United Workers Union

Submission

Exposure Draft - *Migrant Amendment (Protecting Migrant Workers) Bill* 2021

16 August 2021

UNITED WORKERS UNION Submission - Migration Amendment (Protecting Migrant Workers) Bill 2021

Overview

We welcome the opportunity to comment upon the exposure draft of the *Migrant Amendment (Protecting Migrant Workers) Bill* 2021 (the **Bill**).

The United Workers Union (**UWU**) is uniquely placed to comment on the likely impact of the Bill upon migrant workers and their conditions at work. The Union represents thousands of migrant workers including across industries where they comprise a significant percentage, if not the majority, of the workforce – such as horticulture, contract cleaning and hospitality. For many years, UWU has campaigned for targeted regulatory reform to address the systematic underpayment and exploitation of migrant workers.[1]

In 2019, the Union welcomed the publication of the Migrant Workers Taskforce's report, as part of a range of solutions to addressing these systemic issues. However, it is our firm view that enhanced enforcement provisions cannot improve the conditions of migrant workers **unless coupled with visa reform** that provides security of tenure to migrant workers who have been the victims of workplace abuse or underpayment. The Bill does not canvas, or even contemplate, the creation of visa options for migrant workers who have been the victims of workplace exploitation – as such, **UWU cannot support the Bill in its current form**.

If passed in its current form, the provisions of the Bill are likely to be:

- **Ineffective** in addressing workplace exploitation of migrant workers, as workers will have no incentive to come forward and participate in enforcement activities given the consequences that might follow for them; and
- **Harmful** for migrant workers, in that the enforcement activities carried out by the Australian Border Force targeting 'illegal workers' will undoubtedly provide the basis for workers to have their temporary visas cancelled.

There is no incentive for migrant workers to seek penalties against their employers under the existing employer sanction provisions in the Migration Act. Doing so unnecessarily jeopardises their visa pathway, without providing them with any relief or security while investigation is undertaken against their employer. **Without providing temporary migrant workers with security of tenure, the sanction provisions introduced by the Bill are likely to be as ineffective and underutilised as the existing provisions.**

Any genuine attempt to address the exploitation of migrant workers must recognise the substantial barriers and disincentives for workers to take action and report exploitative employers, especially when doing so renders visa holders subject to enforcement activity. To overcome these barriers the **Federal Government must ensure that temporary migrant workers have access to secure visa, well-regulated pathways to support and empower them to stand up and enforce their workplace rights**.

---

[1] See for example, United Workers' Union Submission, Senate Select Committee on Temporary Migration, 2020, available at https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Temporary_Migration/TemporaryMigration/Submissions; United Workers Union Submission, National Agricultural Labour Advisory Committee (NALAC)'s Agriculture Workforce Strategy, 2020, available at: https://www.unitedworkers.org.au/wp-content/uploads/2021/02/UWU-NALAC-Submission-2020.pdf United Voice, 'Submission into the Parliamentary Inquiry of the Joint Standing Committee on Foreign Affairs, Defence and Trade on Establishing a Modern Slavery Act' (Submission 116) available at https://www.business-humanrights.org/sites/default/files/Sub%20116%20%281%29%20united%20voice.pdf.
United Voice, Submission to Senate Inquiry into the exploitation of general and specialist cleaners working in retail chains for contracting or subcontracting cleaning companies, 18 July 2018. National Union of Workers (2019). *Farm Workers Speak Out,* Retrieved from: https://www.nuw.org.au/sites/nuw.org.au/files/farm_workers_speak_out_nuw_report_web.pdf. National Union of Workers Submission, Joint Standing Committee on Mingration Inquiry into the Seasonal Worker Programme, 2016, available at: https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/Seasonal_Worker_Programme/Submissions

SUMMARY OF RECOMMENDATIONS

In order to enhance the protections available to temporary migrant workers, and support them to enforce their workplace rights, UWU recommends that the Federal Government:

1. **Create an Employment Justice Visa** to support temporary migrant workers who have been subject to exploitation.

2. **Regularise the status of undocumented workers** in the horticulture industry through existing visa pathways.

3. **Review and amend visa conditions, requirements and enforcement activities** that render workers vulnerable to exploitation, and prevent workers from coming forward to report exploitation, including:

    a. Removing the 88 day work requirement for all Working Holiday Makers;
    b. Amending Departmental policy to require decision makers to take into account evidence of workplace exploitation connected to the visa holder's breach of their conditions, and weigh this matter strongly against visa cancellation; and
    c. Removing Condition 8105 from Student Visas.

