement and in asylum seeker programs. Her early experience was in teaching and managing English language and vocational training programs to prepare new arrivals for employment and social participation in Australia. More recently she worked in strategic planning and in policy development, applying knowledge and evidence from service delivery to inform policy and programs in areas impacting on newly arrived refugees and migrants. Prior to retiring she managed the Research and Policy Unit at AMES Australia.



**Joe Caputo**  
OAM JP

Joe Caputo was Chairperson of the Federation of Ethnic Communities' Councils of Australia (FECCA) from 2013-2017. Joe has been involved in advocacy for the rights of minorities throughout his adult life. From 2001 to 2011, Caputo was a member of the Victorian Multicultural Commission. He has served as Councillor and Mayor in the former City of Brunswick and as Councillor and Mayor in the City of Moreland. Caputo is an expert in Industrial Relations and holds a Master of Business from RMIT. He has also served as Chair of the Ethnic Communities Council of Victoria (ECCV) from 2011-2013.



**Marcus Clayton**

Marcus Clayton is the Head of Industrial Law at labour law firm, Gordon Legal. Clayton is one of Australia's best-known union industrial lawyers. He has represented a wide range of unions and unionists in industrial litigation, two anti-union Royal Commissions, administrative law challenges, contempt of court cases and criminal prosecutions. In over 38 years as a lawyer, Clayton has won a well-deserved reputation for his strategic, practical and industrially and politically astute advice.



**Julie Warren**  
CHAIR

Julie Warren has recently retired as President of the National Union of Workers - Victorian Branch. For 22 years Warren worked in various positions at the union, including organising, campaigning, and training roles. Warren has represented the union on various boards, committees and taskforces. Warren is currently a Director of the Victorian WorkCover Authority (WorkSafe Victoria) Board at Worksafe Victoria and is a Board Member of the Portable Long Service Leave Authority.



**Joo-Cheong Tham**  
DEPUTY CHAIR

Joo-Cheong Tham is a Professor at Melbourne Law School. His research spans the fields of labour law and public law with a focus on law and democracy; and the regulation of precarious work. His publications include Money and Politics: The Democracy we Can't Afford and reports for the New South Wales Electoral Commission and the New South Wales Independent Commission Against Corruption. Tham is also the Director of the Electoral Regulation Research Network; Board Member for the Centre of Public Integrity and Advisory Board Member of the Global Labour Migration Network.



**George Lekakis**  
AO

George Lekakis has worked for over 30 years championing and advancing the cause for multicultural affairs. Lekakis was the longest serving Chairperson of the Victorian Multicultural Commission where he led major initiatives transforming the Victorian socio-cultural landscape and championed the rights of multicultural communities. Lekakis most recently retired from his position as CEO of Fronditha Care – an aged care residential organisation advocating to change entrenched ideas in aged care and to bring attention to the unique challenges of ageing in a foreign land.



**Shen Narayanasamy**

Shen Narayanasamy is the Lead Negotiator for Treaty for the State of Victoria, placed within the Department of Premier and Cabinet. In this position, Narayanasamy plays a key role in representing the State of Victoria in collaborative and good faith discussions with the Aboriginal Representative Body to establish the elements necessary for the future negotiation of a treaty or treaties. Prior to this appointment Narayanasamy spent five years as the Human Rights Campaign Director for GetUp! Narayanasamy was a committee member until 22 April 2021.

# Message from the CEO

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Much has been said about the unprecedented nature of 2020. It has undoubtedly been the most difficult year in living memory, particularly for migrant workers and their families. While we continue to wrestle with the disruption and loss associated with the COVID-19 pandemic, this past year also exposed the endemic conditions of low-paid and insecure work in our essential industries.

Without Federal Government income support, migrant workers carried Australia through the pandemic, at great risk to their health. Despite widespread workplace transmission of COVID-19, migrant workers continued to keep Australia fed, working for low pay on our farms, exposed to violence and visa insecurity in abattoirs and delivering meals and essentials to our doors in the still largely unregulated on-demand sector.

Throughout 2020, the Migrant Workers Centre pivoted its activities to support migrant workers in new ways. Like many organisations, our work shifted online and was heavily focused on ensuring the basic needs of migrant workers were met. Previously our work had centred on the workplace experience. While this work continued, including the recovery of more than half a million dollars in unpaid wages and superannuation, the hallmark of this year was a fight for survival and the basic rights to shelter and security.

Our "\$9 a Day" report into the systemic low pay and human rights abuses in our nation's farm sector followed what is believed to be the largest survey of migrant farm-workers in our nation's living memory. It revealed poverty wages and constant threats and harassment. While the sector scrambles, addressing the industrial issues, including a guarantee of minimum wages must now be a key consideration in attracting workers to the sector and addressing the long-term labour supply issues.

2020 saw yet another cohort of migrant community leaders join the ranks of our Multicultural Safety Ambassadors. This year additional training for ambassadors about COVID safety was provided, allowing this program to play an important role in ensuring migrant workers are aware of their rights to COVID-safe workplaces and what to do in case of an outbreak.

Our conference in November highlighted the stories of migrant workers during the pandemic. After extended lobbying efforts, we now see migrant workers included in some forms of Federal income support. The conference outlined a wider suite of necessary changes to policy, to give real meaning to the rhetoric that we are "all in this together".

If we are to heed the lessons of this extraordinary year - we must now turn our collective efforts to ensuring reforms to our migration system and providing better access for migrant workers to essential healthcare and our social safety net. We look forward to the opportunity to work alongside communities to see these proposals become a reality.

I'd like to thank the hard-working staff and volunteers of the MWC, who have shown incredible flexibility and commitment to persist with their work in the most difficult of years. Thanks also to our many community partners, with whom we have collaborated closely and tirelessly to assist migrant communities weather a tumultuous 2020.

We look forward to re-emerging into the community and continuing our work to ensure that all workers, no matter where they are from are safe, respected and equal in the workplace.

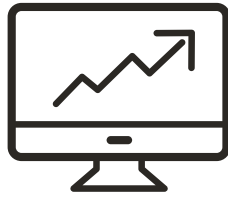
**Matt Kunkel**

# Snapshot 2020-2021

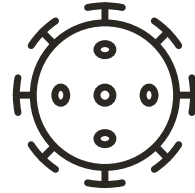
## Direct Support for Migrant Workers



Assisted **169** workers  
resolve industrial disputes



Recovered **\$515,529**  
on behalf of workers

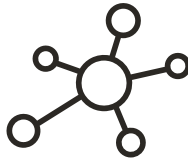


Assisted **99** workers  
with COVID-19 related cases  
+ 33 not mentioned in last years report

## Knowledge, Information and Empowerment



Delivered **19** Know Your Rights  
sessions to **593** participants

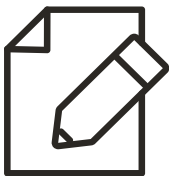


Trained **9** Multicultural Safety  
Ambassadors who delivered  
**11** information sessions  
to **214** participants

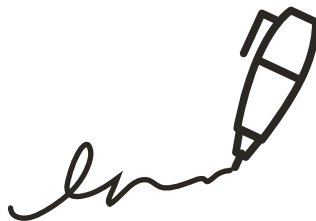


Staff delivered services  
in **8** languages

## Influencing for a fairer future



Wrote **3** Government  
submissions



**4,205** petition signatures

The challenges of navigating numerous extended COVID lockdowns this year meant many community events did not go ahead, limiting the in person out reach work we could do in comparison to previous years. Nevertheless, the MWC continued to deliver in our three key streams of work – direct support for migrant workers, holding workplace information sessions and training Multicultural Safety Ambassadors, and undertaking research and policy work for Government submissions and digital campaigning.

