MIGRANT WORKERS

Productivity through Diversity
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Welcome to the summer 2014 edition of Australian Mosaic magazine that looks closely at the issue of productive diversity. I have been a strong advocate on the rights of immigrant workers and have promoted multiculturalism and unity in diversity through my involvement with not-for-profit organisations for the better part of the last four decades.

Whilst multiculturalism has always thrived in Australia, the infrastructure underpinning Australia’s contemporary multicultural policies has its institutional foundations in the Fraser coalition government of the late 1970s. These policies laid the groundwork that allowed our society to harmoniously develop and prosper. And for this, we should be thankful, as the Australian model of multiculturalism is unique in the world.

It took courage and leadership on the part of all Australian governments since the Second World War to put in place one of the most comprehensive immigration programs in the developed world. Australia, as a large continent with a small population, effectively laid the foundations for an immigration program that has dramatically changed the social and demographic profile of our cities and our communities for the better. History tells us that this was not achieved easily, with many peaks and troughs along the way, and it took a great deal of energy and passion to convince the Australian population that immigration would be good for this nation.

Historically, our migration program was not fully accepted by everyone. Established Australian workers were fearful at first by new arrivals, based upon the belief that they would destroy the conditions that they had fought and gained since the 1850s ‘eight hour movement’, which paved the way for Australia’s reputation as a ‘workers’ paradise’. Trade unions were also reluctant to initially acknowledge and accept the benefits of our immigration program, but they too came to accept that the benefit very much outweighed some of the ‘growing pains’ that came with diversity.

The mass migration to Australia, following the Second World War, found itself in a country that was building major infrastructure projects, including the Snowy Mountains Scheme, highways, electricity grids, and public transportation systems. There was no shortage of work, and migrant labour force was employed on the same basis as Australia-born workers – they received same wages and benefits.

In 1950s-1970s, migrants could virtually get jobs upon their arrival. Adequate employment allowed migrant workers to build solid foundations for themselves and their families and largely contributed to the success of Australia’s multiculturalism. Indeed, employment facilitates not only financial stability, but also self-esteem, independence, the ability to build and maintain English language skills, develop greater systems knowledge and, overall, experience a greater sense of community belonging and well-being – all of these contributing to greater social cohesion.

In early 1970s, migrant workers began to organise themselves to achieve better wages and conditions primarily in the manufacturing sector where migrant labour force was concentrated. The First Migrant Workers Conference in 1973, held in Melbourne followed by the Second Conference for which I was privileged to be the Secretary, paved the way for improving safety and job security, and introducing English on the Job.

We have come a long way since then in terms of recognising and utilising the range of skills and experiences available to maximise the utility of Australia’s workforce. Achieving productivity through diversity requires encouragement, commitment, and ongoing efforts to take more positive steps forward.
This edition features articles by some leading thinkers, practitioners and service providers in the migrant worker field. This edition's articles focus on exploring and examining the challenges and solutions for people who have chosen Australia as their home. The message that we aim to promote through this compilation of perspectives is that the Australian community has a long way to go to ensure the safety, dignity and respect for Australia's migrant workers. Whilst there are many positive experiences for migrant workers and employers of migrants in Australia, we must examine the employer, trade union, government, service provider and civil society response to this global challenge.

Australia's workplace response to a growing diverse workforce is explored with our partner in this edition, Diversity Council Australia. Lisa Annese provides a thorough and fascinating insight into the challenges for corporate Australia and our relationship with Asia with her piece 'Workplace Cultural Diversity and the Asian Century'. Our thanks to Lisa and the team for working with us on the development of this edition.

Ged Kearney, President of the Australian Council of Trade Unions, examines the flaws and employer exploitation of the temporary skills migration program and the current policy that make this possible. As a leader of the union movement, Ged outlines a vision for a fairer and equitable 457 visa program that balances growing domestic unemployment with the skills needs of a small population country like Australia.

The Fair Work Ombudsman, Natalie James, brings together some alarming facts about the growing number of complaints from 417 and 457 visa holders and their work in recovering more than $3.2 million in outstanding wages and entitlements. The FWO estimates that there are around one million recently arrived visa holders in Australia with work rights, making up to ten percent of the national workforce.

Iconic Australia Post delivers services to all Australians. Lauren Jauncey, Head of Diversity and Inclusion, explores the changes afoot at Australia Post and the workforce with more than 36,000 people originating from 137 different nations speaking more than 65 languages. Lauren shares the Australia Post commitment to building vibrant and inclusive communities.

Jane Farrell, a local legend in Melbourne explores the partnership approach to working with unions, police, local employers, church groups and refugee and women's groups for her program at Service Stars. Jane leads an innovative program that provides job-ready skills and basic industry training to prepare women from the Horn of Africa living in Melbourne for employment.

FECCA Women's Advisory Chair, Pallavi Sinha, examines the impact of domestic violence service provision to women in Australia as partners of 457 visa holders. Her article highlights the precarious situation for women who must remain with their partners in order to stay in Australia, even in cases of reported domestic violence.

Dr Lisa Thomson from AMES shares the findings from her research into the "Migrant employment patterns in Australia: post Second World War to the present". Migrants have brought vital skills and labour to Australia and boosted our economy and society. Lisa's research articulates the benefits and contributions of our post war migration program.

Community leader Lina Cabaero reflects on the challenges for Asian migrant women in Australia. Her article reflects on low-paid women and the family, community, cultural and health impacts of low-skilled work and the rights and protections available via the Australian industrial relations system.

Global human rights campaigner and Executive Director of the Diplomacy Training Program Patrick Earle provides an international perspective on migrant labour. His contribution examines the development strategies used that promote migrant labour and the rising reliance on remittances. Patrick highlights the global human rights abuses by unscrupulous and exploitive employers and the civil society and trade union responses to this growing international crisis.

Finally, regular contributor Dr Dinesh Wadiwel examines the shift in the Australian policy that has seen the application of discriminatory policies that prohibit many people with disability from attaining migrant worker visas in Australia.

I commend all contributors to this important edition and thank them for joining us in our growing examination of the rights and challenges for Australian based migrant workers. We hope that this edition provides some insights and raises some important questions about the Australian response to a global challenge.

Finally, thank you to Lisa Annese and the Diversity Council Australia for their continued support for FECCA and Australia's culturally and linguistically diverse workforce. Their research into the challenges for Australian workplaces as we respond to the Asian Century is commendable and I encourage readers to familiarise themselves with the remarkable work.
Lisa Annese was appointed CEO of DCA in June 2014. She first joined DCA in 2009 and left for a short stint in 2011 as the first dedicated Diversity Manager at Corrs Chambers Westgarth, who later won the Lawyers Weekly Firm Diversity Award. Prior to joining DCA, she worked at the Equal Opportunity for Women in the Workplace Agency where she developed the first ever census of ‘Australian Women in Leadership’, ‘Business Achievement Awards’, and ‘Employer of Choice for Women’ citation. Lisa was awarded a Medal for Significant Contribution to the Australian Public Service and co-authored “Chief Executives Unplugged: CEO’s Get Real About Women in the Workplace” which was named a “must-read business book” by AFR/BOSS magazine in 2005.

When the former government released its White Paper on *Australia in the Asian Century*¹ in late 2012, it caused a stir within the business community. Setting an ambitious target that one-third of board members of Australia’s top 200 publicly listed companies and Commonwealth bodies would have deep experience in and knowledge of Asia by 2025, it led many to reflect on our relationship with Asia and how we can harness the talents of Asian people within the local Australia workforce.

While these targets are no longer in place, it is clear that, despite people from Asian backgrounds being well represented in entry level and mid-level jobs in Australian business, they are significantly under-represented in leadership roles.

Although 9.3% of the Australian labour force is now Asian born, only 4.9% of them make it to the senior executive level. When we turn to companies in the ASX 200, only 1.9% of executives have Asian cultural origins, compared to 9.6% of the Australian community.

Why is this the case? And what does that mean for Australian business wanting to work more closely with our Asian neighbours?

In one of the first studies of its kind, DCA surveyed leaders and emerging leaders from Asian cultural backgrounds working in Australia to collect their career insights. In our report, *Cracking the Cultural Ceiling: Future Proofing Your Business In The Asian Century*, DCA has found that although Asian talent being ambitious and capable, they experience significant obstacles in their career development and progression.