4. **Expand the best-practice employer registration and worker education requirements in the Federal Government's Seasonal Worker Program (SWP)** to all temporary migrant visa categories.

1. Enforcement Provisions

1.1. Overview of Provisions

The Bill proposes to introduce several new offences and civil penalty provisions to Subdivision C of Division 12, Part 2 of the *Migration Act* 1958 (the **Act**).

The Bill proposes to introduce new criminal and civil penalty provisions relating to 'coercing a non-citizen to breach work-related conditions' (s 245AAA) and 'coercing a non-citizen by using migration rules' (s 245AAB). 'Coercion' in this context is defined by new s 245AA(1)(a) as follows:

> (aa) where a person coerces, or exerts undue influence or undue pressure on, a non-citizen to accept or agree to a work arrangement:
>
> (i) involving a breach of a work-related condition applying to the non-citizen; or
> (ii) resulting in the non-citizen being unable to satisfy a work-related visa requirement; or
> (iii) to avoid an adverse effect on the non-citizen's immigration status.

Under a new Subdivision E of Division 12, Part 2 of the Act, the Bill proposes to introduce a power to declare as 'prohibited employers' the following persons:

(a) a person who is an approved work sponsor subject to a bar imposed by the Minister under paragraph 140M(1)(c) or (d);
(b) a person who is convicted of a work-related offence;
(c) a person who is the subject of a civil penalty order in relation to contravention of a work-related provision;
(d) a person who is the subject of an order for contravention of certain civil remedy provisions under the Fair Work Act 2009 16 in relation to the employment of a non-citizen.

The consequent of such a declaration, in accordance with new s245AYE, would be to expose the 'prohibited employer' to a civil penalty in the event that they attempted to employer either an unlawful non-citizen or a temporary visa holder.

Next, the Bill introduces new civil penalty provisions relating to the use of 'computer systems.' Pursuant to those provisions, an employer will be liable to a civil penalty if they permit a person to commence work without first verifying their visa status using a computer system (s 245AEC) or refer a person for work without first having confirmed their visa status using a computer system (s 245AED).

Finally, the Bill substantially increases the penalties for certain work-related breaches under the Act (Part 4) and expands the power of ABF inspectors to issue enforceable undertakings (s 245ALA) and compliance notices (s 245ALB) for work-related breaches introduced by the Bill.

1.2. Operation of New Provisions

The 'context paper' provided with the Bill indicates that its provisions are responsive to the conditions observed by the Taskforce, including the following:

> There have been cases where employers have persuaded students to work longer hours than permitted under their visa restrictions. Some employers have coerced students on the threat of referring them to the immigration authorities.
>
> There have been reports that some working holiday makers have accepted unsafe working conditions when undertaking specified periods of work in order for them to qualify for a second or third working holiday visa.

Presumably, the 'coercion' provisions are intended to respond to the above scenarios, introducing a penalty for employers who either coerce breach of visa conditions or acceptance of substandard work conditions by reference to 'an adverse effect on the non-citizen's immigration status.'

It may be assumed that, in most cases of interest to the ABF, the temporary worker would have actually *commenced* work with the offending employer, in breach of their visa conditions or on unfavourable terms and conditions in order to prevent an adverse impact on their visa. In order to make out a case of 'coercion,' the direct evidence of the visa holder will, of course, be critical. Indeed, unless the Government contemplates extraordinary expenditure on field enforcement activities, then ABF investigation in most cases would presumably have to be triggered by the visa holder's own report against their employer. **But it is impossible to fathom what incentive the visa holder might have to cooperate with ABF inspectors or participate in the prosecution of their employer, given that the consequences that would flow for them**.

To take the first example, where a Student visa holder has been coerced to work in breach of their visa conditions, participation in an investigation by ABF would simultaneously expose the visa holder to cancellation of their visa. We return to address this in further depth below in **Section 2.**

To take the second example, where a Working Holiday Maker has been coerced to accept substandard conditions in order to satisfy the 88 days' requirement to obtain a further visa, cooperation in an ABF investigation will not assist the visa holder to meet the requirements for visa renewal. As much as particular employers, it is the exacting and inflexible nature of certain visa requirements which compel temporary visa holders to accept substandard work conditions.