The number of industrial cases decreased from last financial year, from 229 to 169. However, the amount we helped workers recover financially remained approximately the same, over \$500,000, indicating higher amounts were recovered for individual workers.

THIS YEAR,  
WE HELPED  
**169** WORKERS  
RESOLVE  
INDUSTRIAL  
DISPUTES AND  
RECOVERED  
**\$515,529.**

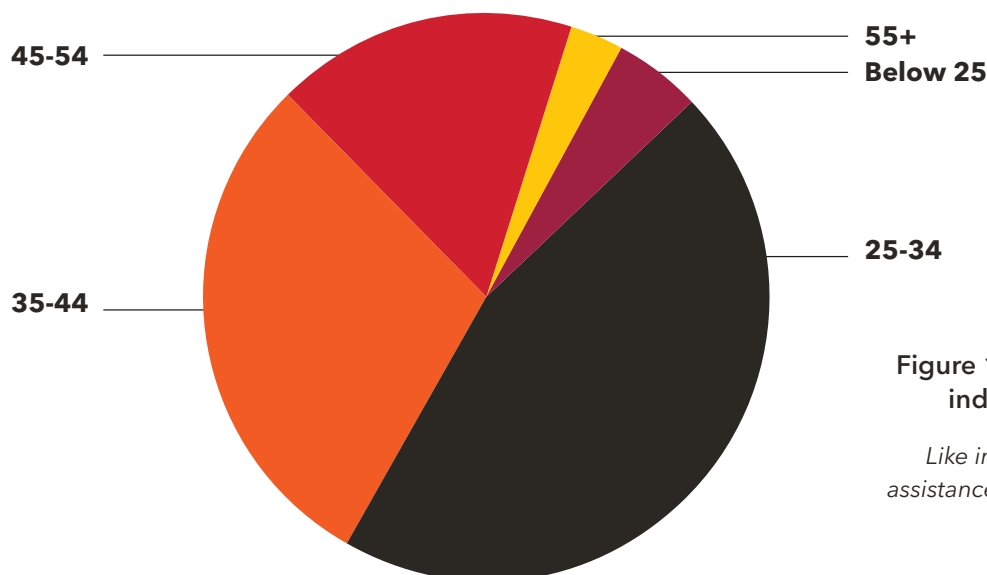
SINCE THE  
LAUNCH OF THE  
MWC, WE HELPED  
**678** WORKERS  
RESOLVE  
INDUSTRIAL  
DISPUTES AND  
RECOVERED  
**\$1,277,786.**

# Support for migrant workers

A key component of the MWC's work is providing support to individual migrants who have been exploited at work. This includes pursuing multiple claims for significant unpaid wages and entitlements and seeking compensation for workplace injury resulting from unsafe work conditions. **The MWC provided direct industrial support to 169 workers in the last financial year, recovering \$515,529 in wages and superannuation.**

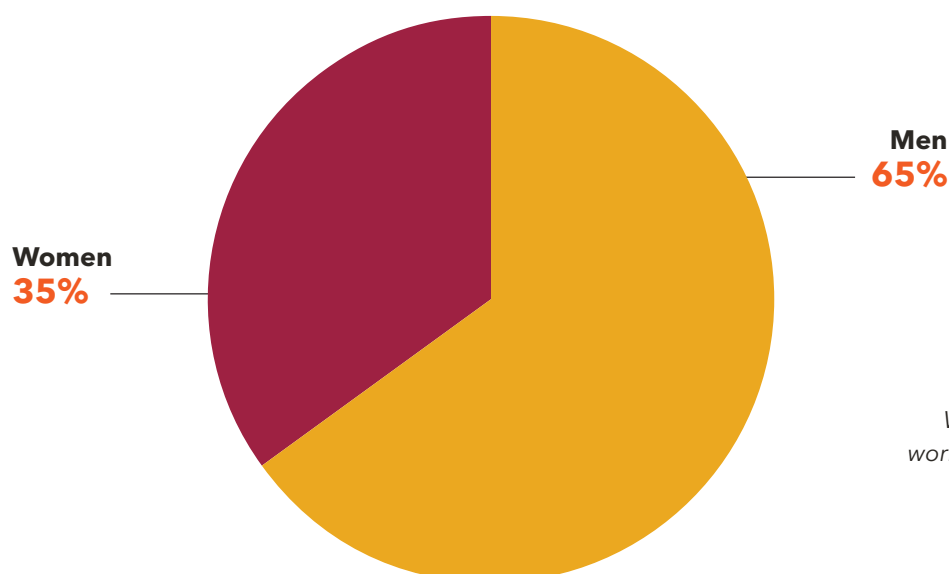
As a result of the severe hardship experienced by temporary visa holders without mainstream government payments during the pandemic, providing information, referrals and assistance accessing support services formed an additional critical area of work in this financial year. The MWC continued to expand and collaborate with a diverse range of community organisations to provide assistance to communities and workers affected by the pandemic.

## Migrant Worker Profiles



**Figure 1: Age of workers who sought industrial support from the MWC**

*Like in previous years, workers who seek assistance from the Migrant Workers Centre are predominantly in their 20s-30s*