Despite the rhetoric that Australia must engage better with our Asian partners and foster Asia capability within local organisations, we are doing very poorly at translating that into practice. This is particularly the case we consider the lack of Asian representation within our leadership ranks.

The findings of DCA’s research tell a clear story: there is an ambitious and motivated segment of our workforce that is under leveraged and undervalued. DCA’s research has found that:

- **Asian talent is ambitious, motivated and capable**: 84% plan to advance to a very senior role, 91% say challenging work is very important in their next career move, and 97% have Asia capabilities.

- **Asian talent is under leveraged, undervalued and likely to leave**: Only 17% strongly agree that their organisation uses their Asia capabilities very well, one in five are very satisfied with career progress and opportunities, and 22% strongly agree that they have worked in organisations that value cultural diversity. 30% say they are likely to leave their employer in the next year.

There are a number of barriers which lock out Asian talent in Australian organisations including:

1. **Cultural bias and stereotyping**: Only 18% of Asian talent feel their workplaces are free of cultural diversity biases and stereotypes. Many regularly experience bias and stereotyping, including about their cultural identity, leadership capability, English proficiency, and age. Women from Asian backgrounds experience a ‘double disadvantage’.

2. **Westernised leadership models**: 61% feel pressure to conform to existing leadership styles that are inherently ‘Anglo’, e.g. over-valuing self-promotion and assertive direct communication, while undervaluing and misinterpreting quiet reserve, deference and respect for seniority.

3. **Lack of relationship capital**: Only one in four has access to mentors or professional networks and even less has access to sponsors; similarly low levels feel included in workplace social activities.

So what can change this? How can we better leverage Asian talent to create more culturally diverse leadership teams and strengthen our Asia
capability? DCA has identified four key areas that organisations can focus on to realise the promise and potential of Asian talent.

**Build cultural intelligence:**
- Build your leaders’ ability to respond to workforce issues and to do trade and commerce in the Asian Century.
- Discard colour blind talent management and business strategy approaches that ignore cultural differences, and use an inclusive approach, which incorporates new and different ways of interacting and working into the way business is done.

**Recraft leadership model:**
- Promote and value a broader view of ‘the effective leader’ – one that recognises that different types of leaders, skills set and demeanors can be of organisational value.
- Critically review your leadership model and succession planning criteria and assessment to ensure these do not unintentionally filter out Asian talent.

**Boost relationship capital:**
- Increase the visibility of Asian leaders in your organisation to demonstrate that career progression is possible, and enable emerging and established Asian leaders to connect.
- Ensure Asian representation on your key promotion interview/assessment panels to enable championing of Asian emerging leaders as well as present an Asian perspective.
- Encourage leaders to reflect on the diversity and inclusiveness of their professional networks, including their protégées.

**Create a compelling case for culture:**
- Use the business case included in the *Cracking the Cultural Ceiling: Future Proofing Your Business In The Asian Century* report to build understanding and engagement around the importance of Asian talent and Asia capabilities for your organisation in the Asian Century.
- Identify ways to utilise your workforce’s Asia capabilities strategically – culturally diverse and capable leaders can assist organisations to broaden their strategic perspective, identify and enter new local and global markets, and achieve business goals in diverse business settings.
- Invest in workforce analytics – measure (Asian) cultural diversity in your workforce and markets, as well as workforce Asia capability.
- Benchmark your findings to assess how well your organisation is capitalising on culture (e.g. Australian community, your industry, key labour market pools, client/customer base).

The business benefits associated with valuing Asian talent are wide ranging. It is estimated that by 2030, Asia will account for 60% of global middle-class consumption making it one of the most significant international market shares for Australian businesses. DCA has found that the higher the proportion of senior leaders who have cultural training, speak an Asian language or have lived and worked in Asia, the more likely business performance will exceed expectations.

By not fully leveraging and harnessing Asian talent in our workforce, we are not only wasting a significant source of talent, but also jeopardising Australia’s full potential to engage with its neighbours as we embark on the Asian Century.

**About DCA**
Diversity Council Australia Limited is the independent, not-for-profit workplace diversity advisor to business in Australia. For more information, visit www.dca.org.au.
Australian unions have long been supporters of a robust immigration program.

The migration of labour provides access to decent work and a better life for millions of people every year.

As an isolated and sparsely populated island at the bottom of the world, Australia has benefited immeasurably from immigration, which began with the first European settlement in 1788.

Modern Australia is predominantly a nation of migrants and immigration is an absolutely integral part of the Australian story.

Postwar migration, initially from southern and eastern Europe, and subsequently from south-east Asia, China, the sub-continent and most recently Africa, has contributed enormously to the maturity of Australia as a multicultural and progressive modern nation.

Australia’s economic development could not have occurred without immigration.

Generations of migrants have been a valuable workforce for Australia’s manufacturing, infrastructure, mining, services and other sectors.

Australian unions will always support a strong, diverse and non-discriminatory immigration program, evenly balanced between skilled, humanitarian and family reunion schemes.

As such, we reject unreservedly the exploitation of fear and prejudice about asylum seekers that has been a characteristic by both major political parties over the past decade.

We reject the demonisation of people who are fleeing the most deprived and violent parts of the world for a better life in our country.

And we explicitly reject the policy of offshore processing of asylum seekers that both major parties have implemented.
Unions are particularly proud of the fact that hundreds of thousands of our members across the country are migrants or come from migrant backgrounds.

A quick look through the names in any union phone directory will show that union officials too have similarly diverse backgrounds.

We recognise and support the fact that skilled migration will continue to be a part of the response to our future national skill needs.

Our clear preference is that this occurs primarily through permanent migration where workers enter Australia independently.

We believe this is the form of migration that best gives migrants a stake in Australia’s long-term future and it removes the ‘bonded labour’ type problems that can emerge with temporary, employer-sponsored migration.

However, our support for a structured migration program does not mean that there are not flaws with the current system of skilled temporary migration in Australia.

The temporary 457 visa program has been with us now for well over a decade and it seems that it creates as much interest and passion as ever from all quarters.

This program, initially introduced to plug gaps in the skilled workforce on a temporary basis, has been exploited and abused by employers.

Rather than use temporary skilled migration as a last resort when no appropriately qualified labour can be sourced, employers have instead found loopholes to bring in migrant workers to do jobs for which there is a surplus of local workers.

They do this to undercut lawful wages and conditions and workplace regulations in Australia.

This is bad for Australian workers who are unable to find jobs in a period of rising unemployment.

And it is bad for the migrant workers who are being unwittingly ripped off by unscrupulous employers.

Those who discover that they are being exploited run the risk of being deported from Australia for breaching their visa conditions.

The only winners from this system are the unscrupulous employers themselves.

Nurse graduates, carpenters, cooks, engineers, welders, fitters and motor mechanics are among the workers who tell us they are having trouble finding work, while employers turn to 457 visa workers to fill those positions.

The greatest use of 457 visas is for trades and technician workers and professionals.

Yet ABS figures show there are currently up to 350,000 Australian workers searching for jobs in these very fields.

Over the past 12 months the unemployment rate has risen from 5.7% to 6.2%.

Youth unemployment is now 14%.

Yet the Abbott Government is looking at ways to make it easier for employers to hire temporary workers, particularly under the 457 scheme.

There is no doubt that a nation with a small population like Australia needs a skilled migration program.

Where there is genuine labour shortage, migrant workers workers fulfil an important role.

However, when you have hundreds of thousands of local workers job-searching in ‘skill-shortage areas’ you have to question whether the 457 visa program is achieving its ultimate aim or if it’s being abused.
But we do acknowledge that temporary migration can have a role to play in filling genuine short-term skill shortages, provided that some fundamental conditions are met:

1. That the priority must always be on maximising jobs and training opportunities for Australian workers – that is, citizens and permanent residents of Australia, regardless of their background or country of origin. Whether it is young Australians looking for their first job or older Australians looking to get back into the workforce or change careers, they deserve an assurance that they will have first access to Australian jobs.

2. That when overseas workers are required on a temporary basis to fill genuine shortages that can’t be filled locally, those workers must be treated well, be safe in their workplace, receive proper Australian wages and conditions, and be able to join and be represented by a union, just as all Australian workers can.