Even assuming that ABF investigations managed to detect coercive activity on the part of a Working Holiday Maker employer, the Bill does not contemplate that any concession or leniency would flow to the visa holder in terms of their further immigration pathway. For instance, the Bill does not contemplate that, in the case of the affected worker, the 88-day requirement would be relaxed or waived. Rather, having experienced mistreatment and coercion at the hands of one employer, the Working Holiday Maker would be forced, within a limited timeframe, to seek out another employer to complete their remaining work experience. It is far more likely that the visa holder would persist with the exploitative arrangement with their current employer in the interests of meeting the requirements for their next visa, rather than unnecessarily disrupt that process.

It is plain from this illustration that there is no incentive for Working Holiday Makers, or indeed other temporary visa holders in similar positions attempting to meet the requirements for a further visa, to seek out ABF involvement or cooperate with it once it had commenced.

1.3. Existing Employer Sanction Provisions

It is by now well-known that the enforcement provisions of the Act are underutilised. The employer sanction provisions, first introduced to the Act in 2013, were intended to target the widespread underpayment and exploitation of temporary migrant workers holding employer-sponsored visas – specifically, Temporary Work (Subclass 457) visas. By the time the provisions were introduced, the exploitation of Subclass 457 holders was a matter of national concern. And yet, the number of prosecutions brought under the employer sanction provisions is minute.

It is noteworthy that, from March 2015 to the date of writing, a total of only 1060 employer sponsors have been sanctioned for breaches of employment-related sponsorship obligations as a result of ABF enforcement action.[2] Pursuant to s 140K(4) of the Act, the Minister is required in all cases to publish the details of an employer sponsor who is sanctioned for breach of a sponsorship obligation. The vast majority of reported sponsors are sanctioned for breach of the obligation to ensure equivalent terms and conditions of employment.[3]

To put the number of sanctioned employers in context, between 2015 and the present date, the Department has granted some 270,241 Subclass 457 and Subclass 482 visas.[4] The number of employer sponsors sanctioned is therefore around 0.4 percent of the total number of approved sponsors. From the public research that led to the introduction of the employer sanction provisions, and the long experience of Unions' organising with migrant workers, this is a vast underrepresentation of the true scale of underpayment and exploitation experienced by holders of employer sponsored visas.

---

[2] See https://www.abf.gov.au/about-us/what-we-do/sponsor-sanctions/register-of-sanctioned-sponsors#.
[3] Pursuant to r 2.79 of the *Migration Regulations* 1994.
[4] See https://www.homeaffairs.gov.au/research-and-stats/files/temp-res-skilled-rpt-summary-300621.pdf.

Rather than a 'lack of knowledge' or familiarity with workplace standards, we suggest that the reason for the under-utilisation of existing employer sanction provisions is that there is simply no incentive for temporary migrants to seek penalties against their employers. Doing so unnecessarily jeopardises their visa pathway, without providing them with any relief or security while investigation is undertaken against their employer. **Without providing temporary migrant workers with security of tenure, the sanction provisions introduced by the Bill are likely to be as ineffective and underutilised as the existing provisions.**

2. Impact on Temporary Visa Holders

Expanded enforcement provisions, uncoupled from visa reform, will also harm temporary visa holders by exposing them to the cancellation of their visas.

We return to the first example from the Taskforce, cited in the 'Context Paper' with the Bill, involving a Student visa holder who is coerced to work in excess of forty hours per fortnight by their employer, in breach of visa condition 8105. Again, unless the Department intends to devote extraordinary funds to field enforcement, then presumably this breach would come to light only through the visa holder's own report. But in making such a report, the visa holder would, simultaneously, be exposing themselves to cancellation of their visa.

Pursuant to s 116(1)(b) of the Act, the Minister, by his delegates, may cancel a visa where he is satisfied that its holder has not complied with the conditions of the visa. The provision reposes a discretion in the Minister and his delegates as to whether or not to cancel the visa, even if a breach of conditions is made out. However, there is nothing in Departmental policy which requires the Minister's delegate to take into consideration evidence of coercion or workplace abuse when considering whether or not to cancel a visa for breach of a work-related condition. This means that, **in the current circumstances, if a visa holder were to report a breach of the coercion related conditions which simultaneously involved a breach of their visa conditions, it is more likely that not that visa cancellation would follow**.

