



**MIGRANT
WORKERS
CENTRE**

ANNUAL REPORT

2021-2022



The Migrant Workers Centre

The Migrant Workers Centre is a not-for-profit organisation open to any workers in Victoria who were born overseas. The Migrant Workers Centre empowers migrant workers to understand and enforce their rights, and connect with each other. We assist workers from emerging communities to address problems they encounter in workplaces and we collaborate with unions and community partners to seek long-term solutions to the exploitation of migrant workers. We organise workshops, train community leaders, conduct research, develop policy recommendations, and bridge language barriers that limit workers' access to information. Our ultimate goal is to fix the system of labour exploitation in this country.

Acknowledgement of Country

The Migrant Workers Centre Inc 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.

The Migrant Workers
Centre Inc is supported by
the Victorian Government



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COMMITTEE MEMBERS

Marcus Clayton

CHAIR



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.

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.

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.

Shankar Kasynathan



Over the past 20 years, Shankar has accumulated experiences in Youth Services, Housing, Public Health, Multicultural and Indigenous Affairs across Victoria, Western Australia, the Northern Territory and the ACT. He has worked for local governments, Transparency International, Oxfam Australia, National Heart Foundation, Amnesty International and the Red Cross. Shankar has been an adviser to State and Territory members of parliament (including members of Cabinet). His appointments have included sessional teaching at Charles Darwin, Monash, UNSW and Deakin universities. Shankar is a Commissioner for Multicultural Affairs in the State of Victoria and Director of Strategy and Engagement at LGPro.

Zeynep Yesilyurt



Zeynep Yesilyurt has worked as a researcher, community development worker and social worker in a range of non-profit organisations in Australia for over 25 years. She has a strong interest in human rights and social justice issues, with a particular focus on women and multicultural communities. This has led her to be actively involved in many grassroots organisations as a volunteer, community advocate and Board Member, including the Dallas Neighbourhood House, Alevi Federation of Australia, Northern Health, Multicultural Women Victoria (formerly VIRWC) and the Ethnic Communities Council of Victoria. She has served as Chair and Treasurer on several of these organisations and has well developed skills in finance, human resources and Workplace Health & Safety.

As the daughter of first generation migrant workers Zeynep is a strong supporter of the union movement and the significant role they play in providing workers with better pay and conditions.

Anthony Forsyth



Anthony Forsyth is a Distinguished Professor in the Graduate School of Business & Law at RMIT University. His research focuses on collective bargaining, trade unions, union education, labour hire and the gig economy. In 2015-16 Anthony chaired the Victorian Government's independent Inquiry into Labour Hire and Insecure Work. He is a co-author of the 6th edition of "Creighton & Stewart's Labour Law" (Federation Press, 2016) and the author of "The Future of Unions and Worker Representation: The Digital Picket Line" (Hart Publishing, 2022). Anthony is President of the Australian Labour Law Association and runs the "Labour Law Down Under" Blog.

Amanda Threlfall



Amanda Threlfall is Assistant Secretary of Victorian Trades Hall Council, the peak body of trade unions in Victoria. As Assistant Secretary, Amanda directs strategy and campaigns across a wide breadth of industrial issues. An experienced lawyer and industrial officer, Amanda has combined her passion for social justice with her in-depth understanding of industrial and employment law, working for unions such as the Victorian Branch of the Australian Education Union and the Queensland Branch of the Construction, Forestry, Mining and Energy Union - Mining and Energy Division. More recently, as Senior Adviser for Tim Pallas MP, the Victorian Treasurer and Minister for Industrial Relations, Amanda worked on successful law reforms spanning issues such as wage theft and the gig economy.

CEO'S REPORT

It has been another difficult year for many as the COVID-19 pandemic persists into its third year. While we now seem destined to find a new COVID-normal, there remains much to do to overcome the trailing effects the last two years have wrought upon migrant communities.

As borders reopen and new workers return to our shores, we must not allow our system to return to business as usual. The pandemic revealed the devastating effects of insecure work and a limited social safety net for migrant workers.

It is with renewed energy and hope for change that we will continue to prosecute our case for a fairer, human-centred migration system that operates to the benefit of all workers in Australia.

This year, our campaign for improved pathways to permanent residency has received welcome support from many sectors of society. We welcome the emerging consensus that our migration system must have permanent settlement, not temporary migration at its core. Our *Lives in Limbo* report, launched at our 2021 conference, proposes a clear way forward on this important issue.

2021 was also a momentous year for migrant workers in the horticulture industry. After years of campaigning by unions and organisations like the MWC, farm workers are now guaranteed a minimum wage for the hours they work. Our 2021 report *Working for \$9 a Day* highlighted the systemic low pay and other human rights abuses prevalent across the sector. With the importance of migrant labour more noticeable than ever, this change will make a huge difference to workers across the nation.

Our core areas of work continue to develop and we've seen another year of strong results in our case support program. Despite the lower number of migrant workers and increased difficulty in reaching out to them, the Centre's team assisted workers to recover a total of \$232,088 in stolen wages and other entitlements.

One particular area we unexpectedly grappled with was assisting migrant workers who were hit with ATO repayment orders after being mistakenly approved for JobKeeper during COVID. Though falling outside our usual scope of work, assisting workers contest these repayment orders revealed the gaps in Australia's support systems which penalise migrants disproportionately. In total, the Centre helped overturn an additional \$224,431.63 in repayment orders.

Our education and outreach programs gained momentum this year, thanks in large part to our deepening partnerships with AMEP providers. I'd like to thank all the MWC's partners and our amazing group of Multicultural Safety Ambassadors who are helping build community capacity and literacy about workplace rights.

Lastly but by no means least, I'd like to thank the wonderful team of staff, educators, volunteers and activists, whose passion and vision for a better world remain at the heart of the MWC's ongoing success.

Matt Kunkel
CEO



SNAPSHOT 2021-2022

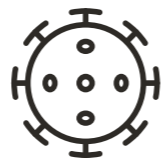
INDUSTRIAL CASEWORK: DIRECT SUPPORT FOR MIGRANT WORKERS



Assisted **176** workers



Recovered **\$232,088**



COVID JobKeeper related cases: **36** totalling **\$224,431.63** in repayments waived

EDUCATION AND EMPOWERMENT



102 Know Your Rights (KYR) sessions



2066 participants



31 active Multicultural Safety Ambassadors with **10** new Ambassadors this year

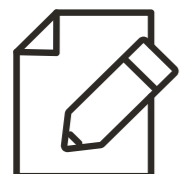


41 Multicultural Safety Ambassador sessions



28 languages spoken by Ambassadors

RESEARCH, POLICY AND CAMPAIGNS



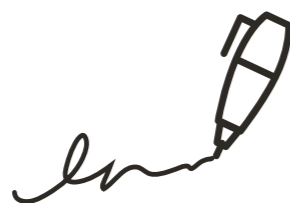
4 Government submissions



1 research report



1 conference
209 participants



1349 petition signatures

THIS YEAR, WE HELPED 176 WORKERS RESOLVE INDUSTRIAL DISPUTES AND RECOVERED \$232,088.

SINCE THE LAUNCH OF THE MWC, WE HAVE HELPED 854 WORKERS RESOLVE INDUSTRIAL DISPUTES AND RECOVERED \$1,509,874.

INDUSTRIAL CASEWORK: DIRECT SUPPORT FOR MIGRANT WORKERS

One core component of the MWC's work is assisting workers to resolve industrial issues including wage theft, workplace injuries, harassment and bullying. We help workers review and understand their rights in their employment contracts, interpret Awards or Enterprise Agreements, gather documents, calculate underpayment claims, apply for WorkCover, seek other culturally and linguistically appropriate services, write letters of demand and negotiate with employers or VCAT.

Cases are pursued both individually and where appropriate, collectively, to increase the impact the MWC is able to have for workers. For example, one worker contacting the MWC will often uncover a wider problem in the workplace that can be addressed to bring benefit to a larger group of workers.

