



Submission in response to consultation on Migration Amendment (Protecting Migrant Workers) Bill 2021

19 August 2021

Woolworths welcomes the opportunity to provide a submission to the Home Affairs Department for its consultation on the Migration Amendment (Protecting Migrant Workers) Bill 2021.

The Woolworths Group is a diverse group of retail businesses and brands across Australia and New Zealand, including Woolworths Supermarkets and Metro stores and Big W. Across the country, we partner with many thousands of local farmers, producers and manufacturers to sell more than 100,000 different items, stocking a range of trusted and recognised brands.

We recognise that our size and scale as a retailer comes with responsibilities and obligations to those engaged in our supply chain, and a number of Woolworths' initiatives in this area are outlined below.

No global retailer is immune to risks in their operations and supply chains. To that end, we are supportive of Government initiatives to provide further protections for migrant workers, particularly approaches that consider safeguards for workers in their design and implementation. We also believe that exploitation, and in its most egregious forms, modern slavery, can only be ended by working with others. We will continue to work collaboratively to drive change that addresses the root causes of worker exploitation.

Woolworths Responsible Sourcing

We aim to ensure workers in every aspect of our supply chains are treated fairly. The development of Woolworths' [Responsible Sourcing Standards](#) (the Standards) reflects this commitment and a drive for greater transparency to address sourcing risks. Woolworths' Responsible Sourcing Standards have been benchmarked to leading international standards and further information on these is published [online](#). We expect suppliers to respect and comply with the criteria set out in the Standards and develop the necessary tools and management systems to support compliance.

In February 2019, we released an [Addendum](#) to the Standards, which outlines Woolworths' specific requirements for labour providers in our horticulture supply chain, supported by our [Statement of Principles](#) outlining our commitments to workers in horticulture.

Last year, we also launched our first [Modern Slavery Statement](#)¹, explaining our processes and interventions to ensure continuous improvement in preventing and remediating modern slavery in our operations and supply chain as well as our collaborative approach across other industries to achieve common standards.

¹ Woolworths Group Modern Slavery Statement 2020

<https://www.woolworthsgroup.com.au/content/Document/ASX%20announcements/2020/2020%20Modern%20Slavery%20Statement.pdf>



These documents are relevant to this consultation as they explain how we identify, manage and address risks to workers in our supply chain, and how we think about the responsible recruitment of migrant workers across our ecosystem. At a high level, our approach is underpinned by three widely recognised principles²:

- **Every worker should have freedom of movement:** The ability of workers to move freely should not be restricted by the employer whether through physical restriction, abuse, threats or other practices such as retention of passports and valuable possessions.
- **No worker should pay for a job:** Fees and costs associated with recruitment and employment should be paid by the employer, not the employee; and
- **No worker should be indebted or coerced to work:** Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed.

Responding to the five key proposals

In response to the five key proposals included in the Bill, we outline our contribution below:

1. New criminal offences in relation to the coercion or the exertion of undue influence or pressure on a migrant worker in relation to a work arrangement in certain circumstances (addressing Recommendation 19 from the Taskforce Report).

Legislative safeguards that prohibit a person from knowingly unduly influencing, pressuring or coercing a temporary migrant worker to breach a condition of their visa are an appropriate step. It is important that both Australian laws are observed and migrant workers are protected, and therefore that breaches attract the appropriate consequences.

As a preliminary observation we would suggest there may be a range of issues which it becomes important to distinguish between deliberate acts and those which may be inadvertent, and to that end, it may be appropriate to have a spectrum of remedies and enforcement actions available.

2. Provisions to prohibit employers declared as 'prohibited employers' from employing additional non-citizen workers (excluding permanent residents) (addressing Recommendation 20 from the Taskforce Report).

This change would present additional positive safeguards for migrant workers, particularly in preventing recidivism from unscrupulous actors.

3. Positive obligations on employers and other parties in the employment chain to use the relevant departmental system (currently the Visa Entitlement Verification Online (VEVO) system) to verify a non-citizen's immigration status and visa conditions prior to employing or referring a non-citizen for work.

A positive obligation for verification through VEVO would ensure the onus is on employers to understand the working status of potential employees.

To support this change the Government could also consider providing employers with relevant educational materials on the VEVO system and a non-enforcement period allowing time for those not yet using the system to integrate it into their activities.

4. Aligning and increasing penalties for work-related breaches and related offences.

We support reforms that strengthen the integrity of Australia's workplace laws. It is important that workplace laws are observed and that breaches attract the appropriate consequences. However, it is again important to distinguish between deliberate breaches and genuine and inadvertent errors, and between companies who identify their own breaches and self-report, and those who do not come forward. To that end, it is appropriate to have a spectrum of remedies and enforcement actions available.

5. New compliance tools for the ABF to support behavioural change.

Education and upskilling programs that provide employers with the tools they need to understand and act upon their own obligations are a necessary driver of behavioural change. For those who deliberately exploit workers, and for those who engage in recidivism, we are supportive of compliance notices being issued as outlined.

Additional Consideration

National Labour Hire Licensing Scheme

Woolworths notes the recommendation made in the Report of the Migrant Workers Taskforce (2019) that the Government consider establishing a mandatory National Labour Hire Registration Scheme. Labour hire licensing is something Woolworths monitors closely. The fact there are currently three state schemes which use different definitions and processes, creates an administrative burden as well as uncertainty.

From a process perspective, national harmonisation of Labour Hire Licensing would be beneficial, but ideally, a national scheme would be adopted. At a state based level, the current scheme design can also be too broad, sometimes capturing arrangements that fall outside of the intended scope. A national scheme with strong business consultation would be greatly supported, and could be bolstered by training.