**Figure 2: Gender of workers**

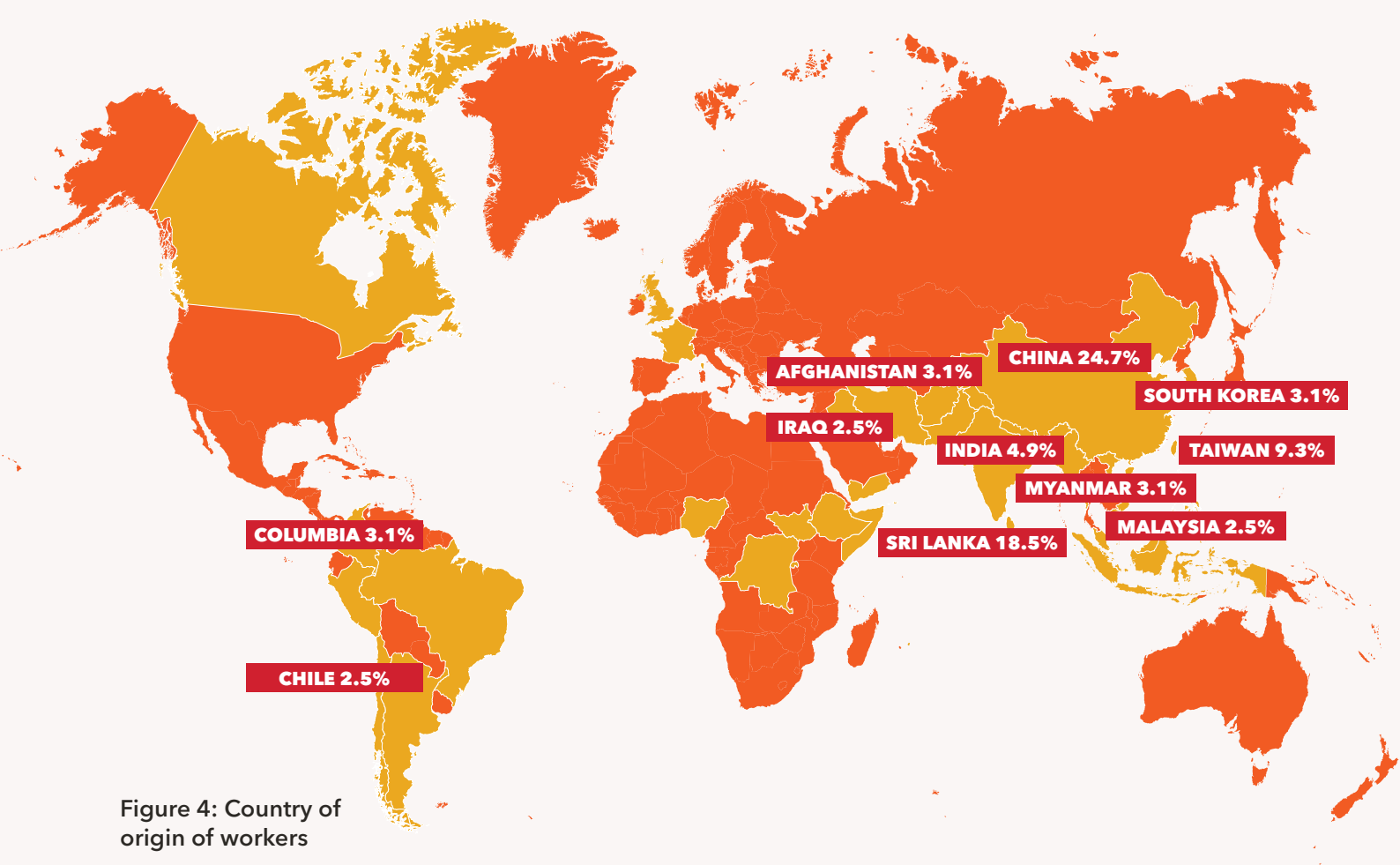
*While men still make up the majority of workers who come to the Migrant Workers Centre, the percentage of women has increased from 25% in our first year of operation in 2018-19 to 35% this year.*



**Figure 3: Primary language spoken by workers**

*Mandarin and Tamil remain the two largest languages represented, in line with previous trends.*

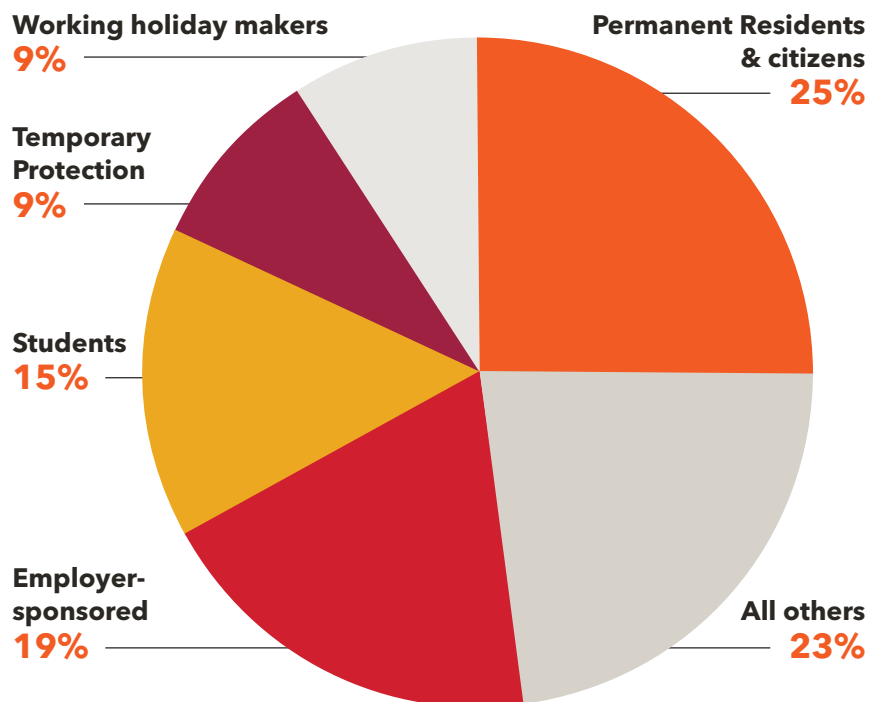




**Figure 4: Country of origin of workers**

Workers approaching the Migrant Workers Centre came from 35 different countries: Afghanistan, Argentina, Bangladesh, Brazil, Canada, Chile, China, Colombia, DR Congo, Ethiopia, Fiji, France, Hong Kong, India, Indonesia, Iran, Iraq, Kuwait, Malaysia, Mauritius, Myanmar, Nepal, Nigeria, Pakistan, Peru, the Philippines, Rwanda, Somalia, South Korea, South Sudan, Sri Lanka, Taiwan, the UK, Vietnam, and Yemen.

Unlike any other year, permanent residents and citizens accounted for the largest group of migrant workers who came to the MWC for help with their workplace issues. As migrant workers on temporary visas were excluded from Federal Government income supports such as the JobKeeper payments, those who lost jobs had little alternative to leaving the country. As a result, workers who are Australian permanent residents or citizens accounted for the largest ever share (25%) of MWC case work.