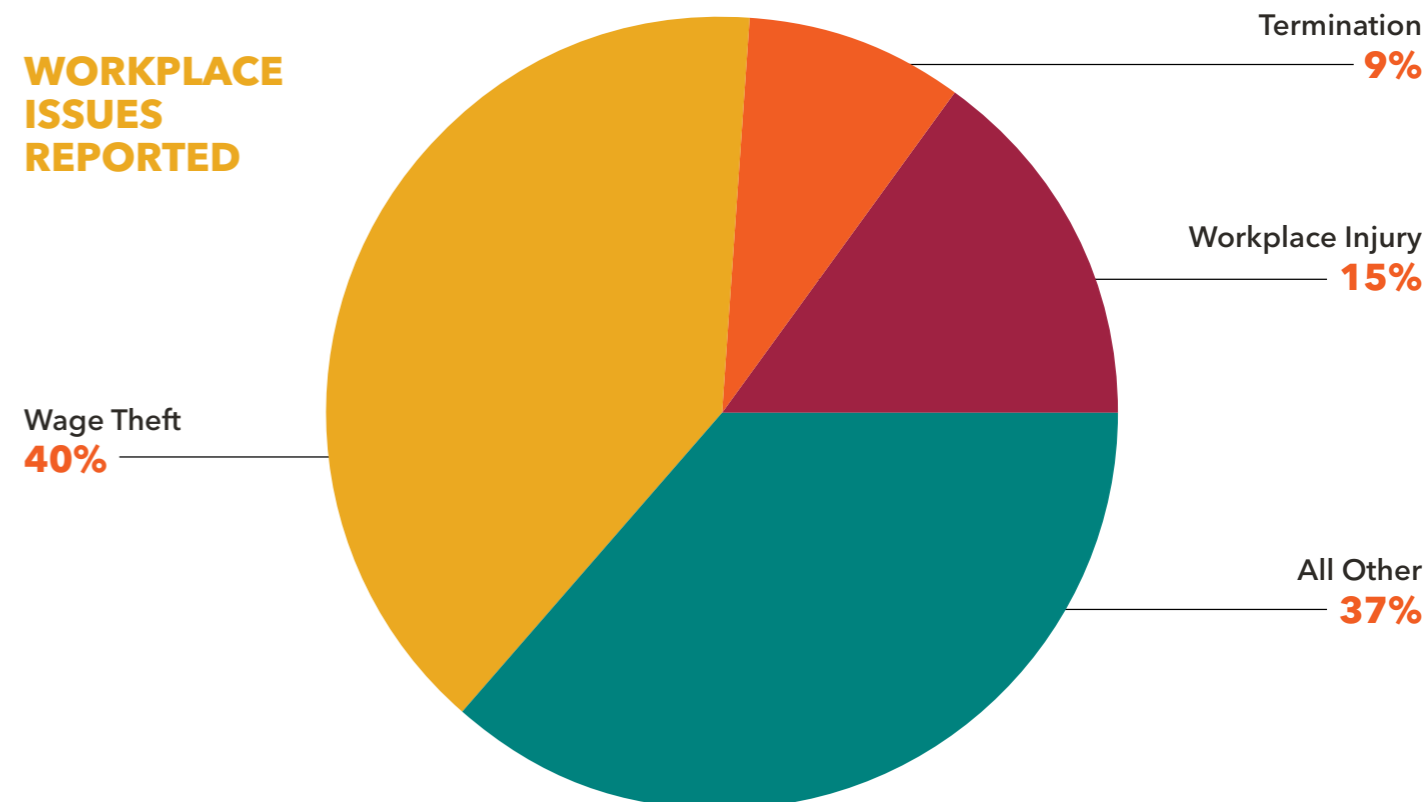
As part of our strategy to provide linguistically and culturally informed services, and to connect with and empower migrant communities, the MWC actively recruits staff from the major migrant populations seeking assistance. The MWC team consequently provided industrial support in six

languages other than English - Chinese, Arabic, Korean, Spanish, Nepali and Indonesian. Support in further languages was available through our volunteer team as well as interpreter services.

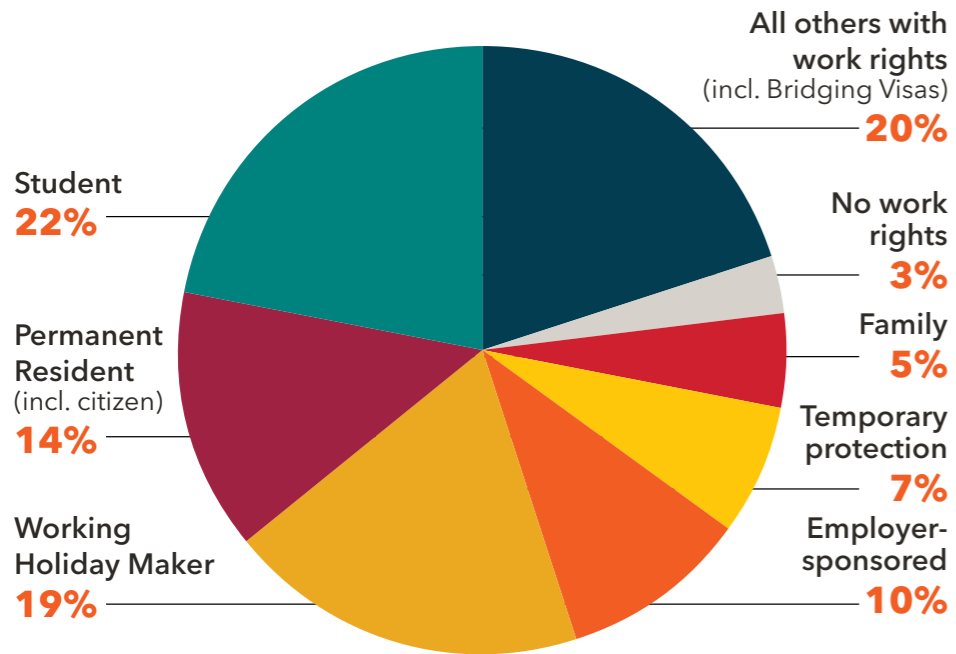
Workers typically come to us through referrals from community organisations, after attending a Know Your Rights session, by word of mouth or finding us online. As well as positively impacting the lives of affected workers, this work provides a sound evidence base in advocating for systemic change.

In FY 2021-22, we assisted workers to resolve 176 workplace issues. Wage theft continued to be the most prevalent issue that plagued migrant workers, accounting for as much as 40 per cent of all issues reported. Other matters reported to us included workplace injuries and compensations, unfair dismissals, visa-related workplace issues, and sexual harassment. Workers recovered \$232,088 in stolen wages and entitlements with our assistance. We also provided assistance in 36 JobKeeper repayment order cases and helped migrant workers waive a total of \$224,431.63.