3. This is also about ensuring that employers are not let off the hook; making sure employers cannot just take the easy option of the 457 visa program without first looking at the local labour market and investing in training to develop the skills of local workers – and ensuring employers who do the right thing are not undercut by those employers who exploit and abuse the 457 visa program.

Unfortunately, this year’s Azarias review of the temporary skilled migration program was a missed opportunity.

The overall message from the report is that there are no real problems with the program, just a few isolated cases here and there, but really nothing to worry about, no systematic exploitation.

But that is not the experience of unions in the field. For our part, the union movement is proud of the role we have played in advocating on behalf of all workers affected by the 457 program.

For years now, unions have been standing up not only for Australian workers whose right to jobs and training opportunities have been ignored by those employers who prefer to take the easy option of the 457 visa program.

We have also gone into bat for the many 457 visa workers who continue to suffer at the hands of unscrupulous employers, and agents, who have taken unfair advantage of them.

The fundamental issues at stake here are about support for Australian jobs, support for Australian training opportunities, and support for fair treatment and decent wages and conditions for all workers.

Above all, it’s about dignity at work regardless of who you are or where you come from.

If nothing else, that’s what unions are about.

And that’s why unions will continue to campaign and advocate strongly in debates over the 457 visa program – on behalf of all workers.
Natalie James was appointed to the position of Fair Work Ombudsman by the Governor-General for a 5 year term starting on 15 July 2013.

Under the Fair Work Act 2009 Natalie is responsible for:

- promoting harmonious, productive and cooperative workplace relations and
- ensuring compliance with Commonwealth workplace laws.

Prior to her appointment as Fair Work Ombudsman, Natalie was the State Manager of the Victorian State Office of the then Department of Education, Employment and Workplace Relations (DEEWR). In this role she oversaw a range of programs and activities in Victoria for DEEWR, including early childhood, employment services, indigenous employment, education and youth. She held this position for 3 years.

Natalie had previously worked for 10 years in government in workplace relations, including in senior roles at the Fair Work Ombudsman and as Chief Counsel for workplace relations in DEEWR. During this time she led the drafting of the Fair Work legislation.

The Fair Work Ombudsman is now receiving more complaints from overseas visa-holders working in Australia than ever before.

While we have always had a strong focus in relation to visa-holders, we now give these vulnerable employees priority through our Overseas Workers’ Team (OWT).

The OWT was established in July, 2012 in recognition that overseas workers can be vulnerable to exploitation or require specialist assistance.

Between 2011-12 and 2013-14, complaints from visa-holders to the Fair Work Ombudsman increased by 165 per cent from 909 to 2625.

Complaints from 457 visa-holders increased by 157 per cent from 157 to 404 and complaints from 417 visa-holders was up 382 per cent from 216 to 1042.

In the past three financial years, the Fair Work Ombudsman has dealt with 5633 complaints from visa-holders and recovered more than $3.2 million in outstanding wages and entitlements for them.

And in the past two financial years, we have finalised 22 legal cases involving overseas workers – representing about a quarter of all litigations for the period.


Of the overseas workers who have contacted the Fair Work Ombudsman in the past 12 months seeking assistance, 58 per cent were male and 42 per cent female.

More than 35 per cent were aged between 26 and 30 and most were born in Korea, China, Germany, France and India.

The largest number of requests for assistance from overseas workers – 24 per cent, came from employees in the accommodation and food services sector.
The Fair Work Ombudsman estimates there are approximately one million recently-arrived visa holders in Australia with work rights – or 10 per cent of the workforce.

Overseas workers are often not fully aware of their workplace rights under Australian laws – and youth, language and cultural barriers can also create difficulties for them.

From time to time, we receive intelligence which suggests overseas workers in some sectors are being paid as little as $5 to $8 an hour, cash in hand.

We are constantly looking at new and innovative ways to educate overseas workers about their workplace rights, particularly minimum pay rates.

The Fair Work Ombudsman is active in industries known to employ significant numbers of overseas workers – including hospitality, horticulture, cleaning, convenience stores and trolley collecting.

In August, I announced that the Fair Work Ombudsman would review the wages and conditions of overseas workers in Australia on the 417 Working Holiday Visa.

As you know, the 417 is a temporary visa issued by the Department of Immigration and Border Protection (DIPB) to young people who want to holiday and work in Australia for up to two years. To be eligible to apply for a second year, 417 visa-holders must undertake 88 days specified work in a designated regional area and in certain industries in their first year.

Allegations have been raised with the Fair Work Ombudsman that the 88-day requirement is being exploited by some unscrupulous operators.

These include underpayment, non-payment, employees paying employers and third parties for the granting of the second visa and the exploitation of workers in exchange for accommodation programs.

Information provided to the Fair Work Ombudsman by DIPB shows that almost 50,000 second-year 417 visa applications were approved last financial year.

The top five countries now using this program are Taiwan, the United Kingdom, South Korea, Ireland and Italy.

The Overseas Workers Team is now conducting community engagement sessions in regional areas where large numbers of backpackers work and have their documentation signed off.

The OWT provides assistance to:
- Workers in Australia on temporary visas who have work rights,
- Newly-arrived migrants who may not be aware of Australia’s employment and workplace laws, and
- Newly-arrived migrants who, through their visa conditions, have committed to remain with their sponsoring employer for a period of time.

The largest penalty awarded by the Courts in a matter legal matter initiated by the Fair Work Ombudsman is $343,860 for a case involving cleaners - overseas workers from Taiwan, Hong Kong, New Zealand and Ireland.

We currently have a number of matters before the Courts alleging underpaid of overseas workers.

The Fair Work Ombudsman believes overseas workers contribute to the labour market by providing specialised skills, knowledge and innovation – and a more flexible labour supply, particularly in industries where employers have difficulty attracting domestic workers.

We are keen to ensure that all those who work in Australia are treated with dignity and respect and accorded the same rights as local workers. Indeed, that is the law.

We want the work experience of an overseas worker in Australia to be a positive one. And we simply aim to ensure that those who go to work each day are paid fairly for their labour.
As a regulator, we have a role to monitor and enforce workplace laws, but a large part of our focus is educating the community about workplace rights and obligations.

With around one million workplaces in Australia and 12 million employees, Fair Work inspectors cannot visit every workplace or check every pay packet. And nor should we.

Education is equally as important as deterrents in achieving compliance with workplace laws.

We actively encourage overseas workers who have concerns that their workplace rights are being compromised to contact us.

We want people to call our Fair Work Info line on 13 13 94 – or if they need the assistance of an interpreter, 13 14 50.

Our website has materials translated into 27 different languages and I would likewise encourage people to go to www.fairwork.gov.au for information and advice.

The best defence for an overseas worker against being underpaid or treated unfairly is to know their rights. They have the same workplace rights as any other worker in Australia.

The Fair Work Ombudsman has fact sheets tailored to overseas workers and international students on its website.

The Agency has also produced videos in 14 different languages and posted them on YouTube. They are there for you, and I encourage you to use them.

Further, we run workplace rights presentations and seminars with relevant groups, distribute in-language posters and brochures to migrant resource centres and community groups and proactively engage with ethnic media.

FAIR WORK OMBUDSMAN TIPS FOR OVERSEAS WORKERS

- The current national minimum wage in Australia is $16.87 an hour, or $640.90 a week
- You should get a Fair Work Information Statement when you start a new job
- Keep your own records of hours worked and wages received.
- Make sure you record the name of the business you work for and its ABN.
- Ask for offers of employment and conditions of employment in writing.
- You are entitled to receive a pay slip within one day of being paid.
- You can ask your boss about minimum wages and entitlements – or you can check with the Fair Work Ombudsman.
Lauren Jauncey joined Australia Post in 2008 and is currently the Head of Diversity and Inclusion. In this role, Lauren and her nationally spread team are responsible for the development and delivery of the enterprise-wide Diversity and Inclusion strategy. This strategy is based on Australia Post’s desire to have a workforce that truly represents and reflects the community and customers they serve.

Lauren has also worked as a talent and leadership development consultant and an HR Business Partner within Australia Post. Prior to joining Australia Post, Lauren worked as a management consultant with PwC and Mettle.

Lauren is married to Lucas and together they are the proud parents of two young daughters, Milla and Frankie. Lauren and her family reside in Tasmania. She has a life-long passion for athletics and still enjoys competing in sprint events.