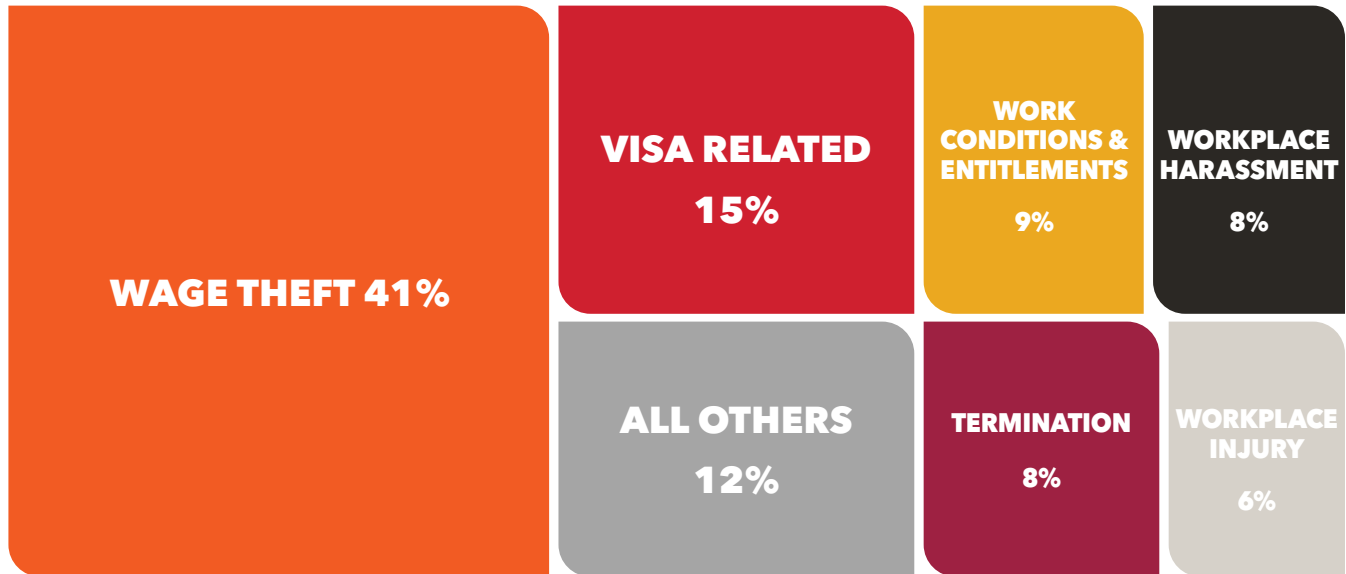


**Figure 5: Migration status of workers**

## Workplace grievance support

**169 cases** (excluding 99 cases of COVID-19 impact support)

Figure 6: Primary grievance



Consistent with data from previous years, wage theft remains the most common grievance. The grievance rate for issues regarding termination and work conditions and entitlements has also remained similar. However, this year saw a nearly fourfold increase in visa-related grievances – likely due to COVID-19 related border closures, and unemployment during lockdowns affecting many workers whose visas are tied to their employment.

## MANUFACTURING 26%



## ALL OTHERS 22%



## CONSTRUCTION 10%



## HORTICULTURE 10%



## HOSPITALITY 9%



## SUPPORT SERVICES 9%



## OTHER SERVICES 7%



## RETAIL 7%



Transport, Postal & Warehousing **5.4%**

Electricity, Gas, Water & Waste Services **4.1%**

Health Care & Social Assistance **3.4%**

Education & Training **2.7%**

Information Media & Telecommunications **2.7%**

Financial & Insurance Services **2.0%**

Figure 7: Industry in which grievance occurred

## COVID-19 support

132 cases

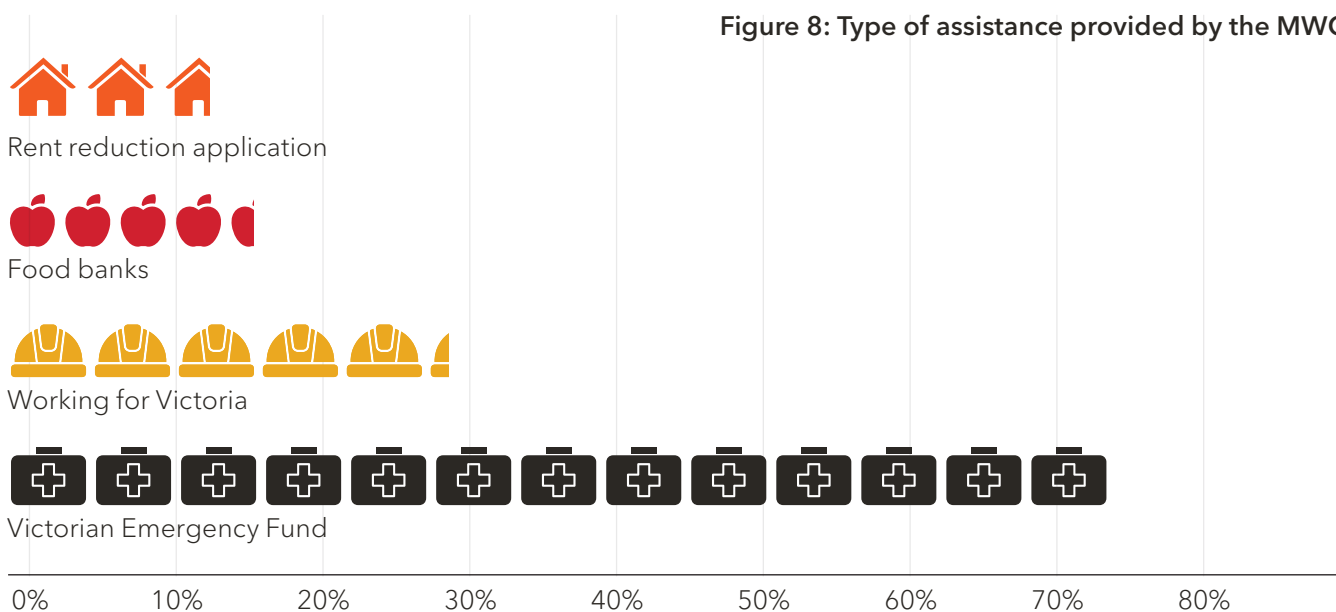


Figure 8: Type of assistance provided by the MWC

In our previous annual report for the 2019-20 financial year, we reported over 2000 referrals of workers affected by COVID-19 to support and Government services. In addition to these referrals, the Migrant Workers Centre has since provided more extensive support to 132 workers (33 during the 2019-2020 financial year and 132 during the 2020-21 financial year).

These additional cases on top of our regular industrial support for workers reflects the needs of the workers on temporary visas who remained in Australia during COVID-19. The dire situation they faced led to the MWC turning our attention to providing support and assistance to accessing critical supports and job opportunities. Workers came to us seeking

information about job opportunities and emergency support. The workers in these cases typically needed additional help accessing these programs due to language or technology barriers. Many of them reported deteriorating physical health or mental health conditions.

The MWC assisted migrant workers with translation, consultation, and applications. They were variously directed to their nearest food banks and other community services; advised on how to apply for the Working for Victoria program or temporary rent reduction; or assisted with applying for the Victorian State Government's emergency fund and student fund programs.

## Red Cross Emergency Relief Payments

During the lockdowns in 2020-2021, temporary visa holders were excluded by the Federal Government from accessing JobKeeper and the amended JobSeeker. It wasn't until well into 2021, after extensive lobbying from unions and community groups, that visa holders with work rights were finally included in the Federal Government's COVID emergency support payment. During this period, workers on temporary visas were only able to access modest one-off financial support in the form of the Red Cross Emergency Relief payment.