WORKPLACE ISSUES REPORTED

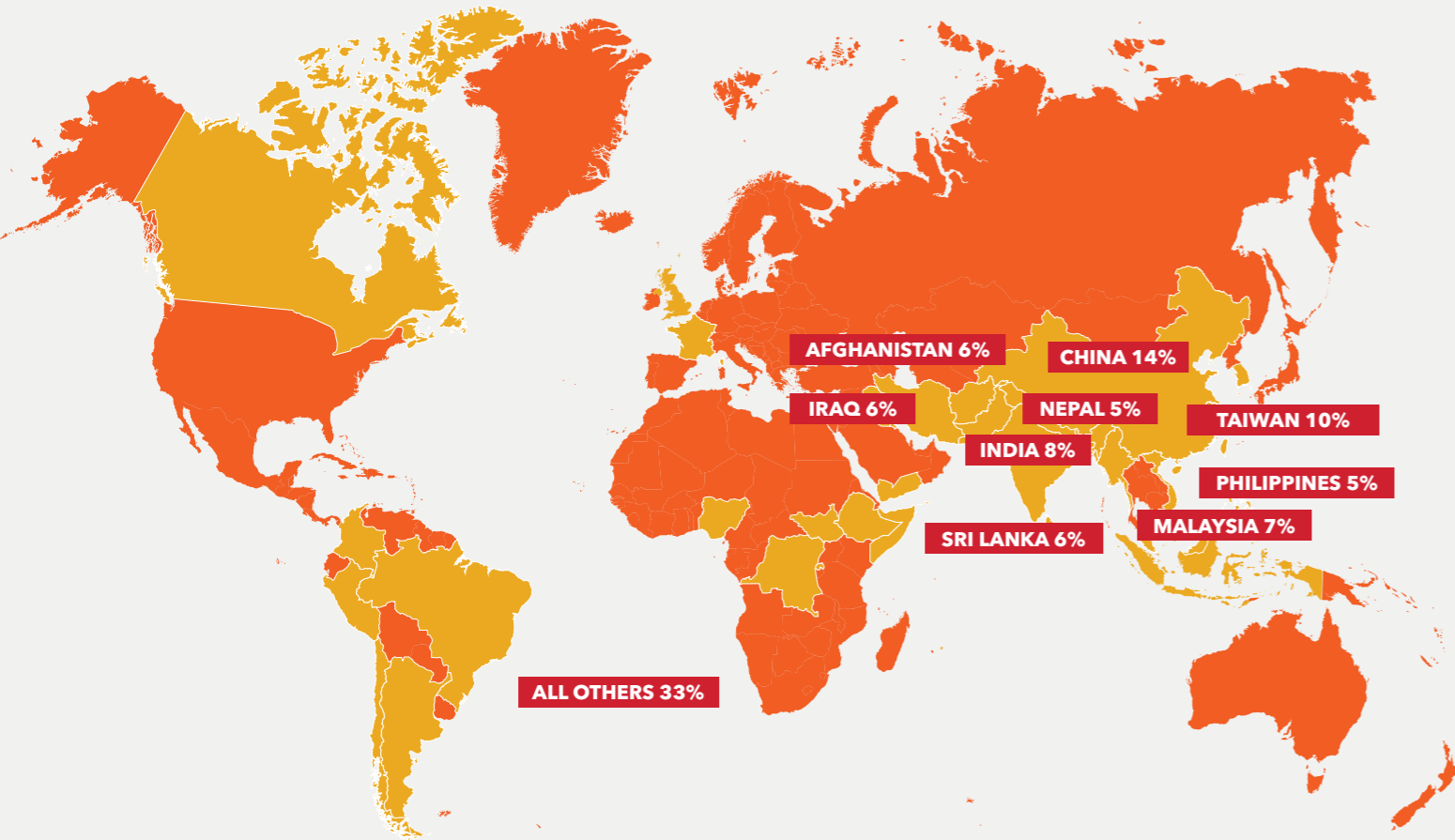


MIGRATION STATUS



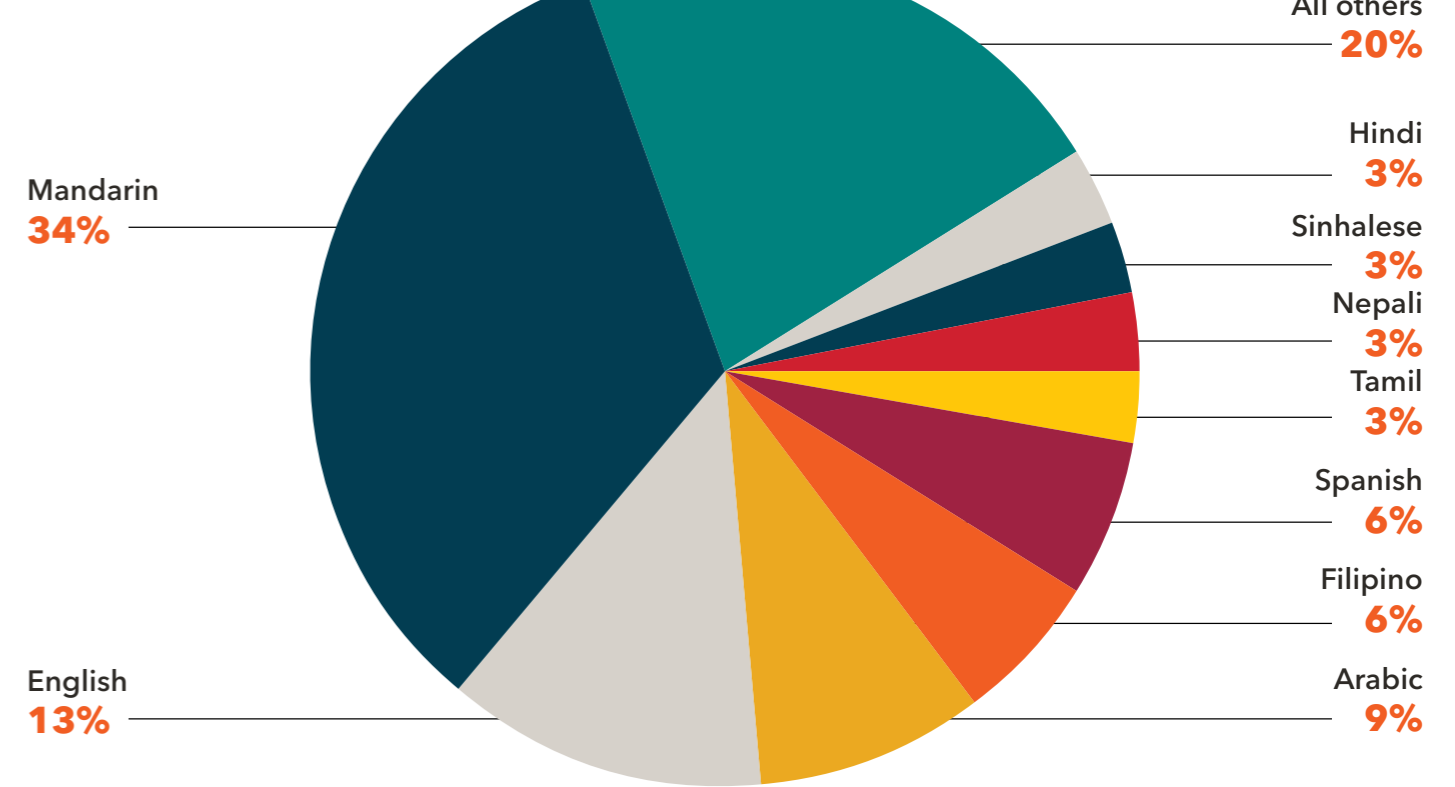
The MWC assists all migrant workers regardless of their background or migration status. In FY 2021-22, most workers we helped (83 per cent) were holders of temporary visas with work rights. Student visa holders accounted for the highest number (22 per cent). This is an increase from 2020-21 where due to COVID, permanent residents and citizens were the biggest group, with students making up 15 per cent. Working holiday maker visa holders have also increased from 9 per cent in the previous year to 19 per cent this year.

WORKERS BY COUNTRY OF ORIGIN



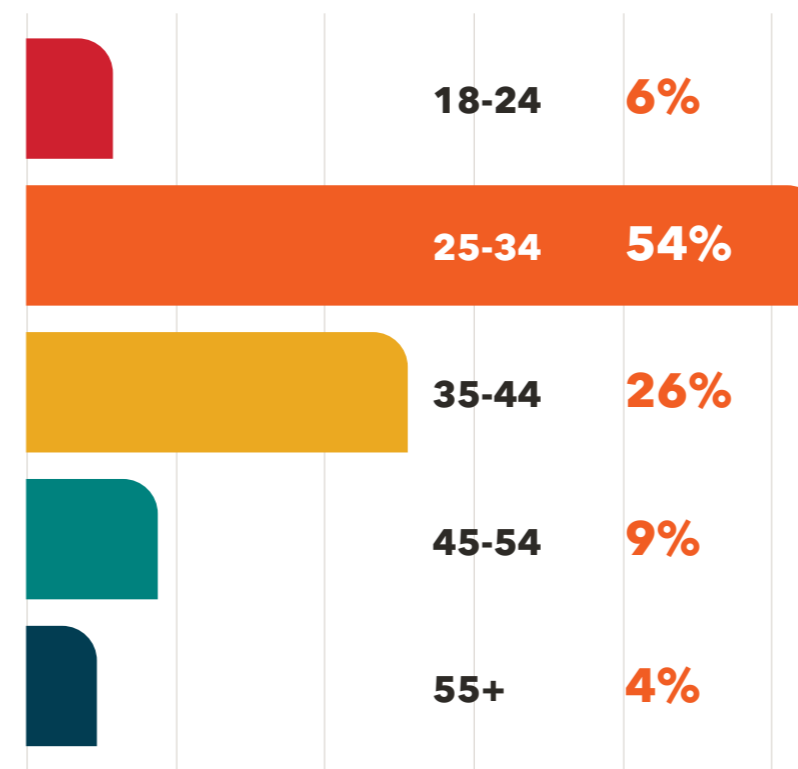
Workers we assisted spoke 31 different languages. Five of the most prevalent languages are spoken by staff at the Centre, reflecting our organisers' community networks, their relationship building efforts and how migrant communities share support networks. To ensure all workers (where necessary) have access to first language support staff, we arrange either professional or volunteer interpreting for the languages we do not speak. Like previous years, Mandarin was the most common language spoken by workers who came to us for assistance.

LANGUAGE

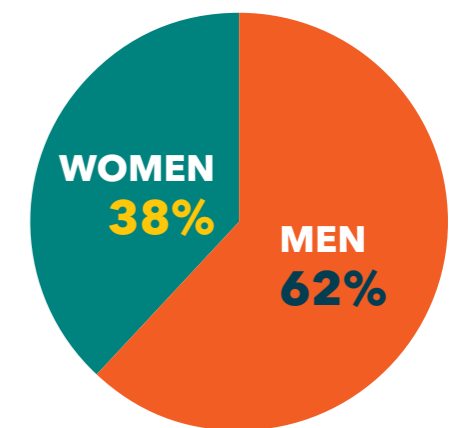


Compared to participants in our education and empowerment programs, workers who come to the Migrant Workers Centre to seek assistance with resolving workplace issues tend to be younger (aged 25-44). While the youngest group (aged 18-24) are under represented at only 6% of the total cohort, this does not mean that younger workers are less likely to experience workplace issues. This data more likely suggests young workers who are just entering the job market are less likely to fight against workplace exploitation, compared to those who have more workplace experience.

AGE



GENDER



Similar to previous years, the majority of workers we assisted were men. In contrast, women make up the majority of our survey respondents. This may indicate men are more likely to pursue industrial outcomes in response to exploitation.

DEMONSTRATING IMPACT FOR INDIVIDUALS

CASE STUDY 1

Wage theft is the most common form of labour exploitation. It can occur in many ways – a blatant underpayment of wages to not paying penalty rates or overtime. Unpaid trial shifts are a common problem for hospitality workers – particularly for young migrant workers. Exploitative employers seek to take advantage of a lack of familiarity with workplace laws or attempt to leverage the difficulty many migrants face finding work.

Suki is a young migrant worker who recovered \$700 in stolen wages after working unpaid trials at a café. She was able to get her stolen wages back after hearing about the Migrant Workers Centre at a Know Your Rights session we delivered at her university.

Suki was a 21 year old university student and looking for a second job. She heard her local café was looking for staff so she went in and inquired about the job.