Australia Post is currently undergoing a period of significant challenge and change. As every year, month and week passes, Australians are becoming less and less reliant on our letters service as a result of the digital age. In the last financial year our posties delivered 1.2 billion fewer letters than they did in FY2007–08. for the first time since being corporatized in 1989, Australia Post made an overall loss from January to June 2014. This means we can no longer expect profits from our parcels businesses to offset the growing financial losses that we are incurring in our letters business as a result of the accelerated decline in letter volumes.

When organisations experience such times of high economic pressure, it is not uncommon for the focus to shift away from diversity and inclusion. However, at Australia Post we know that building and leveraging our diverse workforce is a critical component to our future success and that a truly diverse workforce will enable us to better connect with our customers and the community, foster greater innovation, improve employee engagement and increase our overall business performance.

To this end, our commitment and investment in developing and delivering a range of diversity programs is now stronger than ever. Our four main focus areas and objectives include:

- Gender – Building our female talent pipeline and improving gender balance at all levels of our business;
- Aboriginal and Torres Strait Islanders – delivering on our Reconciliation Action Plan which includes increasing the representation of Aboriginal and Torres Strait Islander employees from our current figure of 1.5 per cent to 2.5 per cent (population parity) over the next three years;
- People with a Disability – implementing our Accessibility Action Plan and continuing to take a lead role in improving accessibility for all Australians with a disability; and
Culturally and Linguistically Diverse (CALD) – maintaining our strong CALD workforce representation and continuing to celebrate, leverage and promote our cultural diversity.

The results of our recent employee engagement survey indicate that our investment in diversity is having a positive impact. According to the survey, 70 per cent of our workforce believes that Australia Post values diversity.

CALD AT POST

The cultural diversity of our workforce continues to be one of our greatest strengths and is at the heart of who we are. Australia Post (including Startrack and our other subsidiaries) has a workforce of more than 36,000 people originating from 137 different nations, who speak more than 65 languages. 21 per cent of our workforce are from CALD backgrounds. In fact, almost one-quarter of our workforce grew up speaking a language other than English. Our workplace therefore is a wonderful reflection of the rich diversity of the Australian communities we serve every day.

EMPLOYEE ENGAGEMENT OF OUR CALD EMPLOYEES

Not only do we have a strong representation of CALD employees across our corporation, these employees are more engaged than our non-CALD workforce. Our 2014 employee engagement results showed that 61 per cent of our CALD workforce are engaged (compared to Australia Post’s overall engagement score of 56 per cent). Additionally, 74 per cent of our CALD employees feel that Australia Post values diversity (compared to Australia Post’s overall score of 70 per cent)For the third consecutive year our employee engagement survey was offered in four languages: English, Tagalog, Vietnamese and Chinese (Traditional). Over 500 employees chose to complete the survey in a language other than English.

INVESTING IN OUR PEOPLE

At Australia Post we continue to invest in building the skills and capability of our CALD workforce to ensure that they have fulfilling careers and actively participate in the community. English language and literacy programs as well as digital literacy programs are offered to all our CALD employees.

CELEBRATING OUR CULTURAL DIVERSITY

Every year we celebrate our rich cultural diversity by sponsoring the Scanlon Foundation’s A Taste of Harmony to coincide with Harmony Day in March. Thousands of our employees from our facilities, retail outlets and offices around the country mark the occasion by sharing and enjoying food from different cultures, music, song and wearing national dress. It has become a much anticipated annual celebration.

SUPPORTING CALD BEYOND AUSTRALIA POST

Australia Post is committed to building healthier, more vibrant and more inclusive communities beyond our business operations by supporting a number of key programs and activities, including:

- hosting the launch of the Department of Immigration and Citizenship’s publication, Connections, an employer guide developed to help organisations understand how migrant and refugee employees can contribute considerably to businesses;
- partnering with multicultural services provider AMES and other organisations to deliver ‘Working the Australian Way’ workshops to help newly arrived professionally skilled migrants better understand the Australian workplace and what is required to gain and keep employment;
• Launching Our Neighbourhood National Community Partners who represent a diverse group of dynamic organisations sharing the common goal of connecting people and creating a stronger sense of community. Two of our partnerships focus on connecting culturally diverse individuals and communities through their love of sport:

— Netball Australia – Through the One Netball Program, Australia Post and Netball Australia are inspiring individuals and communities to make the game of netball more accessible and inclusive, and are fostering an environment that welcomes people from diverse backgrounds or with a disability.

— AFL - Together with the AFL, we have programs that bring people from diverse cultural backgrounds together through football. The Multicultural program continues to create welcoming and safe sporting environments for people from all backgrounds, and the Community Camps provide access to our great game to regional and remote communities.

These partnerships will help communities connect, with particular focus on rural and regional communities, social inclusion, cultural diversity, people with a disability and support for small businesses across Australia.

• The Our Neighbourhood Community Grants which encourage registered charities and community organisations to apply for funding of one-off cash payments of up to $10,000 for projects that align with our key areas of focus and primary audiences which help to build healthier, more vibrant and more inclusive communities across Australia.

DIVERSITY AND THE FUTURE OF POST

At Australia Post we are well aware that during times of significant change it is often the minority groups who are the most vulnerable. This is true for women, Aboriginal and Torres Strait Islanders, people with a disability and people from a culturally and linguistically diverse background. In addressing this challenge we are taking a two-pronged approach. Firstly, we are continuing to develop, implement and monitor programs that aim to build the skills and confidence of these employee groups. Secondly, we are investing in the education of our leaders so that they truly understand and appreciate that building and leveraging a diverse and inclusive workplace is critical to the transformation and survival of our organisation. In the words of our Managing Director & Group CEO and Diversity Champion, Ahmed Fahour, “There is lots of evidence showing that businesses with a diverse talent pool make better commercial decisions. They outperform mono-cultural or male-dominated business on all of the important metrics of success: sales performance, profitability and customer service.” So for us, diversity and inclusion is not just the right thing to do for our people and our community, it is the smart thing to do for our business.
Jane is the Director and founder of Service Stars- Community Jobs Alliance, having initiated the programme through a trial in 2007/2008.

During her time as a union leader with United Voice, Jane was instrumental in developing and implementing the union’s involvement in socially inclusive practices for new and emerging communities.

Working with organisations such as Victoria Police, employers, local councils, resident associations, church groups, refugee and migrant women’s group (both peak bodies and community based), Jane developed the training and employment programme which places new migrants in decent work with partner employers.

Service Stars become independent of the union in 2010 and is now an effective and successful model that attracts widespread interest.

Having a job means much more than financial independence. It means being in control and making personal decisions. It means feeling valued and visible in a new environment. It means planning for a future. It means belonging.

Getting job after or as a part of settlement for CALD communities brings benefits not only to the person but to our community as a whole. CALD communities want to work and like everyone they need to work to build a decent life for themselves and their families.
In 2007 United Voice initiated a program that trained and found jobs for women from Horn of Africa. It began with working with women on housing estates in Melbourne in their need to build a voice for their issues. Partnerships were built with Victoria Police, council and community groups working key issues were resolved. This included security on the estates, timely maintenance work and relationships with the police. It became obvious that they needed more – they needed jobs.

The women wanted to be able to provide for their families and plan for their future and they knew that a job gave them that opportunity. We approached key employers in the hospitality industry, asking them to be involved in a developing jobs program that would provide an employment pathway.

The employers joined a steering committee without question and we worked together to design job training and the skills need for the available work. The jobs are part of the employers normal recruitment intake and the women would be supported on and off the job by the union and employers.

It was a great success and the employers were very positive in their feedback and by 2008 Service Stars was launched. The program included the linkage of women to community and government organisations and mentoring to build sustainable skills in each woman.

Service Stars works within the CALD communities so that the program is culturally sensitive and flexible to meet their needs. Engaging with community organisations enabled Service Stars to share success stories and to listen to lessons learnt.

Women and in more recent times, men as well, are properly informed and understand the steps they will take to employment. The mentoring prior and post training gives space to each person’s story and accounts for better advice, training and support for their next step to their preferred industry.

Training in job ready skills and basic industry training prepares each person for work before they start. The training is relevant to the job and honed to the workplace and company. English language courses are an important tool for work with Service Stars ensuring on going attendance throughout employment.
Some may not had chance for schooling so they may need to build work skills over a longer period of time. The mentoring delivers lasting outcomes. Involving the employer in mentoring on the job program is very successful for all.