However, accessing this payment was not without challenges. There were workers for whom language and technology were barriers on top of the difficulties of an already challenging time. Alongside our regular casework, the MWC connected migrant workers with the Red Cross Emergency Relief payment.

The MWC and volunteers ran phonebanks reaching out to migrant workers who had gotten in touch through our #NoWorkerLeftBehind form to let them know about the Red Cross Emergency Relief payments and assist workers with applying. As new programs like Working for Victoria were announced, we reconnected with workers to share up to date information and to check in with how they were doing. These Zoom phonebanks not only connected workers with much needed support, but were also a digital space where migrant workers came together to support each other through the crises. **1,500 migrant workers received peer-led support through these phonebanks.** Many of the workers we reached out to joined subsequent phonebanks assisting other workers.



## Case study 1

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**Tamil supermarket  
worker recovers  
\$80,000 in stolen  
wages.**







Anil's boss had been underpaying him for four years. Anil worked at a supermarket chain regularly doing long twelve-hour shifts, sometimes seven days a week. He was paid a flat rate with no overtime. His boss never gave him a contract with his hours and wages set out.

Anil didn't ask for this information when he started the job because he didn't know he was entitled to it as an employee in Australia. His boss was also illegally forging his payslips, claiming he was only working 70 hours a fortnight when he worked 140-150 hours. To add to Anil's struggles, he was a refugee on a temporary protection visa and had spent one and a half years in detention upon arrival in Australia from Sri Lanka. For many people seeking asylum who've spent years in detention, it's a sudden and desperate race to find employment in a new community upon being released. Anil was caught in a system that was stacked against him from his visa to his employment conditions. But Anil took action.

Anil first heard about the Migrant Workers Centre on SBS Tamil radio and got in touch.

***"I was not sure I was underpaid until I spoke to a Migrant Workers Centre organiser."***

"I always knew I work more hours than the payslip says but I didn't know that was illegal. After [finding out] I was underpaid, and the amount I was underpaid... I was completely shocked." Anil's experience of discovering he had his wages stolen shows the importance of assistance for migrant workers in language. At first, Anil says, "I was very afraid of my boss. I don't want to confront him." But he realised he could empower himself as a worker. He joined the United Workers Union and with his union and the Centre behind him, he stood up to his boss and demanded his wages back.

At first his employer didn't respond, and then rejected our claim - saying they had paid the full wages in cash. Anil persisted. The employer came back and made an offer of \$15,000. This was no small sum, but knowing it was a fraction of what he was owed, Anil still didn't back down and continued to fight for what he was owed. The case culminated when Anil decided he would take his employer to court to fight for his stolen wages. His employer realised Anil wasn't going to back down and a few weeks before the hearing, finally offered a settlement of \$80,000; \$50,000 of which was paid right away and the rest in instalments over six months. Reflecting on this experience, Anil says, "This case had gone for months. Once I even thought I would lose. But I am happy for this outcome. I got what I deserve."

There can be a lot of barriers to migrant workers seeking justice through the legal system. Anil was fortunate because his whole claim dated back four years - two years under the six-year cut off. Fear of visa repercussions, language barriers and lack of familiarity with the legal system are also common disincentives. While the Migrant Workers Centre helped bridge some of these gaps for Anil, at the end of the day it was his courage as a unionised worker standing up to his employer that led to this huge win. Anil's advice to others in similar situations is, "Don't be afraid to stand up your rights like I did. It is your money and you should have it. Fear doesn't help you in any way."

***While Anil's win shows justice can be won, there's still a lot of work to do to stamp out the systemic exploitation of migrant workers.***

Four of Anil's co-workers also came forward with wage theft claims - three on temporary visas and one permanent resident. These workers are still owed wages but the employer has evaded paying back the stolen money by liquidating and starting a new business.

## Case study 2

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### Truck driver, Ravi successfully challenges gig economy classification

Ravi\* reclaimed \$9,288.83 in stolen wages after fighting against his employer's unfair and incorrect classification of him as an 'independent contractor'.

Ravi, a 26-year-old from India, came to Australia in 2019 with his wife who was studying. To make ends meet, he got a job as a truck driver with an on-demand delivery company that operated in a gig economy model.

***His employer asked him to apply for an ABN (Australian Business Number) which is usually required for independent contractors who run their own business and set their own terms of work.***

Sometimes employers seeking to take advantage of migrant workers will ask them to apply for an ABN instead of a Tax File Number to avoid paying award wages and entitlements.

Key factors in Ravi's case that indicated he was an employee and not an independent contractor were:

- the conditions of work were set by his employer
- the hours of work were set by his employer
- there was an ongoing expectation of work by his employer
- his employer routinely paid him.

Considering all these factors - Ravi should have been getting the Award rate for a casual transport worker of \$26.46 an hour with 25% casual loading, plus penalty rates for weekends and overtime for long shifts. But not only was he being paid below this rate, his employer was also making incorrect and unfair deductions for 'insurance' and 'tolls'. He was also forced to pay for a portion of the fuel for the business' vehicle.

After hearing about the Migrant Workers Centre from a friend, Ravi came to the Centre for a meeting.

***Migrant Workers Centre organisers confirmed Ravi's suspicions about his employer's practices.***

Organisers were also delighted to discover that Ravi had kept meticulous records of his hours, pay, and conversations with his employer. Ravi's boss realised not only that Ravi had proof he was an employee rather than an independent contractor, but that he also understood his rights as a worker and wasn't afraid to fight for what he was owed. The boss soon agreed to pay back the stolen wages and Ravi was able to reclaim the full \$9,288.83 he was owed.


Ravi's experience is mirrored by many gig economy migrant workers where employers attempt to avoid their obligations as a direct employer.











## Case study 3

### Kamran's long fight for justice after a workplace injury.

A complex WorkCover case highlights the compounding barriers faced by migrant workers seeking justice.

Kamran came to the Migrant Workers Centre for assistance with an injury in early 2021. He was suffering from the ongoing debilitating effects of a physical injury he had sustained a few years prior working at a car wreckers company in June 2017.

Kamran had come to Australia from Iran and was on a bridging visa. He found a job at a car wrecker in Melbourne where his duties included cleaning the office and loading and unloading containers of heavy car parts.

***The job was cash in hand and he didn't have an employment contract.***

Kamran describes how the injury occurred: "My colleague and I were told to load car parts in two containers." Some parts were incredibly heavy, and he recalls he tried to speak up about it, "I told my boss we cannot carry on with the work as we were loading parts without involving any machinery, but I was told to continue to do it."

"While loading parts in the container I felt pain in both legs but as we have been asked to continue to load, we kept going till 5:00pm."