The terms of employment were vague from the beginning. After enquiring about the job, she said she was told to “just pop in any time when you’re free”.

Assuming everything was above board, Suki started going in twice a week, working about 3 or 4 hours each time.

She hadn’t worked in a café before and was keen to learn and gain experience. She followed the other staff and did a bit of everything from taking out bins to waiting tables.

Even though Suki was supposed to be there for training, she said she was barely trained. “[The boss] would say things like, in 10 days I need you to be able to make coffee but he didn’t even teach me how to make coffee.” When she asked if she could receive training, she said he made empty promises saying, “I’ll ask the other workers to show, you’, but none of them would teach me”.

Overall, Suki said, “I would say I was ‘trained’ twice but the rest of the time I was just doing work”.

Suki also didn’t receive any pay but she had a general understanding of workplace rights, “he didn’t say if I’d get paid for training or not but normally you do so I thought I would”.

After a few shifts when she still didn’t receive any wages, she began to ask for her money. The boss then changed his tone. She says, “when I asked for my money, he said ‘you’re an extra worker we don’t need... you’re getting this opportunity for free’”.

Suki said, “I knew it’s against the law”. Realising something was wrong, Suki reached out to the Migrant Workers Centre.

At first she said, “I was worried because I had no payslips and I didn’t have any proof... It was all word of mouth. I wasn’t expecting to get [my money back]”.

However, she decided to have a go fighting for her stolen wages anyway, thinking “at least I spread the word and other people know what’s happening”.

However, in Suki’s case, even though she didn’t have any formal paperwork – she had kept close records of the shifts she’d worked. This was a sufficient basis for us to write a letter of demand to her employer. After some negotiations with her employer with the support of the Migrant Workers Centre, she successfully clawed back \$700 in stolen wages.

Reflecting back on her experience, Suki says she realised the boss was trying to take advantage of her, “I don’t believe he didn’t know about hospitality laws or wage theft”.

This also wasn’t the first time Suki had encountered unscrupulous workplace practices. She says, “when I first arrived in Australia, I found a job at a local store, and was told I needed to do training for 2 weeks at \$12 an hour”. She was paid in cash and there was no contract.

She says she knew it was wrong but at the time, “I didn’t have anyone to reach out to. I had no idea and my parents had no idea either”.

Suki’s story shows how employers often seek to take advantage of young workers and migrants assuming they don’t know their rights, or are desperate for employment. It also demonstrates the effectiveness of the Centre’s KYR program in partnership with education institutions.

Suki has a hospitality job now where she’s paid at the correct award wages. Her advice to other young workers is to, “do your own research, and talk to others for advice – if you go to uni, talk to a teacher or lecturer. It’s better than keeping it to yourself. I’m pretty sure many people are going through what I’m going through. It’s good to put my story out there so people know this is something that happens every day”.

DEMONSTRATING IMPACT FOR INDIVIDUALS

CASE STUDY 2

Our research report this year, Lives in Limbo, showed an indisputable link between wage theft and being a temporary visa holder in Australia. Working Holiday Makers and international students are particularly affected – one reason being employers assume these short-term visas will likely expire before the exploited worker has a chance to seek justice. For temporary visa holders, collecting clear evidence and acting sooner rather than later can make a big difference.

Ethan successfully clawed back \$20,000 in stolen wages after being paid under the wrong award and classification for over two years.

Ethan is a 24 year who moved to Australia from China in 2017 on a temporary visa. In 2019, after completing his studies, whilst on a post graduate visa, he began working for a gig work company as a dispatch officer in their head office.

Ethan knew the work conditions at the company breached Australia's workplace laws, "I know they have been underpaying us ever since I joined there because they pay at the minimum rate but do not pay for public holidays or overtime".

However, he says he was reluctant to speak up about it; "Most of the Chinese international students they don't want to contact Fair Work because they don't want to get into trouble". He was also afraid of losing his job or his visa, "because we're not citizens, we're not permanent residents".

Prohibitive work restrictions and temporary visa status means exploitative employees can take advantage of international students. Ethan says, "there are a lot of international students who want to find a job so it's easy for the company to find [...] casual employees". He says many of the workers there were reluctant to fight back because they felt they were easily replaceable.

However, Ethan soon realised his employer's unscrupulous practices extended beyond wage theft to a culture of bullying and harassment.

"My manager was targeting us. There are two other employees - she was trying to say something bad behind our backs to others and she was leading other people to say something bad about us too. There was unfair treatment and discrimination. We were really angry."

This toxic work culture is what spurred him to act. He explains, "last year I was really angry

about unfair treatment - that's why I started to do my research about how to fight against it".

"I looked at Fair Work and also other [organisations] and it led me to the Migrant Workers Centre."

Coming to the Centre, Ethan says, "I felt really touched and moved because someone was willing to help. [As] employees, we are always in a weak position compared to the company". With the support of the Centre, Ethan was able to develop a deeper understanding of his Award and his workplace entitlements, and felt empowered to confront his employer.

At this point, Ethan had already worked for the company for over two years and the unpaid overtime and penalty rates amounted to a large sum. However, upon receiving further information from the Centre and reviewing his employment contract, Ethan realised he had also been underpaid due to being incorrectly classified on his award at level 1 instead of level 4.

After calculations, it emerged that Ethan was owed \$20,000 in unpaid wages. With the Migrant Workers Centre's support, Ethan attended conciliation with his employer to demand his stolen wages - and won. Though it was daunting to confront his employer, Ethan says "my anger overcame my fear, it overcame everything else".

Reflecting on his experience, Ethan cites lack of accessible information as a barrier to migrant workers seeking assistance; "For some international students or immigrants, they're not familiar with labour law in Australia. They don't know how to protect their own rights."

He says, "I know there's translated information [on the Fair Work Ombudsman Website]" but it's "not easy" to find the relevant information for many students.

Ethan's advice to other migrant workers is, "just make the first move. [You] deserve to be paid equally as local people. People should have the courage to speak up for their own rights".

DEMONSTRATING IMPACT FOR INDIVIDUALS

CASE STUDY 3

Workplace injury is the second most common grievance seen by the Migrant Workers Centre. While most of the time, this is due to physical injuries sustained during work, occasionally, injuries occur through workplace bullying and assault. Experiences of racism are often exacerbated for migrant workers alongside discrimination due to visa status, religion or English language ability.



Abbas* came to the Migrant Workers Centre for help after a physical assault by his supervisor left him hospitalised.

Abbas came to Australia in 2010 from Iraq. Despite living and working here for over a decade, he hasn't been able to get a permanent visa. Instead, he was on a Safe Haven Enterprise Visa - a temporary visa that must be renewed every five years and which has extensive restrictions. Abbas got a job as a farm hand because he was trying to apply for another visa that required applicants to work in a regional area for three and a half years.

Abbas thought he'd finally found a pathway to a more certain future. But once he started on this job, he suffered ongoing abuse and bullying from his supervisor. Abbas and his supervisor were supposed to work together across eight farms but his supervisor forced him to do all the work and made racist remarks when Abbas spoke up.

Abbas said, *"I don't mind if the work is hard. I want to work... but the supervisor didn't let me take breaks. We are supposed to have a 30 minute break but he only let me take 10 minutes. Even just walking to the kitchen from the farm took 10 minutes so I had no break"*.

"When I said it was not fair to put [all the work] on my shoulders, the supervisor is swearing at me and he said 'if you don't like it go home.'"

Abbas said in his opinion, *"[the supervisor] treats me like a slave just because I am a refugee and English is my second language"*. He explained, *"there was someone else called Nick* who used to work with us. Because Nick spoke the same language as the supervisor, he was treated better than me. I didn't complain. I came for work and to support my family. But I believe he treated Nick better and didn't discriminate against Nick"*.

Abbas is receiving ongoing support for physical and mental injuries. He wants to tell his story as it's an extreme but not isolated example of how prohibitive visa conditions can force workers into unsafe work environments with huge consequences. The Australian Government must provide more pathways to permanent residency and scrap the restrictive work requirements attached to most visas so migrants can find work that is safe and can speak out about abusive work conditions without fear of losing their livelihoods or their visa.

*Names have been changed

Despite the exploitative work conditions and abuse, Abbas stayed in the job to meet the regional work requirements for his visa application. He was also conscious that as a SHEV visa holder, his job opportunities were drastically limited as the majority of employers only want citizens or permanent residents.

However, it all came to a head one day when the bullying and abuse escalated and the supervisor physically assaulted Abbas. Abbas was hospitalised with extensive injuries that he's still managing today. *"Mentally, physically he's damaged me too much. People have to treat me as equal. There's no reason to discriminate against me or bash me."*

Abbas heard about the Migrant Workers Centre through a friend. We assisted Abbas with applying for a WorkCover claim, liaising with the insurance company, and also provided information to him in Arabic. While hospital and ambulance fees in workplace instances like this are covered by insurance - information about this is often not known or accessible to migrant workers, leading to additional mental distress.

Abbas' WorkCover claim has now been accepted and he's receiving weekly payments that cover his medical costs and lost wages. But the impact of the bullying and assault is ongoing. Abbas now experiences suicidal ideation and says, *"I cannot sleep from the pain - I cannot explain how this has affected my mental [health]. I now have trauma. I feel like he's going to kill me. I feel not safe and scared"*.