The result of visa cancellation upon a temporary visa holder is dire. In the immediate result, the visa holder is rendered an unlawful non-citizen by operation of s 15 of the Act. While they may seek review of the visa cancellation in the Administrative Appeals Tribunal, that process can take upwards of two years. In the meantime, they are eligible to apply only for a Bridging E visa. In accordance with Departmental policy, that visa must be granted without permission to work or study. The result is that the visa holder's progression on their immigration pathway would be completely halted; they would be unable to finish their studies or work to support themselves. Rather, if they experienced financial hardship, they might be compelled to work without authorisation in even more compromised or exploitative circumstances.

Thus, by reporting a breach of s 245AAA, a migrant worker may end up in a much worse position that if they had simply not reported the breach at all. This is an unacceptable result and cannot be supported.

3. Current Labour Market Realities – Horticulture industry

The 'context paper' with the Bill, remarkably, does not discuss the economic and labour market context within which it is being introduced. No mentioned is made of the COVID-19 pandemic and its impact on the labour market or temporary migrant workers.

Importantly, in relation to the 'computer system' provisions, no mention is made of the impact of COVID-19 on labour supply in horticulture and the now widespread reliance of producers on undocumented migrant labour. Such is the scale and prevalence of migrant labour that, in its recent report of March 2021, the National Agricultural Labour Advisory Committee (**NALAC**) observed as follows:[5]

> Estimates provided to Howe et al. (2019) by industry members suggested that undocumented workers composed up to 90% of the workforce in some major horticulture production regions, for example the Sunraysia region of north-west Victoria. In early 2019 the Victorian Farmers Federation surveyed horticulture farmers in the region and found that undocumented workers represented 28% of the total workforce or around 5,000 workers (VFF 2019). The Committee heard evidence that supported those findings.
>
> The Committee also heard that undocumented workers are at highest risk of exploitation, due to the fact that they are unlikely to report mistreatment for fear of losing their visa and ability to stay in Australia.

NALAC is an expert body, convened by the government in response to the current labour supply crisis in horticulture; its findings and recommendations in relation to temporary migrant workers should be implemented in full.

Nowhere in its recent report did NALAC endorse enhanced enforcement action against growers for permitting undocumented migrants to work on farms. Rather, the Committee concluded it discussion of the issues facing undocumented workers as follows:[6]

> *It is the Committee's view that the current pandemic provides a unique chance to design a one-off regularisation program for social health reasons. It is a potentially dangerous situation for the Australian public to have 60,000 to 100,000 overseas workers avoiding contact with clinics and hospitals. As the report Covid-19 and undocumented workers in the Australian horticulture industry (Howe & Singh 2020) points out:*
>
> > *Without addressing the fear of detention that undocumented workers have because of their uncertain immigration status, it will be almost impossible for the government to mitigate the public health risks arising from undocumented workers during the Covid-19 outbreak.*
>
> *In light of the pandemic, the Strategy strongly recommends that the government regularise undocumented AgriFood workers.*

[5] NALAC, *National Agricultural Workforce Strategy*, December 2020, p 190, available at https://www.agriculture.gov.au/sites/default/files/documents/national-agricultural-workforce-strategy.pdf.
[6] Ibid.

For industries such as horticulture that have become structurally dependent on undocumented workers, as well as other temporary migrants, endemic and entrenched exploitation can only be addressed by providing the workers with access to secure substantive visa pathways.

4. Secure, well-regulated Visa Pathways

As discussed, without providing temporary migrant workers with security of tenure, the sanction provisions introduced by the proposed Bill are likely to be as ineffective and underutilised as the existing provisions.

Any genuine attempt to address the exploitation of migrant workers must recognise the substantial barriers and disincentives for workers to take action and report exploitative employers. In order to be effective, the Federal Government must ensure that temporary migrant workers have access to secure visa, well-regulated pathways to support and empower them to stand up and enforce their workplace rights.

In order to enhance the protections available to temporary migrant workers, and support them to enforce their workplace rights, UWU recommends that the Federal Government undertakes the following reforms.

4.1. Employment Justice Visa

As discussed in detail above, because of visa insecurity and the possibility that taking action may jeopardise their visa pathway, there is very little incentive for temporary migrants who have been victims of exploitation to seek redress, and there is lessened incentive on investigators to pursue cases of exploitation on behalf of migrant workers lest the key witness be removed from Australia in the course of proceedings. The absence of visa security for victims of exploitation fundamentally undermines the efficacy of expanded protections for migrant workers under the *Fair Work Act*, and will make the proposed amendments in this Bill ineffective and harmful to temporary migrant workers.