As a result of the heavy lifting without proper equipment, Kamran suffered injury to his legs which caused him ongoing pain. He saw a doctor at the time and had an injury report, but he didn't seek compensation or apply for WorkCover because he didn't know how. Being on a bridging visa, he was also afraid.

***"I was scared it will affect my visa and I did not know my rights."***

Over the subsequent years, Kamran experienced ongoing debilitating pain which increasingly affected his ability to work until he was unable to do any more physical labour. The injury also took a mental toll on him, "I am going through a lot as I cannot work anywhere due to my injury, I have a mother to support back home."

It was around this time that he came to the Migrant Workers Centre for assistance. We offered Kamran advice through a volunteer translator and provided information about workplace OH&S rights, and explained the process for applying for WorkCover.

Unfortunately, we discovered Kamran had been working cash in hand with no proof of employment. To complicate matters further, the employer subsequently denied Kamran was ever employed by them, making the WorkCover claim incredibly difficult to pursue.

We referred the matter to Union Assist who helped Kamran apply for conciliation with the employer. Unfortunately, as the employer wasn't willing to cooperate, the conciliation wasn't successful. However, Kamran wasn't ready to give up without a fight. With support from Union Assist and a community legal centre, he has now initiated legal proceedings in the Magistrates Court.

Kamran's case is a stark example of how formal avenues of compensation can be inaccessible to migrant workers where issues such as access to information about workplace rights, cash in hand payments, fear of a prohibitive visa system and language barriers can compound to create extreme circumstances of injustice.







# Information, knowledge and empowerment

Running parallel to direct support for workers is education and empowerment. MWC programs aim to equip migrant workers with knowledge about workplace rights and safety that enable them to secure safe and appropriately paid work. Providing skills and training to community leaders to take on these roles themselves has proved to be a key strategy in strengthening capacity to communicate effectively with the diverse communities of migrant workers the MWC works with. Extended periods of lockdown and restrictions on group gatherings meant the MWC pivoted to an online model to ensure workplace rights materials continued to be disseminated across the Victorian community.

## Know Your Rights sessions

In 2020-21, we held 19 Know Your Rights sessions with a total of 593 participants. The Know Your Rights Sessions cover basic information about workplace rights in Australia, wages and types of employment, health and safety, and where to get assistance. This year, sessions were delivered by MWC organisers in English, Arabic, Hindi and Hazaragi. Due to COVID-19 lockdowns, this stream of work was largely moved online and delivered via Zoom. However, organisers took a few rare opportunities between lockdowns to deliver some in-person sessions out in the community. Sessions were held with community and government organisations including Darebin City Council, The Brotherhood of St Laurence, Melbourne Polytechnic, Chisholm Institute and the Migrant Information Centre.

In addition to our standard Know Your Rights sessions, this year we also held a special International Student Visa Information Session in August 2020. As a result of international travel bans, COVID-19 related job losses and tertiary education courses moving online, many international students faced uncertain futures that impacted their visa status. Over three dozen people attended the MWC's online information session, presented by Sanmati Verma, immigration specialist and migration advisor.

This online session covered key information about applying or reapplying for the student visa, and explained processes for responding to alleged visa breaches. A primary reason many international students do not report wage theft is for fear of visa repercussions. The prohibitive 20 hours per week work limit for international students means many are forced to work cash in hand jobs to make ends meet, while dodgy employers also often take advantage of students in these desperate situations. Providing information about processes and rights around student visas was a crucial step for mitigating the uncertainties around international border closures and work rights for the many migrant workers who are student visa holders.



Images over page: 1. Live broadcast from the MWC's Facebook page. 2. Migrant Worker Solidarity Network 2020 end of year celebration. 3. Migrant Worker Solidarity Network Online Meeting

## Multicultural Safety Ambassador Program

The Multicultural Safety Ambassador Program identifies and trains cultural community leaders from across Melbourne to deliver Occupational Health and Safety sessions in language. Safety Ambassadors undergo training in workplace laws and OH&S, media and work facilitation before being supported by MWC organisers to host events for their communities. This program was initiated with the recognition that existing trusted community leaders are often the best placed to deliver important messages to their communities. The MSAP program has greatly increased the MWC's reach geographically and linguistically when it comes to engaging with Victoria's migrant communities.

Despite the challenges of COVID-19 and navigating lockdowns, this cohort of the Migrant Workers Centre's Multicultural Safety Ambassadors held eleven sessions online and in person. Sessions were held in English, Arabic, Tagalog, Tigrinya and Oromo to over 200 participants with the following community organisations:

- City of Whittlesea Women's Group
- Women's Association South East Melbourne Australia (WASEMA) Dandenong and Endeavour Hills
- Pinoys in Melbourne and the Philippine Consulate
- The Eritrean Women's Group
- Oromo Women community session
- Brotherhood of St Laurence Dandenong
- Filipino-Australian Students Council of Victoria FASTCO session

A number of sessions were also held online as live broadcasts from the Migrant Workers Centre's Facebook page.



## Migrant Worker Solidarity Network

The Migrant Worker Solidarity Network is a migrant worker led volunteer network. The objectives of the MWSN are to:

- build a strong network of workers who are trained and ready to take action in the fight for migrant rights
- build relationships and solidarity between different groups of migrant workers
- empower workers to support each other.

The Migrant Worker Solidarity Network remained strong throughout the pressures and uncertainty of COVID. During lockdowns, the network continued to come together for monthly meetings to skill up and support MWC campaigns, including lobbying for increased COVID support payments for migrants and the roll out of the MWC's piece rate survey. After a huge year, the network was able to come together to celebrate and reconnect in person.