JOBKEEPER CAMPAIGN: ATO REPAYMENTS

During COVID, temporary visa holders were locked out of JobKeeper and JobSeeker. One cohort of temporary visa holders who have come to our attention are workers who in the early days of the pandemic had their JobKeeper applications erroneously approved and are now being asked by the ATO to pay back their JobKeeper income.

This case was brought to us by Migrant Workers Centre Organiser Hassan who was personally affected.

Hassan recounts, *"When the Government introduced the JobKeeper program in 2020, I was an Uber driver. I had no income because of the COVID restrictions. I asked my tax agent if I was eligible for the JobKeeper payment as a sole trader. He said yes, and he also contacted the ATO to double check. The person at the ATO who answered the phone said, 'Just submit an application. We will review your application. If you are eligible, you will receive the payment. If you are not eligible, we will not pay you.'"*

Hassan was approved for the JobKeeper payment by the ATO but a few months later, the ATO sent him a letter stating he was not eligible and now had to repay \$27,900.

Hassan contested this repayment as he felt he should not be penalised for a mistake he didn't make. After requesting a review, the ATO decreased the amount to \$8,400, and after a second review, the ATO retracted the repayment completely.

Outrageously, Hassan's case was not an isolated incident - and many workers have come to us for assistance with the same issue.

Rahim* was an independent contractor who was told he could apply for JobKeeper, was approved, and then asked to pay back \$13,500 to the ATO. Rashim did not read or speak English and was in great distress when he received the repayment order. He says, *"I did not make any mistake"* and didn't understand how he could now be in debt through no fault of his own.

The Centre helped Rahim interpret the letters and submit an objection to the ATO, who subsequently cancelled his repayment order.

Over the course of the year, we've assisted 36 workers with contesting ATO repayment orders. The successful recoveries have amounted to \$224,431.63. Recoveries have ranged from \$5,000 to \$27,900 each. Most workers approaching the MWC were either on a temporary protection visa or have applied for protection. Most say they are classified as sole traders because they are gig workers, with more than half of the total saying they are Uber drivers. Of the enquiries we have received, most workers had sought advice from a tax agent or the ATO before they applied for JobKeeper.

All the workers that have come to us for advice have had their repayment order wiped - revealing how migrant workers from non-English speaking backgrounds are unfairly penalised when there is a lack of accessible information. Our assistance included providing basic information about the objection process, the objection form and what to address when offering reasons for the objection - based on publicly available ATO information. We provided much of this assistance in-language to empower workers to write and submit their own objections.



EDUCATION AND EMPOWERMENT: IMPACT OF EDUCATION AND EMPOWERMENT PROGRAMS

The MWC empowers migrant workers with knowledge of their workplace rights and assists them to exercise these rights at work.

Educating and empowering migrant workers is a core part of our strategy as workers who enter the workforce with a strong understanding of their rights and their employer's obligations are more likely to say no to exploitative and unsafe work situations. Often, employers seeking to take advantage of the lack of familiarity with workplace rights will also do the right thing once they realise the worker understands their rights and where to seek assistance.

Three Migrant Workers Centre programs contribute to education and empowerment for

migrant workers; Know Your Rights sessions, the Multicultural Safety Ambassadors Program and volunteer program.

In FY 2021-22, we delivered 102 sessions of "Know Your Rights" training to 2,066 workers. In addition to the workplace rights training, our Multicultural Safety Ambassadors delivered training on workplace health and safety. In FY 2021-22, they delivered 41 sessions of the training to 1,052 workers.

This year, the MWC began taking surveys at the end of KYR sessions to assess the impact of the sessions. This has allowed us to gain a better understanding of the basic demographics of participants in the sessions, and aspects of the sessions they found most useful.



102 Know Your Rights (KYR) sessions



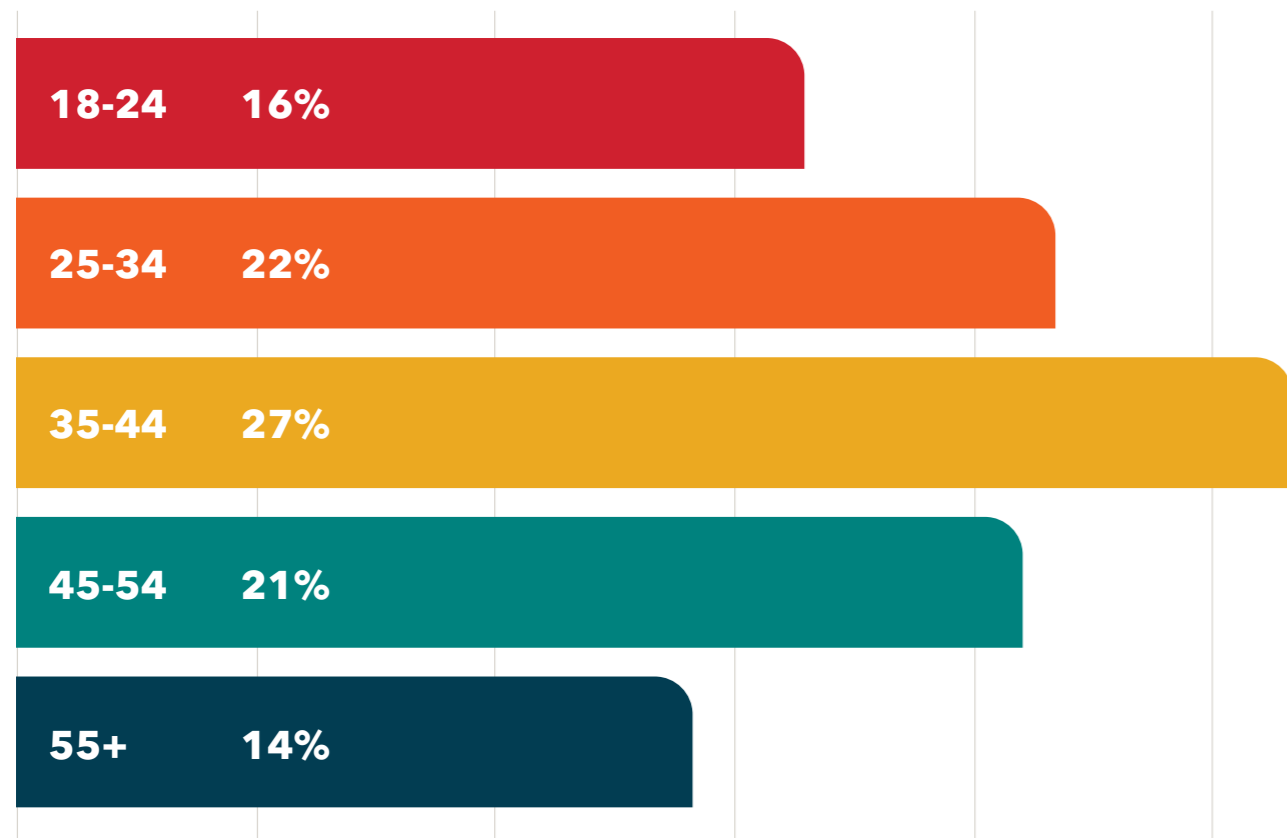
2066 participants



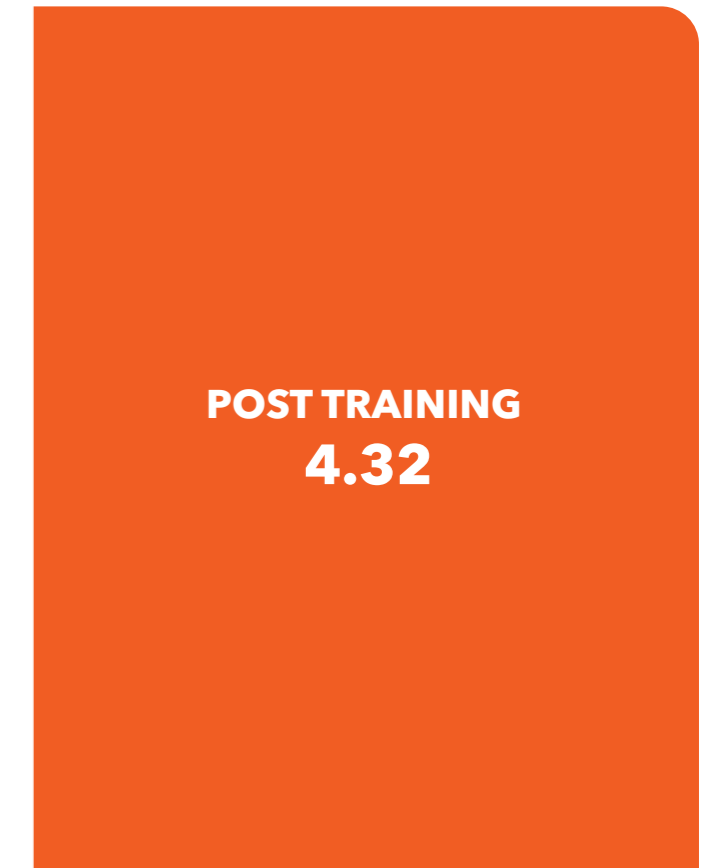
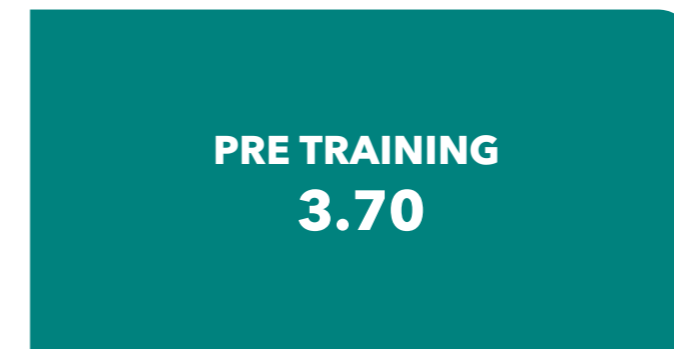
41 Multicultural Safety Ambassador sessions

Workers attending our training sessions are of varying ages and speak diverse languages.