Visa options do exist to protect victims of criminal conduct or trafficking in Australia. The aim of both the Criminal Justice and Referred Stay visas is to encourage migrant victims of wrongdoing to come forward, without fear that their visa status may be jeopardised or they may be deported if they take legal action. However, no such options exist for workers who have been the victims of workplace exploitation or modern slavery practices.

UWU proposes the creation of a specific visa for temporary or undocumented migrant workers pursuing remedies through the *Fair Work Act,* or other causes of action for unpaid wages and other breaches of law. The Criminal Justice visa provides a ready template for the creation of an Employment Justice visa, and either the Fair Work Ombudsman or the Federal Circuit Court may be empowered to issue a 'temporary stay certificate' certifying that a worker's ongoing presence in Australia is required for the conduct of their proceedings.

The introduction of this visa should be accompanied by amendments to the eligibility requirements for various temporary and permanent visas, so that holders are free to explore other visa options independent of their former employer. The decoupling of the holder's visa from their exploitative employer is a crucial step in addressing the exploitation of migrant workers, as identified by numerous studies.

4.2. Status Regularisation

UWU urges the Federal Government to implement Recommendation 25 of the National Agricultural Labour Advisory Committee to undertake the one-off regularisation of the 60,000–100,000 undocumented workers currently working in the Horticulture industry.[7]

UWU supports the model proposed by Dr Joanna Howe in *Out of the Shadows: A Case for Status Regularisation for Undocumented Migrant Farm Workers.*[8] Under this model, undocumented workers would be enabled to apply for a four-year temporary visa connected to a permanent pathway, provided they could demonstrate a history of work in the Horticulture industry.

This proposed regularisation process could be undertaken through either the existing 408 visa pathway, or as part of the promulgation of the proposed new Agriculture Visa.

Status resolution would enable undocumented workers to continue their essential work in the Horticulture industry while enabling them to escape their current exploitative employment arrangements facilitated by unscrupulous labour hire contractors.

Should the Federal Government fail to provide undocumented workers with access to a secure substantive visa pathway, there will be no incentive for undocumented workers to come forward and report exploitation, and the enhanced enforcement provisions contemplated by the proposed Bill will fail to have effect.

4.3. Review temporary visa conditions, requirements and enforcement

As discussed, the exacting and inflexible nature of certain requirements attached to temporary visas render temporary migrant workers susceptible to workplace exploitation and compel temporary visa holders to seek certain types of employment or accept substandard work conditions in order to survive. The Federal Government must take action to address the ways in which visa conditions, requirements and enforcement activities create vulnerabilities for temporary migrant workers, contribute to the likelihood that temporary migrant workers are exploited, and act as a distinctive for workers to report exploitation.

UWU recommends that:

1. **The requirement that Working Holiday Makers (WHM) undertake 88 days specified work in a regional area be removed.** A series of government inquiries have comprehensively established the myriad forms of exploitation that have arisen as a result of WHM being required to undertake work in the horticulture industry in order to have their visa extended.[9]

---

[7] NALAC, *National Agricultural Workforce Strategy*, p.xxvii

[8] Howe, J. (2021). *Out of the Shadows: A Case for Status Regularisation for Undocumented Migrant Farm Workers*.

[9] See for example, Senate Education and Employment References Committee (2016). *A National Disgrace: The Exploitation of Temporary Work Visa Holders,* March 2016, Retrieved from https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/temporary_work_visa/~/media/Committees/eet_ctte/temporary_work_visa/report/report.pdf
Fair Work Ombudsman (2018), *Harvest Trail Inquiry,* Retrieved from https://www.fairwork.gov.au/how-we-will-help/helping-the-community/campaigns/national-campaigns/harvest-trail-inquiry; Joint Standing Committee on Foreign Affairs, Defence and Trade (2017) *Hidden in Plain Sight - An Inquiry into Establishing a Modern Slavery Act in Australia*, Box 6.2, 'Human Trafficking Framework' Retrieved from https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/024102/toc_pdf/HiddeninPlainSight.pdf;fileType=application%2Fpdf. Fair Work Ombudsman (2016) *Inquiry into the wages and conditions of people working under the 417 Working Holiday Visa Program*, Retrieved from https://www.fairwork.gov.au/ArticleDocuments/763/417-visa-inquiry-report.pdf.asp

We note that the requirement to undertake farm work has been recently removed for British citizens, following concerns from the UK government that the requirement had rendered its citizens vulnerable to exploitation.[10] The Federal Government must now remove this requirement for all other WHM nations.