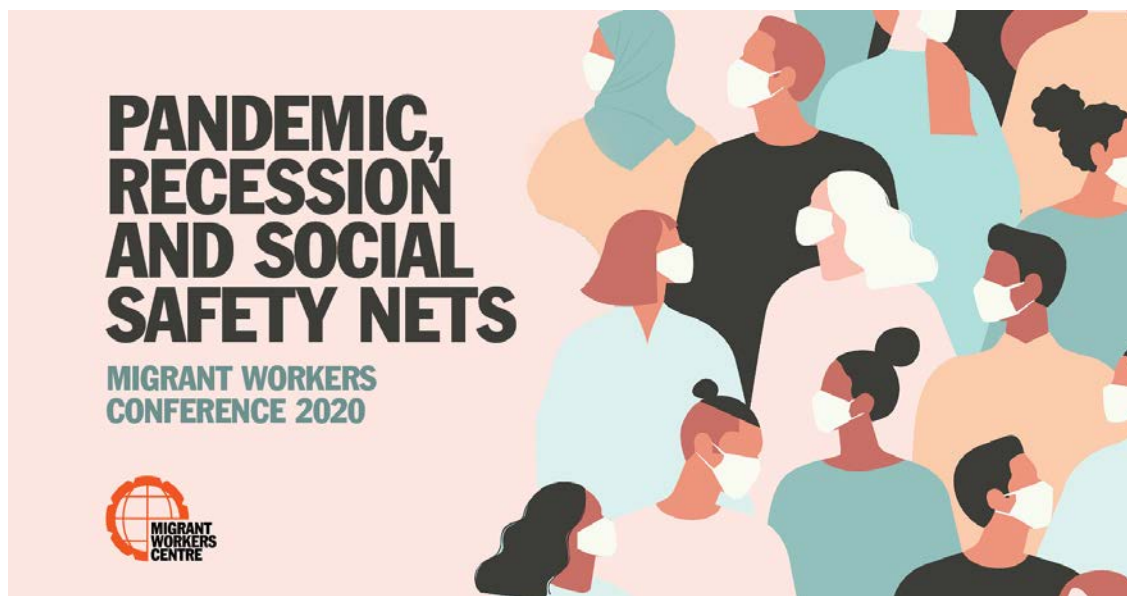




## Influencing for a fairer future

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Advocacy and campaigning for better workplace rights for migrant workers forms an essential part of the MWC Constitution and the subsequent work of the Centre. Without this work, individual workers may benefit from our casework but equity and justice for all migrant workers will not be advanced. The MWC therefore uses its lived experience of migrant workers to inform and build compelling evidence that can strengthen its advocacy work. Strategies in this area include an annual conference, research reports and submissions to parliamentary enquiries.



### Amplifying the voices of migrant workers during the pandemic

In March 2020, Australia closed its border and went into lockdown to take control of the spread of the COVID-19. Many people in Australia lost jobs and incomes, and migrant workers on temporary visas were among the first and hardest hit by the pandemic.

The Migrant Workers Centre convened migrant community leaders, union activists, and policy experts to create a space for migrant workers to digest the waves of pandemic-induced events and their implications. The committee drafted a list of policy solutions and planned a conference to discuss them. The conference titled the Migrant Workers Conference 2020: The Pandemic, the Recession, and Social Safety Nets ran from 23 to 25 November 2020. Over 150 people attended the online conference and participated in strategising new campaigns for migrant workers. The conference was structured around three sessions:

1. Surviving the Pandemic: considering the wide-ranging impacts of insecure work
2. Overcoming the Recession: considering the impacts of a restrictive visa system
3. Designing New Social Safety Nets: offering lessons for alternative approaches to inclusion

The first session of the conference reviewed what happened to working people in 2020 and how temporary visas exacerbated the situation for migrant workers. The casualisation of the workforce rendered a significant number of working people vulnerable to the pandemic as they do not have any paid leave nor are entitled to any notice period ahead of dismissal. Many migrant workers, who are disproportionately engaged on a casual basis, were exposed to the virus at work as they could not afford to stay home.

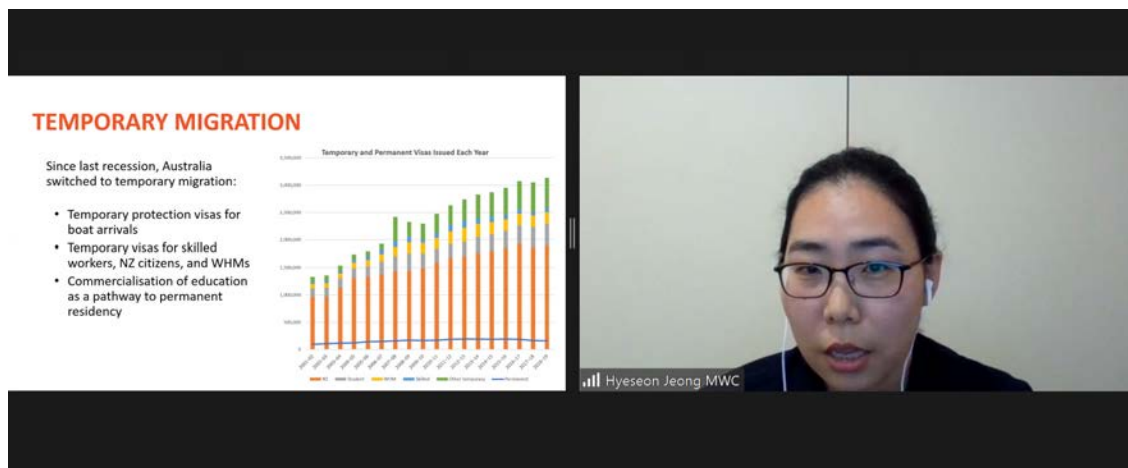
The lack of health and safety information in community languages also exposed migrant workers to a greater risk. Mr. Gabriel Ayuen, one of the Migrant Workers Centre's Multicultural Safety Ambassadors, argued that some workplaces contributed to the pandemic by ignoring COVID regulations as they pursued profit over safety. He presented a virus control success

story from a workplace where occupational health and safety representatives had an adequate representation of a culturally and linguistically diverse workforce and highlighted the importance of unionisation.

The second session compared the current pandemic-induced recession to the last one 30 years ago and examined ways to overcome the recession. Migrant workers have a harder time making ends meet now that they are trapped between a precarious migration status and job insecurity. Decent work has become a luxury as workplace rights protection has weakened since the last recession. At the same time, people on temporary visas who are excluded from social safety nets have grown to over a million.

The Federal Government's pandemic responses not only exclude migrant workers (e.g. JobKeeper and JobSeeker payments) but also focused more on supporting businesses than workers (e.g. tax cuts and subsidies). Ms. Alison Pennington, an economist at the Centre for Future Work, argued that a tangible way out of the recession was to strengthen wages and make substantial and sustained public spending so that people can regain the capacity to work.

The last session of the conference discussed the resilience of migrant communities and future campaign strategies. Although the Federal Government drew lines based on residency status, some migrant communities did not accept the divisive ideology and stepped up to fill the gap with solidarity. Mr. Enrico Moscon, a member of the Migrant Worker Solidarity Network, presented an exemplary case from the Italian-Australian community. The Network of Italians in Melbourne hosted a radiothon to collect donations and developed an emergency relief payment and microcredit program in response to the pandemic. The program helped young Italians on temporary visas, many of whom became volunteer members of the organisation. The case study reminded the audience of the power of solidarity.



*Dr. Hyeseon Jeong speaking at the Migrant Workers Centre conference 2020*

Addressing the structural inequalities and precarities is the only way to get out of the pandemic stronger. Communities must campaign for the extension of social safety nets and addressing the pronounced risks to migrant workers' financial security as well as health and safety. The recovery plan must also include migration reforms to enable migrant workers to access fair conditions at work and fully participate in Australian society.

The conference concluded by endorsing the policy recommendations drafted by the conference advisory committee on the topics of promoting health and safety for all, making available decent work to all, uplifting equality and justice, and building a human-faced migration system. The summary of the conference presentations and discussions is published in "Building a safe and secure society for all—Report of the Migrant Workers Conference 2020: The Pandemic, the Recession, and Social Safety Nets" and available on the Migrant Workers Centre website.