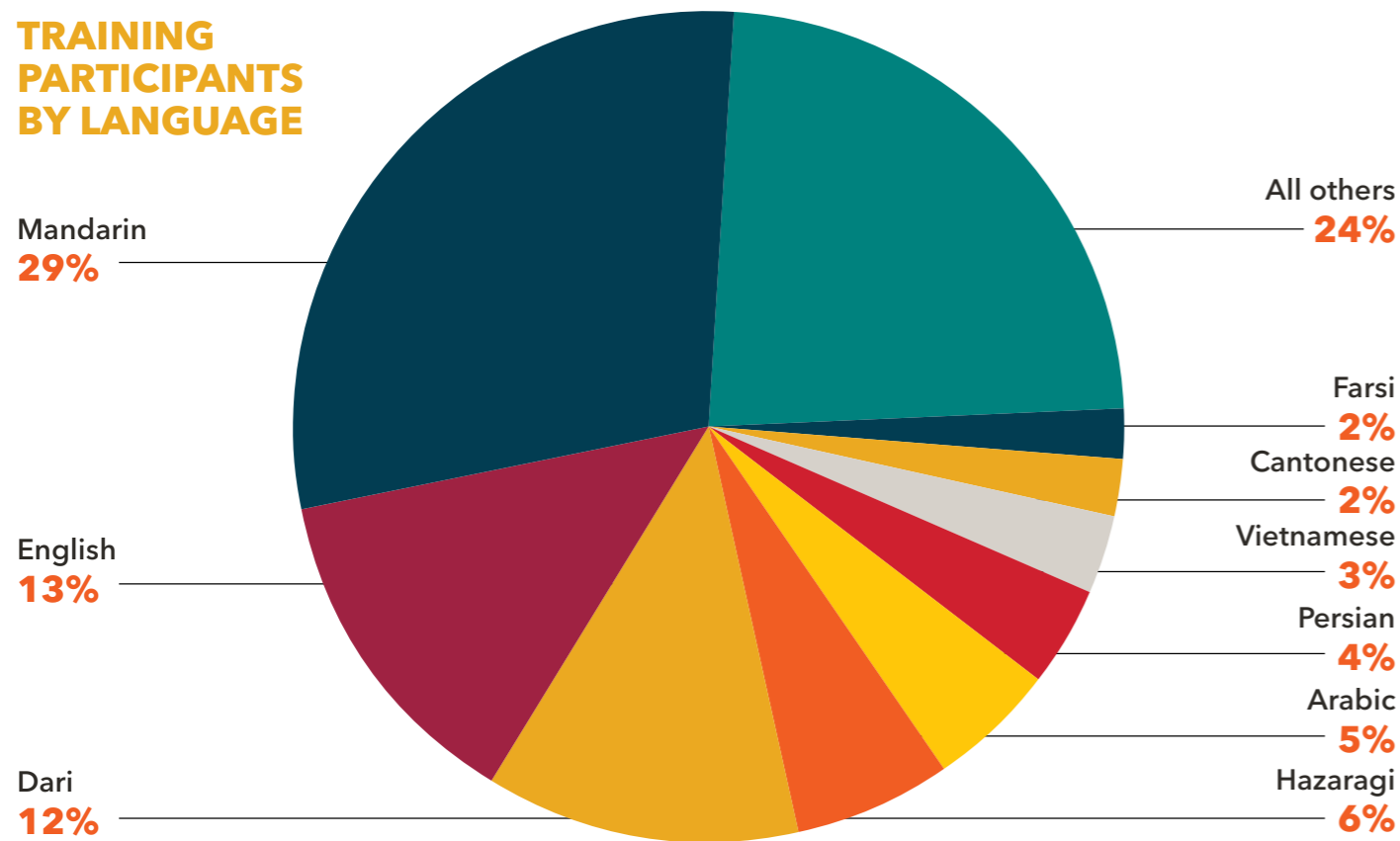
TRAINING PARTICIPANTS BY AGE



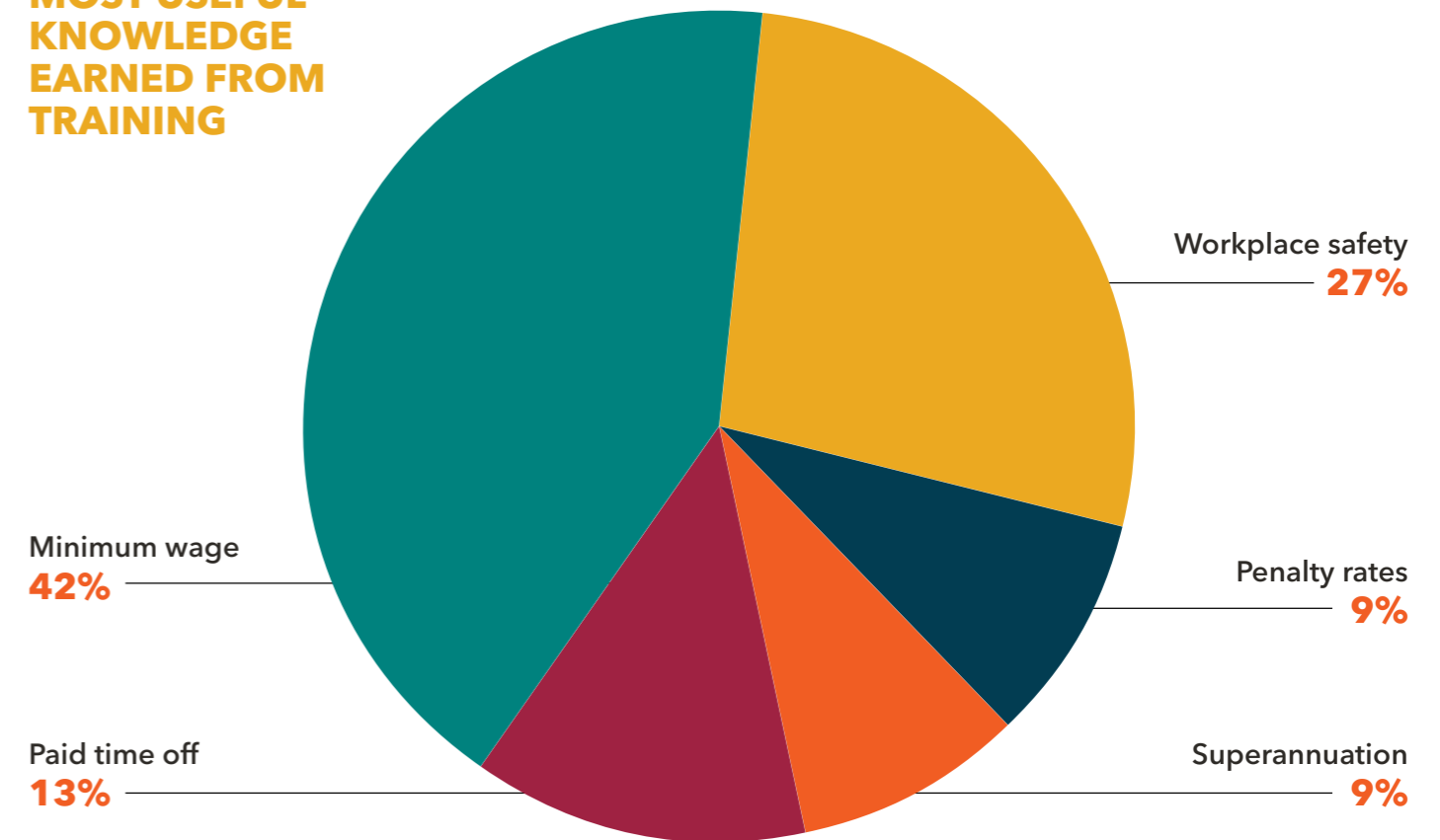
LEVEL OF CONFIDENCE WITH KNOWLEDGE ABOUT WORKPLACE RIGHTS (SCORED OUT OF 5)



TRAINING PARTICIPANTS BY LANGUAGE



MOST USEFUL KNOWLEDGE EARNED FROM TRAINING



Workers find our “Know Your Rights” training relevant to their experience and say it has a positive impact on them. They find the information about minimum wage and workplace safety to be the most useful.