2. Department of Home Affairs' policy in relation to visa cancellation be amended, to require decision makers to **take into account evidence of workplace exploitation connected to the visa holder's breach of their conditions, and weigh this matter strongly against visa cancellation.** We note that current policy adverts to *'circumstances outside of visa holders' control, such as family violence'* - there is no reason why workplace exploitation should not be treated in the same way. Overzealous use of cancellation powers by the Department facilitates employer exploitation of visa holders, enabling employers to leverage the threat of cancellation to ensure that migrant workers do not assert their rights or seek redress for wrongs in the workplace. As discussed above, temporary migrant workers will simply not come forward and report exploitation unless they can be certain that it will not jeopardise their visa pathway.

3. **Condition 8105 - which limits Student visa holders to 40 hours' work per week – should be removed from Student visas**. The rationale for the condition appears to be to ensure that students focus on studies whilst in Australia. However, there is another, specific condition directed at that purpose - being condition 8202, which requires students to maintain satisfactory course progress and attendance. As such, condition 8105 serves no ostensible purpose, other than to render international students liable to exploitation and underpayment.

4.4. Expand the best-practice employer registration and worker education requirements in the Federal Government's Seasonal Worker Program to all temporary migrant visa categories

The Federal Government's Seasonal Worker Programme (SWP) contains important mandatory employer obligations, which are designed to protect the temporary migrant workers from Pacific countries who work on farms across Australia.[11] These requirements include:

- Mandatory worker rights education for all workers pre-departure and on-arrival in Australia, including a requirement that the employer invite trade unions to meet workers before they commence work.

- A registration process that requires Federal Government approval to employ temporary migrant workers. This requirement provides workers and their representatives with an important mechanism to hold employers accountable.

When they are properly enforced, these requirements work to empower temporary migrant workers to enforce their workplace rights. These best-practice requirements are already working to minimise the likelihood of worker exploitation, and should become mandatory requirements in all temporary visa programmes.

---

[10] Kath Sullivan, 'New agriculture-specific visa established for UK and Australian workers,' *ABC News*, 16 June 2021, https://www.abc.net.au/news/2021-06-16/asean-agricultural-visa-uk-free-trade-agreement/100218744

[11] Seasonal Worker Programme, 'Implementation Arrangements', Retrieved fromt https://docs.employment.gov.au/system/files/doc/other/implemntation_arrangement_5_november_2018.pdf

Employers who do not sponsor, but do employ, temporary migrant workers, should be required to undertake an application and registration process that will enable the Federal Government to proactively ensure that employers are suitable and likely to comply with their obligations. We note that NALAC has recommended the extension of these requirements to WHMs, and urge the Federal Government to implement these recommendations.[12]

Conclusion

Unless coupled with visa reforms that provide security of tenure to migrant workers who have been subject to workplace abuse or underpayment, the enhanced enforcement provisions proposed in the Bill will not improve the lives or conditions of temporary migrant workers in Australia.

If passed in its current form, the provisions of the Bill are likely to be:

- **Ineffective** in addressing workplace exploitation of migrant workers, as workers will have no incentive to come forward and participate in enforcement activities given the consequences that might follow for them; and
- **Harmful** for migrant workers, in that the enforcement activities carried out by the Australian Border Force targeting 'illegal workers' will undoubtedly provide the basis for workers to have their temporary visas cancelled.

Simply put, the Federal Government cannot expect temporary migrant workers to report breaches of the Migration Act when doing so would render them subject to visa cancellation, and therefore in a worse material position than if they did not report the breach.

Accordingly, UWU cannot support the proposed Bill in its current form.

Should the Federal Government genuinely wish to address visa insecurity and other conditions that create a strong disincentive for temporary migrant workers to come forward and report exploitation, UWU has made a number of recommendations that would enhance the protections available to temporary migrant workers and support them to stand up and enforce their workplace rights.

For more information on this submission, please contact George Robertson at george.robertson@unitedworkers.org.au.

[12] NALAC, *National Agricultural Workforce Strategy*, p.xxvii