Service Stars become independent of United Voice in 2010 but continues to with the same values, support and reasons the program was started. Over 220 women and men have completed the training and the majority remain in work. Some have moved interstate, added to their families, taken up vocational training of their choice. The majority remain in employment. They learn transferable and employability skills that are vital for sustainable work. Those that have industry based certificate training can continue to develop work skills and practical experience for take their next step into industry work – they do so with confidence in their ability.

Employer partners, such as Spotless Catering and Peter Rowland Catering remain actively involved but this does not bring extra or excessive workloads. Our employer partners are willing to recruit differently and have found it to be a very positive experience. Working together in a strong partnership, including the union, has allowed Service Stars to continue to increase the opportunities for women and men from CALD communities.

Rod Stephens Staffing Manager at Peter Rowlands sees the value of Service Stars with each new staffing intake.

“They come ready for work and are fantastic on the job. We know they want work and we want them on our team. We are very pleased to be a strong partner with Service Stars and proud of the work we do together.

Having current work skills and knowing how to get a job means we feel part of our community and we are making a contribution to our own future and to the future of others. CALD communities are no different – they just need a hand up the first step and to belong.

Proud graduates gather after working at the Melbourne Cup for employer Peter Rowland.
THE NEED TO APPLY FAMILY VIOLENCE PROVISIONS TO SUBCLASS 457 VISAS

PALLAVI SINHA

Pallavi is the Chair of the FECCA Women’s Advisory Committee and has served for three years on the Management Board of Immigrant Women’s Speakout Association (IWSA), including as Chair of IWSA. As Chairperson of IWSA, she successfully lobbied the former Minister for Immigration and citizenship for important changes to family violence provisions in migration policy affecting Partner visas, and raised the profile of important social issues facing women by organising an unprecedented Racism & Women Symposium at NSW Parliament in 2013. She currently works as the Principal of Lawyers with Solutions, Academic at Australian National University, LEADR Accredited Mediator and Counsellor. She has been actively involved with the Australian community, particularly the ethnic and Indian subcontinent community for over 20 years. She was formerly a People of Australia Ambassador, a member of the Ministerial Multicultural March Advisory Board and the Indian Ministerial Consultative Committee. She has won a number of Awards including the Global Organisation of People of Indian Origin Award for Community Services and was the only individual shortlisted as a Finalist for the Australian Migration and Settlement Awards in 2014.

The impact of domestic or violence on a woman and society is significant. It can adversely affect: the emotional and psychological wellbeing of a woman, her ability to participate in household and take care of any children, her ability to participate in a workplace and society. In a study by KPMG last year, the cost of domestic violence against women last year was estimated to be about $14.7b. There is also information on the cost of violence against women and their children which highlights the specific impact on those from culturally and linguistically diverse communities. In 2009, the ABS Personal Safety Survey revealed that without intervention, the cost of violence perpetrated against immigrant and refugee women was estimated to equate to $4 billion in 2021-22, which is the time period corresponding with the targets set out in The National Council’s Plan for Australia to Reduce Violence against Women and their Children. This figure represents 26 per cent of the total cost of violence in 2021-22. The cost is likely to have further risen in the succeeding years, given that the core issues underpinning the prevalence of domestic violence in culturally and linguistically diverse and new and emerging communities have gone largely unaddressed.

As the Chair of the FECCA Women’s Advisory Committee, and Deputy Chairperson of Immigrant Women’s Speakout Association (IWSA)¹, I have been strongly advocating for applying family violence provisions to the Temporary Work (Skilled) visa (Subclass 457 visa). This visa allows skilled workers to come to Australia and work for an approved business

¹ I acknowledge the input of Immigrant Women’s Speakout Association (IWSA) to this article.
for up to four years. After two years of continuous work and employer sponsorship, subclass 457 primary visa holders may request for their employer to sponsor their application for permanent residency.

Primary visa holders can bring their family (secondary holders of the subclass 457 visa). Currently secondary holders of subclass 457 visas who have experienced family and domestic violence are unable to access Family Violence Provisions (FVP), and thereby obtain permanent residence. This is in contrast to an applicant who holds a temporary Partner visa. Such an applicant can obtain permanent residence less than two years after the temporary Partner visa application was made, if family violence has occurred. I have also worked with the IWSA and the former Minister for Immigration and Citizenship, the Honourable Chris Bowen, on reforms to family violence provisions in migration policy for Partner visas so that they are easier to access by victims of family violence. These suggested changes were implemented by his office. The FVP were amended to broaden the evidentiary requirements for applicants who made non-judicially determined claims of family violence.2

The lack of access to FVP, and an independent pathway to permanent residence for applicants who are on subclass 457 visas and have been subjected to family violence by their partners, is a serious concern. On 25 February 2014, the Assistant Minister for Immigration and Border Protection, Senator the Honourable Michaelia Cash, announced a review of the temporary work (skilled) visa (subclass 457) programme. FECCA made a submission to this Review and expressed these concerns. FECCA also raised the concerns with the Minister for Immigration and Border Protection Scott Morrison in a meeting with him in March 2014.

PROBLEMS FACED BY SECONDARY SUBCLASS 457 VISA HOLDERS WHO HAVE EXPERIENCED FAMILY VIOLENCE

Anecdotal evidence as well as my own experience as an Immigration Lawyer suggests that there are numerous cases of culturally and linguistically diverse (CALD) women who are secondary holders of subclass 457 visas, but are reluctant to speak up about family violence and / or have felt trapped in a violent relationship for the reasons expressed below.3

- they are often dependent on their spouses or the primary holder of the subclass 457 visa.
- their lack of independence of a secondary subclass 457 visa holder is exacerbated because if they attempt to escape domestic or family violence, they find they are ineligible for assistance
- they are only able to remain in Australia if their relationship remains intact – irrespective of any work or study they are doing.
- their lack of knowledge of the immigration system and their lack of access to information programs and services – particularly for women with low English proficiency
- they feel reluctant to return to their country of origin because they may be subject to alienation and shame for ending their marriage.

Primary holders of Subclass 457 visas who are perpetrators of domestic or family violence often use the victims’ status as secondary subclass 457 visa holders and their reluctance to speak out for the reasons described above, to control and manipulate them. This particularly applies to situations where primary subclass 457 visa holders threaten to withdraw sponsorship if the secondary subclass 457 visa holder reports the violence or goes to the authorities. This abuse of power compounds the reluctance of a secondary subclass 457 visa holder to leave the violent relationship and go to the police.

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2 Non-judicially determined claims are claims of family violence made by visa applicants who have not had their claims tested in a court of law. In those cases DIAC will accept other evidence to assess whether family violence has occurred.

3 FECCA submission to Independent Review Panel Department of Immigration and Border Protection, 5 May 2014.
RECOMMENDATIONS

To address the above concerns we advocate for:

• the Australian Federal Government developing independent pathways to permanent residence for secondary subclass 457 visa holders who have been subjected to domestic or family violence by their partners.

• raising awareness amongst primary and secondary holders of 457 visas about domestic or family violence. This is particularly important as some primary and/or secondary visa holders may come from countries where domestic or family violence is not a term that they are familiar with.

• the provision of information to primary and secondary applicants of subclass 457 visa about their legal rights and responsibilities in Australia in terms of domestic or family violence including lists of services that they can access or for which they are eligible.

• allowing access to crisis payment and other assistance to help primary and secondary subclass 457 holders who are victims of domestic or family violence.

• the provision of parenting and family support services to be provided to subclass 457 visa holders.

• support and assistance for secondary subclass 457 visa holders who are victims of domestic and family violence.

The effect of domestic or family violence on a woman and her ability to participate in a household or society is severe. For secondary subclass 457 holders who are the victims of family or domestic violence, the effect is worsened by their reluctance or inability to leave such relationships for the reasons described above. It is imperative that the Federal government addresses such concerns.

Women met with former Minister for Immigration the Hon Chris Bowen.
Dr Lisa Thomson has worked as a social researcher for many years in the community sector and in public health. She holds a PhD in Sociology and MA in Applied Social Research. She is currently working at AMES Research and Policy Unit. Her research interests are gender and work, migration and cultural diversity, settlement experiences of migrants as well as issues on belonging and social inclusion. She is currently undertaking a research project funded by the Federal Office for Women looking at Migrant Women from non-English Speaking backgrounds who arrive in Australia on partner visas and their experiences of securing employment in Australia.