# Campaigning for farm workers

## WHM meeting and Piece Rate campaign

Wage theft and exploitation on farms is a persistent issue for working holiday makers who come to the MWC for assistance. During the last financial year, we brought together an online meeting of working holiday makers to talk about their experience of exploitation on farms. Attendees discussed problems with the farm work requirements of the Working Holiday Maker visa which create conditions ripe for exploitation. From this meeting, the MWC launched a survey in conjunction with Unions NSW on piece rate payments in the horticulture industry.

Following on from this worker-led grassroots meeting and subsequent survey, this year, the Migrant Workers Centre, in partnership with Unions NSW, published a ground breaking report into piece rate payments and exploitation in the horticulture industry. The report, *Working for \$9 a Day*, presented the responses from over 1300 workers who took the survey – the majority of whom were backpackers or other temporary visa holders. The report found 78% of workers surveyed had been underpaid, and some piece-rate workers averaged just \$9 a day. The findings overwhelmingly show that piece rate payments – the practice of which involves paying workers per unit of produce picked or packed rather than by an hourly wage – lead to widespread exploitation.

The survey was conducted online and was open for responses from late September 2020 until late February 2021. The survey was distributed through Migrant Workers Centre and Unions NSW social

media channels and to different migrant communities by email, online events, and social media platforms such as Line, Kakao Talk, WhatsApp, and Facebook. Researchers and volunteers from diverse linguistic and cultural backgrounds led the survey distribution to ensure participation from different demographics. The survey was presented in Chinese and English

In addition to the exploitation and wage theft on farms, the report revealed other widespread issues workers faced including discrimination and bullying, and exploitative accommodation and transport arrangements.

The report made 10 recommendations covering payment of fair wages; provision of accommodation; provision of information on workplace rights; issues relating to visas; issues relating to labour hire; and social safety net provisions.

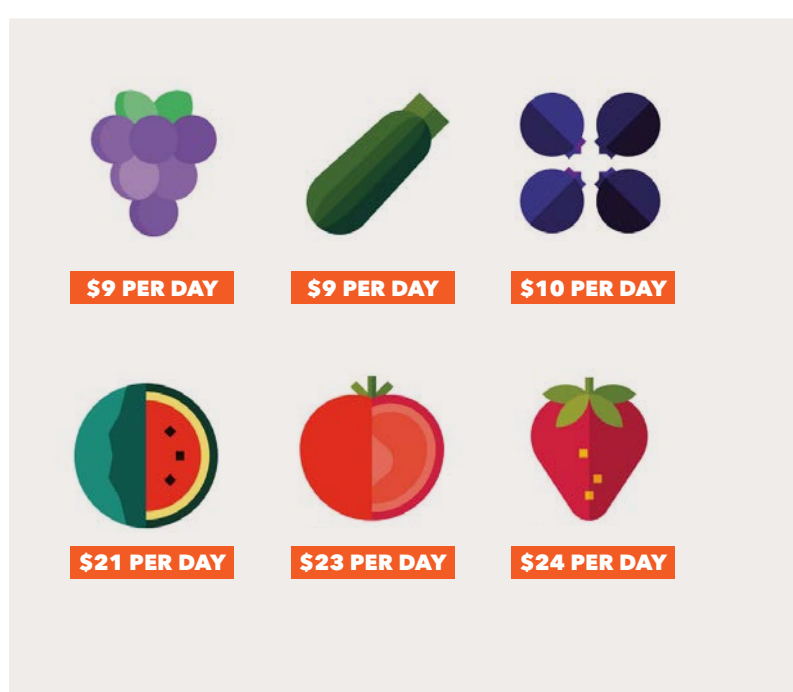
The report launched the issue of migrant worker exploitation in the horticulture industry into the media spotlight, generating coverage nationally and overseas. This report was also published at a critical moment when the Horticulture Award was under review by the Fair Work Commission. Additionally, the timing of the report coincided with the Federal Government announcement of a new Agricultural Visa, highlighting the urgent need to address migrant worker exploitation in this industry.

The full report and worker stories can be read at [www.migrantworkers.org.au/9aday](http://www.migrantworkers.org.au/9aday)



**Figure 9: Non-wage related grievances while working in the horticulture industry.**

Source: *Working for \$9 a Day Report*



# Campaigning for migration reforms

Amplifying the voices of migrant workers and delivering them to the Government and Parliament is one of the most important missions of the Migrant Workers Centre. Last year, the MWC made multiple submissions to Parliament and appearances in inquiries on migration reforms and job security.

Before COVID-19 hit the world, an average of a million people would arrive in Australia every month, most of them on various temporary visas. Their visa status affords little security in Australia or in our workplaces. Many of them have a view to permanent migration but lack the pathway without extending their stay by jumping from one temporary visa to another. Some report having done this for more than a decade.

The Migrant Workers Centre is told by every worker it meets about how difficult it is to get a decent job, find a place to stay, and access help in Australia while holding a temporary visa. Many workplace issues reported to the Migrant Workers Centre would not have taken place at all if the workers have been protected with full workplace rights and freedom to switch workplaces.

Too frequently, migrant workers are wrongly attacked for wage stagnation or stealing jobs. This scapegoating seeks to shift the blame away from policy makers to those who are stuck at the intersection of our broken industrial and migration systems. As long as workers on temporary visas are left vulnerable to exploitation at work, we cannot address the economy wide issues of casualisation and job insecurity. Migration reforms providing clearer, more secure pathways to permanent residency are essential to ensure equal workplace rights for everyone regardless of national origin.



**\$18 PER DAY**

**Figure 10:**  
Lowest reported  
daily wages by  
produce type.

Source: Working for  
\$9 a Day Report

The Migrant Workers Centre's key recommendations for Parliament include:

- replace employer-sponsorships for visas with state/territory-government sponsorships and untie migrant workers' employment and residency.
- lift visa conditions that restrict one's right to work such as "Not work for one employer for more than 6 months" applicable to Working Holiday Makers. By priority, all bridging visas granted to asylum seekers should have reasonably long expiries with work rights to facilitate their employment while they wait for protection outcomes.
- transform overseas skills recruitment relying on mediators or employer-sponsorship schemes through a transparent, government-facilitated mechanism
- create pathways to permanent residency for migrant workers who have been in Australia for a long term
- provide clearer information on workplace rights in community languages, including upon migrant workers' arrival, in cooperation with trade unions and community legal centres
- extend social safety nets, especially the Fair Entitlement Guarantee and Medicare access, to all workers including those on temporary visas
- establish a visa with work rights to extend the stay of migrant workers who are victims of workplace exploitation, harassment, or injury and enable them to access justice in court, compensation, or medical/psychological treatment
- introduce a national labour hire scheme that replicates and scales up the best-practice requirements of the Queensland and Victorian state schemes.

The Migrant Workers Centre's submissions are published by Parliament and available on the Migrant Workers Centre's website.

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



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