

Australia's ICESCR Review 2017—NGO Coalition Fact Sheet

Article 7. Just and Favourable Conditions of Work - *The exploitation of migrant workers*

Persons working in Australia under a number of visa types have been subjected to significant, widespread and ongoing exploitation. Much of this can be attributed to the relationship between employment and immigration status.

Recent Developments

There have been positive developments recently. The Fair Work Ombudsman and the Department of Immigration and Border Protection have agreed that a person who believes they have been exploited and who has reported the issue to the Ombudsman will not be subject to visa cancellation. However, this requires knowledge of entitlements, and reporting by the victim in the first instance. This does not protect those who are intimidated or prevented from reporting.

Proposed Recommendation:

That all visa holders with work entitlements be provided by government with comprehensive information about their entitlements. That reporting not be required where circumstances make it reasonable not to do so.

Resourcing for the Fair Work Ombudsman

The Fair Work Ombudsman has had an increase in powers recently to enable closer scrutiny. However, without an increase in resources this is likely to prove ineffective.

Proposed Recommendation:

That the Fair Work Ombudsman be granted increased funding to allow it to sufficiently utilise the extra powers of investigation bestowed by recent legislation

Supply Chain

It has been widely demonstrated that the supply chains of a number of large companies in Australia involve widespread exploitation of migrant workers. For example there is substantial evidence of the relationship between the exploitation of agricultural workers and the produce available in Australia's supermarket chains.

Proposed Recommendation:

That Australia pass legislation requiring mid to large companies to undertake due diligence in relation to their supply chains and be subject to penalties where failing to do so has contributed to exploitative practices.

Advocacy and Support

In many cases exploited migrant workers are expected to negotiate the various legal and practical aspects of their circumstances without support. Funding should be provided for support, advocacy and legal advice.

Proposed Recommendation:

That funding be provided for workers who claim, or who are found to have been, exploited to access support, advocacy and legal advice throughout the process.