From labourers and small business people in the 1950s, factory and road workers in the 1970s to the current intake of engineers and IT professionals; new research has found migrants to Australia have had significant impact in the shaping of the nation and its economy.

Migrants have brought vital skills and labour to help build Australia’s economy and society at critical times in the nation’s history as well as contributing to economically sustainable population numbers, a new study has found.

From small business owners and labourers in the post war period to skilled tradesmen and factory workers in the 1970s and 80s and then professional engineers, doctors and teachers in the Twenty-first Century, new Australians have made important contributions in the development of the nation, the study says.

Titled ‘Migrant employment patterns in Australia: post Second World War to the present’ and commissioned by settlement agency AMES, the study has charted the employment experiences of successive waves of migrants.

It found that “Australia’s migration program has evolved since the Second World War in accordance with the political, social and economic priorities that reflect the government of the day”.

“The aftermath of World War Two signalled a need to defend the country and attracted workers to fill newly created jobs in the post-war boom period. This resulted in an influx of migrants from Europe,” said the study, which analysed migration and employment data over the past 60 years as well as reviewing published research on migrant employment.

“The 1970s and 1980s heralded an era of multiculturalism and the arrival of refugees from war-torn South East Asia. In the last 15 years the emphasis has been on skilled migrants driven by the need to address the decline in workers due to an ageing population and skills shortages,” it said.
In the post war era there was high demand for low skilled workers and migrants from Southern and Western Europe who came to take up jobs in manufacturing, construction, steelworks, mines, factories and on the roads, the report said.

Many others who came at this time were small businessmen or small farmers who started businesses within their own communities such as milk bars, delicatessens, cafés and newspapers.

“In the early 1950s nearly half of all Greek, Italian and Yugoslav born males were employers and or self-employed, compared to only 20 per cent of Australian-born males,” the study said.

With manufacturing at its peak development from the mid-1950s to the late 1960s, the factory workforce grew from 830,000 in 1947 to 1.22 million in 1971. A third of manufacturing workers were born overseas.

Many migrants took second or third jobs to be able to buy their own homes and provide for the children’s education, the study found.

One of the largest single employers of migrants through this era was the Snowy Mountains Scheme. Of the scheme’s 100,000 employees, 70 per cent were migrants who came from 30 countries.

The study found that during the 1970s and 1980s, migrants from non-English speaking backgrounds continued to be employed in semi-skilled or unskilled labour or production-line jobs, particularly in manufacturing and construction.

“In contrast, migrants from mainly English-speaking countries had similar labour market experience to Australian born workers and were concentrated in white-collar service sector or in skilled manufacturing jobs,” the study said.

It found that many migrant women were a cheap source of labour for manufacturing employers in the 1970s and 1980s.

“They were concentrated in a narrow range of poorly paid and low status positions where the work tended to be monotonous and repetitive with little or no job security and a high risk of occupational injury,” the report said.

These jobs provided very little opportunity for upward occupational mobility and the demise of manufacturing in the 1980s saw the numbers of women employed in the sector decline by 50 per cent, it said.

“In 1981, 76 per cent of Yugoslav-born women, 73 per cent of Turkish women and 74 per cent of Vietnamese women worked in trades or process work occupations compared with 36 per cent of the Australian-born population,” it said.
“Other migrant women not employed in the textile clothing and footwear industry worked in food, beverages and tobacco, metal products, electronics and electrical components, plastics, rubber and paper products industries.”

It found that the Twenty-first Century has brought significant changes to work in Australia and a move away from manufacturing to the service, business administration and care industries.

“This is reflected in the types of skill shortages seen, including in the areas of health, medicine, teaching, child care, nursing and engineering. The emphasis on skilled migration means that there have been a larger number of people entering Australia with post-school qualifications,” the study said.

“The number of people arriving in Australia in 2006 with a bachelor degree (44 per cent) has increased three-fold since 1991 (15 per cent).

Researcher and the report’s author Dr Lisa Thomson said the study highlighted the impact migrants have had in Australia’s economic success.

“Migration has had a positive economic, social and cultural impact on Australia. Migrants have built Australia with their labour, skills and traditions. They have demonstrated their resilience and adaptability to new challenges and surroundings and shown a disposition for hard work and sacrifices in order to establish themselves in a new country.

“Work has always and continues to be an important way for migrants to participate in Australian society. Without migrant labour Australia would not be the modern, vibrant, advanced economy it is today,” Dr Thomson said.

Recent migrant and engineer Alireza Shayan says he hopes to contribute to Australia while also building his career.

“I came to Australia for the opportunities it presents but of course I want to contribute to the society,” said the 35-year-old from Iran.

“Australia has been very welcoming to myself and my wife and it is a well organised country with good systems and organisations in place.

“I have travelled around the world and Australian people are very welcoming and the society is very good at absorbing new migrants and helping them settle,” he said.
Lina Cabaero is the Coordinator of Asian Women at Work Inc, a community organisation that assists, empowers and unites migrant women workers in low paid employment in collective action for their rights at work. She was a student activist during the anti-Marcos dictatorship struggle in the Philippines. She worked extensively with national, regional and international student bodies when she was in the regional Secretariat of Asian Students Association based in Hong Kong. Before migrating to Australia in 1998 she also worked with migrant women workers based in Hong Kong. Lina is also a musician.

In 2008, Asian Women at Work did some statistical analysis of the employment patterns of Asian women from a number of cultural backgrounds in Sydney. For the Asian communities we examined, the percentage of working age women participating in formal employment was around 50%. There were differences depending on the community with Filipino women enjoying about a 70% rate, however the Chinese and Thai communities were at around 50%, lower still were the Khmer women at around 30%. Anecdotally we are aware of a large number of Asian women who are in the informal employment sector, so this figure could be higher in reality.
Statistics also revealed what key industries migrant women traditionally work in. These included: manufacturing (clothing, electronics, metal work, food processing, furniture), health services (hospitals, nursing homes, etc), small retail (supermarkets, grocery stores, clothing, cosmetics), hospitality (cafes, restaurants and take away food), laundries and dry cleaners, postal services, banks and increasingly in childcare and in hairdressing, beauty and nails.

Clearly from these statistics a lot of Asian women do ‘make it’ to employment and are in employment. We also know that many of them are in low paid jobs, these jobs often do not represent the depth of their skills and experiences often gained whilst living and working in their country of origin.

The nature of work for many migrant women is low paid work. In order to earn more, they often accept all overtime work offered. In some cases, they might be required to work long hours by their employer with little notice.

One of the first impacts of increased working hours is the participation in English classes. Many women are not accessing English classes and not completing their 510 hours of the Adult Migrant English Language Program (AMEP). These free classes are provided to eligible migrants from the family and humanitarian visa streams, to help with basic English language skills and assist in their settlement journeys.

Furthermore, working women have limited access to information on settlement services. Many of these women are working during the hours when most government and community services are operating. They often only have 30 minutes for lunch to try to make phone calls to access information or assistance. They simply don’t get a whole access to the range of information that other new migrants are accessing from Government and community services.

Responsibility for child care regularly falls on women to arrange and for some this challenge is solved by grandparents. In other cases where a migrant woman may not have any extended family in Australia, this leads to use of formal paid childcare services such as childcare for young children and toddlers and for older children before and after school care. However, for low paid women this is often unaffordable and some older children are often left unsupervised at home while both parents are at work. This lack of supervision can lead to children developing high levels of independence and responsibility, but it can also lead to young people getting tangled up with the “wrong crowd” and parents being unaware of their actions or activities.

Another impact is on the health and educational support of the children. With shift work, unsocial hours and heavy overtime loads it becomes difficult for women to support their children with after school homework and other schooling needs. Also, it becomes difficult for women to take the time off as necessary to support their own health needs such as routine doctors’ appointments.

There may be some cultural issues around women in employment with male partners unemployed. There have been instances reported to Asian Women at Work of some men resenting their wives or partners working, this can have devastating results on family unity and in some rare cases can lead to domestic violence.
Keeping employment can be difficult – an increase in casualisation across the Australian workforce means more and more jobs are short term and insecure. New migrants in casual employment do not have the security they were seeking from employment. It may also interfere with their capacity to obtain finance to secure housing and cars that further supports their settlement.