Participants cited minimum wage and workplace safety as the most useful areas of knowledge gained from training. This is consistent with the two most common types of workplace grievances in our industrial casework program.

KNOW YOUR RIGHTS SESSIONS

Know Your Rights sessions have been a core component of the organisation's work since our inception in 2018. The KYR sessions are delivered by Migrant Workers Centre organisers to education institutions and community organisations, and cover basic workplace rights and safety.

During the last financial year, we have held sessions in 7 languages as well as English.

The program has substantially expanded this year as we have built stronger working relationships with education providers and also increased our reach with community providers. Highlights include sessions at Wodonga TAFE, the Centre for Multicultural Youth, Melbourne Polytechnic, Kangan Institute, Box Hill TAFE, the Brotherhood of St Laurence, Migrant Information Centre (Eastern), Filipino-Australian Students Council of Victoria (FASTCO), CommUnity+ and the TWIC East Community Association Victoria.

After each session, participants can fill out a survey indicating how useful they found the session and can also ask for a further follow up phone call to discuss any work matters that they have. The KYR sessions have also been a key pathway for workers coming to us for assistance.



MULTICULTURAL SAFETY AMBASSADORS PROGRAM



The aim of the Multicultural Safety Ambassadors Program is to upskill and empower migrant community leaders to deliver information sessions in language to their peers. The program allows the MWC to expand our reach to more communities around Victoria in more languages. This approach also means information is not being delivered top down but shared within communities by trusted members. It also means sessions can be delivered in more culturally appropriate and relevant ways that speak to the needs to each community.

In the 2021-22 financial year, the Migrant Workers Centre welcomed a new cohort of 10 Multicultural Safety Ambassadors. This year's ambassadors speak 15 languages: Filipino, Bisaya, Hazaragi, Urdu, Dari, Italian, Spanish, Arabic, Hindi, Telugu, Tamil, Punjabi, Oromo, Dutch and Burmese.

This is the fourth cohort of Ambassadors since the program started. Ambassadors undertake training in workplace rights and health and safety before being supported to run community sessions in language.

In addition to our new Safety Ambassadors, previous cohorts of MSAs have been busy continuing to hold sessions, notably a Post Arrival Orientation Seminar at the Philippine Consulate General in Melbourne for international students who've just arrived in Australia. In addition to running these collaborative sessions, the Philippine Consulate is also distributing Migrant Workers Centre resources on wages and workplace rights.

MIGRANT WORKER SOLIDARITY NETWORK & CASEWORK VOLUNTEERS

The Migrant Worker Solidarity Network is a network of volunteers of migrant workers and allies who campaign for fairer treatment of migrants.

This year, the MWSN has been busy advancing the campaign for permanent visas. Earlier in the year, Migrant Workers Centre activists wrote letters to their local MPs and members of Parliamentary Committees to share their migration stories and call for more pathways to permanent residency. They followed up this letter writing action by meeting with MPs and Senators across political parties to talk about why visa reform is urgently needed. The network has met with Mark Dreyfus MP, Senator Jess Walsh, Maria Vamvakinou MP, Senator Claire Chandler, Senator Damien Drum and Julian Hill MP.

These meetings were not only a chance to restate the importance of our recommendations, they also provided a space for workers with first hand experience of Australia's migration system, many of whom do not have an electoral voice, to share their stories and be heard by our elected representatives.

Alongside our activist network, the MWC launched a new case-work volunteer program where volunteers are trained to assist workers with calculating unpaid wages, providing language support and conducting intakes and reviewing cases. While more targeted in scope - this second branch of volunteering also skills up workers and community members to understand industrial law and how it is applied.

The volunteers come from a diverse cohort who range from students to working holiday makers.

Meet some of the casework volunteers:



MERT Arriving from the UK for a working holiday, I was already aware of the obstacles migrant workers regularly encounter. As the son of two migrants who have both experienced workplace abuse, I understand migrant workers are more vulnerable to exploitation, often isolated from family while navigating an unfamiliar language and work culture. As a former Melbourne exchange student, I wanted to assist those in a less fortunate position.

Becoming involved in the work done by MWC to educate workers on their entitlements and help build their cases has enabled me to better understand the intricacies of domestic employment rights, legislation and the complexities involved in investigating claims.

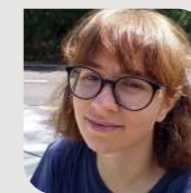


MAI My name is Mai Luu. I am Vietnamese. I've been in Australia for 1.5 years. To be able to communicate and work in the future, I spend time studying English.

When I was studying English at Djerriwarrh, I learned of the Migrant Workers Centre - an [organisation] focused on helping migrant workers access, understand and enjoy their workplace rights and safety. I realise that workers face injustice, discrimination, and low pay in Australia. I wanted to find out more about these issues, so I volunteered with the Migrant Workers Centre. I learned about what workers are entitled to and [how they are] protected. This also helps me and my loved ones. I also learned the dedication and enthusiasm for the work of the staff here. I am very grateful for all of this.



ELIZA Hi, I'm Eliza. I started volunteering at the MWC six months ago. I wanted to engage with an organisation that was helping to empower migrant workers to understand their workplace rights and entitlements. As a law student, volunteering with MWC has been really beneficial as I have gained practical experience using employment law, to help migrant workers achieve more just and equitable outcomes in their workplaces. I would highly recommend volunteering at the MWC to anyone who is passionate about social justice and wants to help make a difference to the lives of migrant workers.



ALEXANDRIA I am Alexandria, a multi-faceted person trying to do some good in this world, by helping vulnerable people in precarious situations. Belgium is from which I hail and Australia is now my second home. My background in Applied Linguistics has helped me to connect with a diverse group of people and be adaptable and sensible when it comes to the affairs of those around me. I have always been gravitated to helping others whose voices are ignored or pushed aside, perhaps because of my own background and experience of being powerless in alien situations. This is probably the reason why I started volunteering at the Migrant Workers Centre, because they have their heart in the right place and genuinely want to help people build up sustainable and long-lasting lives here in Australia. During my volunteer experience at the Migrant Workers Centre, I have learnt that even when situations present themselves as dire with not much hope for justice, we still do everything that can be done to help people. I have become more persistent, courageous and vocal when I see injustice, and have become more thoughtful, action-oriented and realistic in my capabilities.

RESEARCH, POLICY & CAMPAIGNS

Alongside our industrial case work and education and empowerment programs, the Migrant Workers Centre conducts research, makes policy submissions, and holds an annual conference where we present our key research findings and campaigns for the year. This branch of our work goes beyond looking at resolutions to individual cases or specific worksites, to look at the structural barriers and problems migrant workers face. Through running surveys, conducting in-depth interviews and dialogue with other researchers - we are able to identify patterns in how, when and why exploitation occurs and contribute solutions to these problems.

Campaigning on these issues through online petitions, media stories, organising workers to come together, and meeting with members of parliament allows us to tackle the source of exploitation of migrant workers, and empowers workers to fight for and advocate for their rights. Our direct contact with workers' issues provides a sound and compelling evidence base to inform policy and campaigns.

This year, we ran campaigns in two major areas. (1) Ending exploitation on Australian farms and (2) Visa reform to introduce more pathways to permanent residency.

WINNING A HORTICULTURE MINIMUM WAGE

In April 2022, a Horticulture Minimum Wage guarantee came into effect, ensuring all horticulture workers must now be paid the minimum wage, currently \$21.38 per hour. Workers on piece rates can earn more, but it is illegal for employers to pay less.

This minimum wage guarantee was a hard fought win by workers, their unions and MWC organisers and activists.

The exploitation of workers on Australian farms has long been an issue that has concerned workers and their unions. Backpackers were a cohort that were particularly affected due to WHMs being compelled to complete 88 days of farm work to extend their visa, and many of them brought their concerns to the Centre.

In 2020, we held a grassroots online organising meeting with backpackers. The meeting was led by backpackers, from Hong Kong and Taiwan in particular, who had first hand experience of the exploitative conditions on Australian farms. Following on from the meeting, we kicked off a campaign to end exploitation in the horticulture industry. The MWC worked in collaboration with Unions NSW to launch a survey into the experiences of migrant farm workers in Australia.

The survey asked about workers' pay, living and work conditions, whether they had worked under piece rates, and the types of produce they worked with. This survey was also translated into Chinese. Over 1300 backpackers from 52 countries completed the survey. In June 2021, we published the survey results in a damning report, 'Working for \$9 a Day'.

The findings of the report revealed the majority of farm managers were engaging in rampant wage theft and outright abuse. 78% of workers surveyed had been underpaid, and some piece-rate workers averaged just \$9 a day. These findings were included as evidence by unions and civil society organisations at the Fair Work Commission's hearing into the Horticulture Award.

