

Submission to the *Independent Review of Employee Representatives*

November 2025

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1 Introduction

- 1.1 The Migrant Workers Centre (MWC) welcomes the opportunity to contribute to the Victorian Government's review of Authorised Representatives of Registered Employee Organisations (ARREOs) and Health and Safety Representatives (HSRs) as regulated under the *Occupational Health and Safety Act 2004* (Vic) (OHS Act).
- 1.2 The MWC is a community legal service that empowers migrant workers in Victoria to understand and enforce their workplace rights. Our activities include free employment law services, education programs to raise awareness of workplace rights, and an advocacy program to amplify and support migrant workers' voices through research and policy development. Since we were established in 2018, we have been working closely with government, unions, and civil society organisations to advance the rights of migrant workers in Australia.
- 1.3 Migrant workers are entitled to the same workplace rights and protections as Australian citizens, including the right to a safe and healthy workplace. Yet, they are often disproportionately exposed to occupational and psychosocial hazards. Our research indicates that 34% of migrant workers have experienced a workplace injury, but only one in four (26%) of those injured went on to make a compensation claim.¹ An earlier study further found that half of the migrant workers surveyed reported feeling unsafe at work—18% said they *always* felt unsafe, and an additional 30% *felt unsafe more than once a week to once a month* in the past year.²
- 1.4 This vulnerability arises from a combination of factors, including migration status, limited English language proficiency, and lack of awareness of workplace rights.³ These factors make it difficult to speak up about working conditions, often for fear of retaliation and the potential loss of visa or migration pathways. Migrant workers are also overrepresented in sectors that are insecure, physically demanding, and high-risk, largely due to systemic barriers that limit access to more stable forms of employment.⁴
- 1.5 Independent employee representatives play a crucial role in addressing some of these inequities. By bridging information gaps and redressing power differentials in the

¹ Migrant Workers Centre (MWC), [Visa on Arrival and Migrant Worker Exploitation: 2023-24 survey findings](#) (Report, November 2024) 9.

² MWC, [Insecure by Design: Australia's migration system and migrant workers' job market experience](#) (Report, March 2023) 7.

³ Malcolm Sargeant and Eric Tucker, 'Layers of Vulnerability in Occupational Safety and Health for Migrant Workers: Case Studies from Canada And The UK' (2009) 7(2) *Policy and Practice in Health and Safety* 53.

⁴ MWC and UnionsNSW, [Unlocking Talent: Empowering Migrant Workers with Equal Work Opportunities](#) (Report, June 2023); Settlement Services International, [Billion Dollar Benefit: The economic impact of unlocking the skills potential of migrants in Australia](#) (Report, June 2024).

employment relationship, they provide a practical avenue for workers to raise concerns, access advice, and participate in collective decision-making. It is therefore critical to assess whether current frameworks for ARREOs and HSRs are responsive to migrant workers' needs, and whether they effectively empower them to understand and exercise their rights.

- 1.6 The MWC strongly supports and endorses the submission of the Victorian Trades Hall Council (VTHC),** particularly the range of measures proposed to enhance consultation and participation with employees and their representatives. We offer additional comments to highlight how these reforms can better address the needs of migrant workers.
- 1.7** Migrant workers are often excluded from genuine consultation processes due to language barriers and/or the absence of trained representatives. For example, WorkSafe Inspectors and/or ARREOs wanting to interview workers as part of an investigation or inspection may be directed instead to informal or untrained bicultural intermediaries, who act as 'go-to' persons on behalf of workers. While often well-intentioned, this practice can distort or filter workers' accounts, limiting inspectors' access to accurate information about workplace risks and safety. It may also lead to incomplete or unreliable assessments of compliance.
- 1.8** As the VTHC discusses, this problem is compounded by the fact that HSRs are not always notified or included during inspections, despite having a statutory right under s 102(1)(b) of the OHS Act to be informed of a WorkSafe inspector's attendance, and under s 58(1)(b) to accompany the inspector. We support the recommendations advanced by the VTHC to reinforce HSR participation during inspections, mandate positive obligations on employers and inspectors to consult with HSRs, and harmonise consultation duties in the law and regulations. These will enhance communication between HSRs and workers and reinforce the need for direct engagement with trained representatives.
- 1.9** We also propose additional requirements to ensure that consultation and participation provisions are culturally and linguistically inclusive. The above-mentioned reforms should be complemented by explicit obligations for communication to occur in accessible and appropriate languages, enabling migrant workers to meaningfully participate in health and safety consultation processes.
- 1.10** This should include guaranteed access to accredited interpreters, translated materials, and the recruitment or training of inspectors with relevant language and cultural competencies. Existing compliance codes that set out [best practice for multilingual OH&S communication](#) should also be properly resourced and promoted to support effective implementation and raise awareness among community organisations and intermediaries. Taken together, these measures would help ensure that inspectors, HSRs, and ARREOs can accurately capture and address workers' concerns, improving the overall quality and equity of workplace health and safety outcomes.

2 Recommendations

Recommendation 1. Adopt the recommendations proposed by the VTHC's submission in full.

Recommendation 2. Incorporate culturally and linguistically inclusive requirements into consultation and participation mechanisms, including access to interpreters, translated materials, and trained inspectors or representatives.

Recommendation 3. Provide additional funding to WorkSafe Victoria to ensure the effective implementation and wider awareness of existing resources, including the *Compliance Code: Communicating Occupational Health and Safety Across Languages*.