Many migrant women enter factory work, or other manual labour, with the intention that this will be a temporary arrangement until they can secure something better. For some women this is the reality. We have seen Indian, Filipino and other women (generally who have higher levels of English, and some qualification from their country of origin) who have worked in a factory for a few years while studying at TAFE in the evenings to get their skills recognised, upskill or gain a qualification in a related field to their original qualification. For many migrant women the dream of moving on to something better doesn’t eventuate. They remain in factory work for 10, 20 and even 30 years.

In some communities – especially for migrant women who are university graduates - the shame associated with their jobs prevents them from seeking external support or accessing services.

The reduction in the size and scale of the Australian manufacturing industry has possibly severe impacts on future and current employment opportunities for un-skilled or un-recognised migrant workers. The manufacturing sector changes combined with low levels of confidence and skills in English presents a worrying future for the large number of migrant women in low paid manufacturing jobs.

An ongoing issue facing migrant workers is knowledge and understanding of the employment and industrial relations systems in Australia including rights and responsibilities as Australian employees. Lack of knowledge can both upset workmates by not following standard Australian practice, and leaves migrant women vulnerable to exploitation by unscrupulous employers.

Women have reported to Asian Women at Work challenges with the Australian employment environment such as:

- Failing to ring in on sick days because didn’t realise it was required.
- Using the toilets like squat toilets and leaving shoe marks on the seat.
- Being followed to the toilet by supervisors, pushing work faster and faster.
- Being expected to work 10 hours a day and more without any overtime pay or other entitlements.
Reluctance to complain about unfair treatment when they often don’t understand the system, has ongoing mental health impacts for vulnerable migrant workers. Pairing their lack of understanding with ongoing fears about losing their job and fear for speaking out against abuses can wreak havoc on the social and emotional wellbeing of migrant women workers.

Whilst the challenges are vast and worrying for migrant women in formal employment arrangements the effects can be even worse for the undocumented and informal sector employee. Often given factors such as language competence, visa restrictions or lack of understanding of the Australian employment law, can see vulnerable women falling into informal employment. Information gathered at settlement information sessions suggest that many new migrants unwittingly fall into informal employment. Working for relatives for allowances and accommodation, in-kind payments and cash payments from restaurants and factories have all been recorded by newly arrived migrant women. Evidence from these sessions suggest that these workers experience lower rates of pay, no superannuation payments, no coverage for workers compensation in the case of injury and impairment, and little or no access to sick leave or annual leave.

The ongoing challenges for organisations like Asian Women at Work are enormous and seemingly never ending. However, our success stories highlight that the model of providing assistance by Asian women for Asian women is a key driver of our impact with our communities – and beyond merely caring and assisting women, we strive to empower them – individually and collectively so they themselves can stand up and speak out for their rights and as a community we can fight for a better and secure future for migrant women workers.

In 2015, we will celebrate 20 years (since our incorporation) of growth, passion and commitment to some of the most vulnerable women in our society. We look forward to continuing our work for and with Asian migrant women workers amidst the many challenges that we face today.
Patrick Earle has over 20 years’ experience working on human rights in Australia and internationally. Since 2003 Patrick has been the Executive Director of the Diplomacy Training Program, and in this role has developed and facilitated over 50 capacity building courses in the Asia-Pacific region – including new thematic courses focusing on human rights and business, human rights and migrant workers and the rights of Indigenous peoples. DTP’s focus on the rights of migrant workers began in 2004 with a program in Jakarta, and Patrick has organised and facilitated over a dozen subsequent programs in South East and South Asia and the Middle East. Previously Patrick worked with the Human Rights Council of Australia with a focus on the relationship between human rights and development and is a co-author of its influential “The Rights Way to Development – Policy and Practice”. Prior to that, Patrick worked for Amnesty International in London and Sydney, coordinating national and regional campaigns in Asia and produced Amnesty’s first International Campaigning Manual. Patrick is a Visiting Fellow at the Faculty of Law at UNSW.

Today more people than ever before are leaving their families, homes and countries in search of decent work in another country. The population of migrant workers around the world today is estimated at over 100 million – the population equivalent of a large country.

Recent headlines revealing shocking abuses and conditions of modern day slavery have built awareness of the treatment of migrant workers in the construction industry in Qatar, and the fishing industry in Thailand.

Some other simple statistics convey the scale of the movement. An estimated 500,000 Nepalese leave Nepal each year. Remittances from Nepal’s migrant workers are now estimated at 29% of GDP – up from 24% only two years ago. Reportedly, one in two families in Nepal are now dependent for some income from remittances. Remittances contribute over 10% of GDP for the Philippines, Sri Lanka and Bangladesh. Around 95% of Qatar’s workforces is made up of temporary migrant workers.

The numbers show the export of people has become a development strategy for countries, and indicate a loss of faith and confidence in development strategies based on generating decent jobs at home.

The numbers of people on the move and the volume of remittances means labour migration has been rising up the global policy agenda. The focus is on economic value of remittances and how these can be harnessed for development, and on management of movement. This focus neglects the human and social impacts of labour migration and can deny the rights of the individual migrant workers and their families.
Most migrant workers are relatively poor. Around half are women. They include young women from the Philippines, Indonesia and Sri Lanka going to be domestic workers in Hong Kong, Singapore and Malaysia and Saudi Arabia. They include young men from Nepal, India and Indonesia going to construction sites in Qatar, UAE and the factories and plantations of Malaysia. Their departure changes both the societies they leave as well as the societies they go to work in.

The motives for migration include dreams and hopes for a better life - for themselves and their families. The difficult decision to leave loved ones often arises from a lack of options for work at home, an escape from poverty, a life of subsistence agriculture, or the restrictions of traditional gender roles.

High recruitment fees, debt-bondage, physical and sexual abuse of domestic workers, non-payment of wages, hazardous conditions of work, denial of the right to form or join trade unions, of freedom of speech, association and religion, long working hours and denial of the right to rest and leisure, or to leave an employer, or to return home, are among the range of abuses experienced. The parallels with slavery are emphasized with domestic workers who leave their workplaces in their employer’s homes being described as runaways.

Promoting respect for the rights of these individuals has been the focus for a 10-year partnership between the Diplomacy Training Program (DTP) based in Sydney and Migrant Forum Asia (MFA) based in Manila.

The individuals trained by DTP and MFA come from across Asia and the Middle-East, from countries of origin and destination. Mostly they work for civil society organisations and trade unions. They are actively working to end the abuses, to assist the victims and their families and to influence the policy and practice of governments and the private sector.

At the heart of these programs has been an assumption that civil society organisations and trade unions are the key driving forces to improve respect for the rights of migrant workers. This is based both on the evidence of abuse and of government indifference. The programs make a further assumption that building the knowledge and skills of individuals in these organisations will make them more effective.

The most comprehensive international standard specifying the rights of migrant workers is the 1990 UN Convention on the Rights of Migrant Workers and Their Families. This is the only core human rights treaty that Australia has refused to ratify. Indeed it is only countries that have historically been countries of origin like the Philippines, Turkey, Sri Lanka and Mexico that have ratified the Migrant Workers Convention. It promises protection for the rights of both documented and undocumented migrant workers – and recognises the rights of families. It addresses the responsibilities of countries of origin and destination.
The rights of migrant workers are protected by other human rights and labour standards—as humans, and workers and women and as individuals who are subject to discrimination on the basis of race. The recently adopted ILO Convention 189 on the rights of Domestic Workers is particularly important for perhaps the most vulnerable workers toiling in homes across the world. Knowledge of rights, of the mechanisms that exist to protect them and to hold authorities accountable is vital.

Even as the demand for migrant labour goes up globally the environment for migrant workers becomes more hostile—nationalism, xenophobia, religious intolerance, fear of terrorism, and concerns of migrant workers taking jobs and undercutting conditions all contribute to this hostility.

That migrant workers’ rights are adequately protected in Australia by other standards and laws is an argument advanced by the government for not ratifying the Migrant Workers Convention. Yet as the nature of migration to Australia changes and comes to resemble more an international model of temporary, low-wage migration to address identified labour-market needs, this position needs to re-examined and the rights of the individuals put back at the centre of policy considerations. This is vital for the individuals most at risk, but also for Australian society and the way that it values and includes, or not, those that contribute to its wealth, prosperity and culture.