Alongside the report, we launched a petition calling to 'End Wage Theft and Human Rights Abuses on Australian Farms' which gained 1,240 signatures.¹

It's been a long road and the MWC is thrilled to see more protections for farm workers. Alongside a minimum wage guarantee, the other changes under this new minimum wage requires employers to provide a signed record before work commences outlining:

- When (date and time) the piecework is to start
- A description of the tasks for which piece rates will be paid
- The minimum hourly rate for the pieceworker's classification level (including 25% loading for casual pieceworkers)
- The piece rate amount.

Employers must provide this information in a new record each time they want to change the piece rate. While there's still a long way to go to ensure compliance and stamp out exploitation in the horticulture industry, this historic win is a huge step and gives workers more power to demand fair pay.

Since this win, the MWC has created a number of resources translated into English, Chinese, Arabic, Nepali, Spanish, Swahili and Korean about the Horticulture minimum wage and what workers should do to ensure they're being paid correctly.



¹ This petition was launched in June 2021, the majority of signatures are attributed to the previous financial year. Of the total 1240 signatures, 40 are counted in the data for the 2021-22 financial year.

LIVES IN LIMBO AND PATHWAYS TO PERMANENCY CAMPAIGN

In 2021, the Migrant Workers Centre ran a survey looking into migrant workers' experiences with visas, work, exploitation and life in Australia. The aim of the survey was to develop a comprehensive understanding of the challenges faced by migrant workers and the extent of issues the Centre commonly grapples with such as wage theft and bullying and harassment. The survey also looked at factors including challenges and wait times associated with navigating Australia's visa system and its effect on workers. Held during the second year of COVID lockdowns, this survey was a timely and critical snapshot of how migrant workers were feeling after being told by the Morrison government to 'go home' and left to fend for themselves with no pandemic support.

The survey was shared online, through MWC volunteers and activists, via community partners, and through direct relationships with migrant worker communities.

Over 700 migrant workers completed the survey, and we conducted over 50 in-depth interviews.

The findings were published in the report, *'Lives in Limbo: The Experiences of Migrant Workers Navigating Australia's Unsettling Migration System'*.

The findings uncovered the undeniable link between insecure visa status and workplace exploitation:

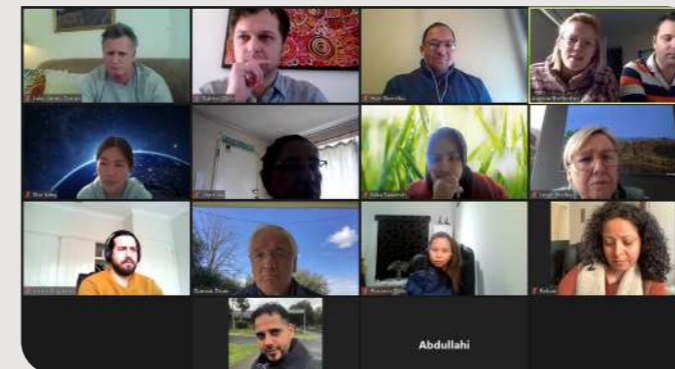
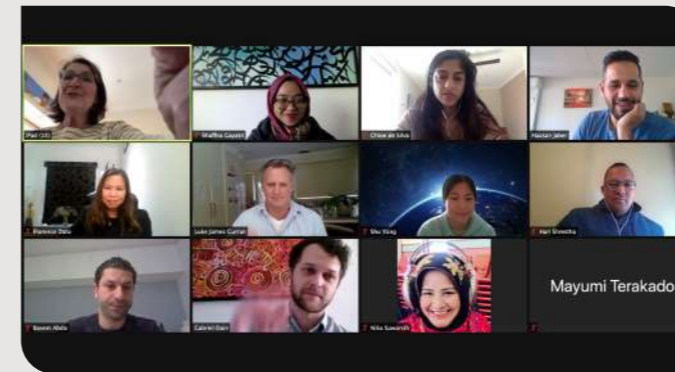
- 65% of temporary visa holders have experienced wage theft
- 1-in-4 have additionally experienced other forms of labour exploitation
- A link between workplace exploitation and temporary visa status where 91% of workers who experienced wage theft arrived on a visa with no pathway to permanent residency.

This report spurred our pathway to permanency campaign, and we called on the government to enact the following recommendations.

1. Increase the proportion of permanent visas issuance within the migration system
2. Introduce a maximum waiting time to visa processing
3. Value migrant workers' contributions to Australian society
4. Adjust and monitor employer sponsorship programs to protect against labour exploitation and visa system manipulation
5. Enable onshore migrant workers to replace employer sponsorship with state/territory sponsorship for permanent residency
6. Provide settlement assistance in collaboration with local communities
7. Give locally educated migrant workers a fair chance to permanent residency
8. Provide information about workplace rights
9. Improve access to justice, compensation, and treatment
10. Protect whistle-blowers

The findings of this report were instrumental in boosting our campaign for fairer migration pathways and more permanent visas. Our petition *'Permanent visas for all workers who call Australia home'*, which we launched in the previous financial year, gained an additional 1309 signatures. The Migrant Worker Solidarity Network members also met with Members of Parliament to present the findings of the report.

By the end of 2021, our *#LivesinLimbo* campaign gained a considerable amount of traction with our demands being echoed by Members of Parliament, community organisations and in the media.



MWSN meetings with members of Parliament



MIGRANT WORKERS CONFERENCE 2021

In November 2021, the Migrant Workers Centre held our annual conference. This year's conference presented the findings from our two major research projects: the *Pathway to Permanency* visa reform survey and the *Working for \$9 a Day* report on piece rate payments and exploitation in the horticulture industry.

Held over 3 days, the conference was attended by 209 people. Speakers included Dr Joo Cheong Tham, Shankar Kasynathan, and Daney Faddoul from the Human Rights Law Centre in addition to Hyeseon Jeong and Sherry Huang from the MWC.

The conference brought together civil society organisations, migrant community groups and members, workers and unionists.

POLICY SUBMISSIONS

In the 2021-22 Financial Year, the Migrant Workers Centre made 4 submissions to government inquiries.

1. Submission to the Department of Home Affairs Regarding the 2022-23 Migration Program
2. Submission to the Department of Home Affairs on the Migration Amendment Bill 2021
3. Submission to the Senate Standing Committee on Legal and Constitutional Affairs for the Inquiry into the Migration Amendment (Protecting Migrant Workers) Bill 2021
4. Submission to the Joint Standing Committee on Migration for the Inquiry into the Ending Indefinite and Arbitrary Immigration Detention Bill 2021

To: Scott Morrison

End wage theft & human rights abuses on Australian farms

Campaign created by Migrant Workers Centre

WORKING FOR \$9 A DAY

A new bombshell report reveals the extent of wage theft and human rights abuses on Australian farms

Unions NSW

1,240 of 2,000 signatures

Susan H. signed 2022-10-08, Nedrian T. signed 2022-09-05, Gabor M. signed 2022-09-01

Sign the petition

First Name *

Last Name *

Email *

Postcode *

KEY POLICY RECOMMENDATIONS

Key policy recommendations for the four submissions are summarised below.

The two recent government inquiries into Australia's migration program were opportune moments to put our vision for **a fairer visa system** in front of Federal decision makers.

Our key recommendations called on the Government to:

- Reform the visa system to create more pathways to permanent residency
- Penalise employers who breach workplace obligations to migrant workers
- Establish workplaces rights inductions and information programs for migrant workers
- Establish a firewall between the Department of Home Affairs and the Fair Work Ombudsman
- Abolish the prohibitive work conditions attached to the International Student and Working Holiday Maker visas
- Establish a National Labour Hire Licensing Scheme.

The **Protecting Migrant Workers Bill** sought to criminalise and expand the penalties for businesses who exploit workers on temporary visas. The Bill also prevented employers who've broken the law from sponsoring new migrant workers. Though these were welcome changes, the Bill fell short by failing to protect the workers who have been exploited. Without whistleblower protections, workers who report their employer for wage theft risk losing their visa and being deported.

Our key recommendations call for:

- An amendment to the Migration Act to further protect migrant workers from any adverse immigration outcomes as a result of their employer's contravention
- An additional 90 days for whistle-blowers to find an alternate sponsoring employer
- Establishing a new bridging visa with work rights for migrants who are victims of workplace exploitation, harassment, or injury - so they can remain in Australia while navigating lengthy cases or recovering from injury
- Ensuring whistle-blowers are not penalised in future visa applications in Australia.

Our submission on **ending indefinite and arbitrary detention** concerned our advocacy for refugees and people seeking asylum. This cohort of migrants are unfairly punished by Australia's mandatory detention system, and many are left living in limbo on temporary protection visas. In this submission, we discussed:

- The problems of mandatory detention
- The need for alternatives to detention
- The importance of a refugee policy geared to permanent protection.

We called for an amendment to the Migration Act 1958 to repeal mandatory detention and to abolish temporary visas - in particular, Bridging Visa E, to expand work rights, education opportunities and social safety nets to refugees and people seeking asylum.

EVENT HIGHLIGHTS



MWC Conference 2021



Multicultural Safety Ambassador, Habiba, delivering a session



Know Your Rights session at Wodonga TAFE



MWC stall at TWU Conference



Filipino Multicultural Safety Ambassador session



Hassan speaking at Walk for Justice for Refugees



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