Next year, 2015, provides significant opportunities for Australian governments, civil society and the private sector to step up and contribute to a change of priorities and approach. The UN, civil society and governments will mark the 25th Anniversary of the Migrant Workers’ Convention. The Global Forum on Migration and Development will be held in Turkey. The world will adopt a new set of Sustainable Development Goals following the Millennium Development Goals and these will acknowledge the central role of migration and of migrant workers in today’s world. As a modern, prosperous and richly multicultural society, Australia can help end modern slavery and make labour migration a safe choice rather than a risky necessity.
Recent years have seen a shift in Australia’s migration settings which have deeply impacted the composition of the Australian labour force. One of the key changes has been the rapid expansion in temporary migration schemes – such as the 457 visa scheme. Recent proposed Federal Government policy shifts suggest that temporary labour migration schemes are here to stay, and will in future have an even more prominent role in the Australian labour market.

Justifiably temporary labour schemes have been subject to a great degree of public debate from unions and community groups. There have been strong concerns expressed over their potential for placing foreign workers into situations of
exploitation. Temporary migrants do not have access to the entitlements, benefits and public participation rights that citizens and permanent residents take for granted. As such, temporary migration schemes challenge the fundamentals of what a fair and equitable society looks like.

One question that doesn’t appear prominently within discussions of the pros and cons of temporary migration schemes are the protections that are available for migrants with disability. How do temporary migrants with disability fare within Australia, and what challenges do they face?

The silence on this issue may be, in part, a reflection of Australia’s long standing migration policy which effectively (and discriminatorily) prevents many people with disability from attaining a visa. Australia applies a health requirement test to the majority of visa applicants. Where applicants have a health or other condition that will potentially incur health costs that are determined to be high, they will fail the health requirement.

However the operation of the health requirement does not mean that migration is impossible for people with disability. Some visa holders, including temporary visa holders, can access a waiver of the health requirement. Some individuals and families have come to Australia as a result of the Minister intervening and exercising discretion. Arguably, growing community outrage over migrants with disability and their families being unfairly denied visas on the basis of disability or a health condition, has led to an increased number of migrants with disability being granted a visa, often after quite public media attention. Earlier this year a 70,000 person petition convinced the Immigration Minister to grant a Bangladeshi family residency after their initial application was rejected.

All of this means that despite Australia’s discriminatory migration laws, there is a small but growing community of recent migrants with disability in Australia. When the National Ethnic Disability Alliance (NEDA) examined census data in 2009, it estimated that there were approximately 14,000 migrants who reported a core activity need for assistance, and had been living in Australia for 10 years; of these around 7000 people were of working age. There is every possibility that in coming years,
particularly given the potential application of long overdue reforms to soften the migration health test, we are likely to see this community of migrants workers with disability continue to grow. Some of these migrant workers will be on temporary visas.

Temporary migrant workers with disability who are in the Australian community are likely to face an extraordinary high level of precarity in relation to social protections. Of course, like other temporary workers, temporary visa holders with disability will face barriers to wage fairness and rights to social security entitlements, such as the Newstart allowance. Importantly, temporary migrants will be unable to access the Disability Support Pension (DSP). Australia maintains a ten year waiting period for the DSP, which means both temporary workers and permanent residents with disability are unable to access to the social security provisions that are otherwise a guaranteed safety net to other people with disability living in Australia. Access to the DSP can be a gateway to other social support programs – such as equipment or personal care services – which require DSP eligibility; as such the ineligibility migrants with disability to the social security of the DSP potentially prevents realisation of other rights to social support.

Recently the Australian Government successfully passed into legislation the National Disability Insurance Scheme Act 2013. The legislation is a major achievement in relation to the social policy landscape in Australia, and realisation of the rights of people with disability. However the legislation was not all good news for migrants with disability: despite lobbying by FECCA, NEDA and other organisations, the NDIS explicitly excludes non-residents from entitlement to the scheme. The function of the NDIS is, as per Part 2, 3(c) of the NDIS legislation, to “support the independence and social and economic participation of people with disability.” The effect of excluding non-residents from the Scheme is to effectively limit the full participation rights of temporary migrants with disability, who will be unable to access, on an equal basis, the social support scheme which other people with disability in Australia will use to support their social inclusion.

Article 19 of the UN Convention on the Rights of Persons with Disabilities recognises “the equal right of all persons with disabilities to live in the community, with choices equal to others” and obliges States Parties (of which Australia is one) to “take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community.” It is notable that CRPD does not specify any grounds for a State to discriminate against a person with disability on the basis of residency status. Indeed, given that Article 19 represents the minimal obligation of all States to ensure equal participation of people with disability in the community, it is important that this applies to both residents and non-residents equally and without discrimination. Social supports and security, such as the disability support pension and the social support services under the NDIS, cannot be treated as “citizenship rights” which are only awarded to permanent residents. They are instead human rights that need to be provided to all individuals regardless of their citizenship status.
It is fair to say that advocates have a long task ahead of them in ensuring fairness and equity in Australia’s increasing utilisation of temporary migration schemes. However there is an additional challenge for advocates for migrants with disability in ensuring that basic social protections are treated as core human rights, and not misunderstood as rights only owing to permanent residents. The philosopher Hannah Arendt, in her monumental work *The Origins of Totalitarianism*, offered a warning about discriminatorily awarding of rights on the basis of citizenship; in her view, “the nation-state cannot exist once its principle of equality before the law has broken down. Without this legal equality... the nation dissolves into an anarchic mass of over- and underprivileged individuals.” Arendt’s warning is of course very applicable to the problem we face with temporary migration programs in Australia, which have already seen a number of disturbing examples arise of workers and students subject to extraordinary exploitation and denial of protections.

But Arendt’s warning is equally applicable to the sort of worrying divisions we are seeing emerge in the way citizens with disability and non-citizens with disability are being treated. Perhaps speaking up for the rights of migrant workers with disability is one way to ensure fairness and equality for all?
<table>
<thead>
<tr>
<th>FECCA STATE, TERRITORY AND REGIONAL MEMBERS</th>
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<tr>
<td>AUSTRALIAN CAPITAL TERRITORY</td>
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<tr>
<td>ACT Multicultural Council Inc.</td>
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<tr>
<td>PO Box 5026 Chisolm ACT 2905</td>
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<tr>
<td>P: 0404 004 925</td>
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<tr>
<td>E: <a href="mailto:mithunka@gmail.com">mithunka@gmail.com</a></td>
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<tr>
<td>Ethnic Communities’ Council of NSW</td>
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<tr>
<td>221 Cope St Waterloo NSW 2017</td>
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<tr>
<td>P: 02 93 19 0288</td>
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<tr>
<td>F: 02 93 19 4229</td>
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<tr>
<td>E: <a href="mailto:admin@eccnsw.org.au">admin@eccnsw.org.au</a></td>
</tr>
<tr>
<td>W: <a href="http://www.eccnsw.org.au">www.eccnsw.org.au</a></td>
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| Multicultural Communities’ Council of Illawarra Inc. |
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| NORTHERN TERRITORY                          |
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| Ballarat Regional Multicultural Council     |
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| Ethnic Council of Shepparton & District     |
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| W: www.gippslandethniccommunities.council.websyte.com.au |

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| PO Box 417 Wangaratta VIC 3676              |
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| E: nema@nema.org.au                        |
| W: www.nema.org.au                         |

| Western Australia                           |
| Ethnic Communities’ Council of Western Australia |
| 20 View Street North Perth WA 6006          |
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| F: 08 9227 5460                            |
| E: eccwainfo@gmail.com                     |
| W: www.eccwa.org.au                        |
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ABOUT FECCA

FECCA is the national peak body representing Australians from culturally and linguistically diverse (CALD) backgrounds. We provide advocacy, develop policy and promote issues on behalf of our constituency to government and the broader community. FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism.

FECCA’s membership comprises state, territory and regional multicultural and ethnic councils. FECCA has an elected executive committee and a professional national secretariat implementing policies and work programs on behalf of its membership and stakeholders.

For more information and to read more about FECCA’s policies and program, please visit our website: www.fecca.org.au. Alternatively, please contact the FECCA office on (02) 6282 5755, or email: admin@fecca.org.au.
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