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HOUSE OF REPRESENTATIVES

Federation Chamber

GRIEVANCE DEBATE

Employment

SPEECH

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Questioner
Speaker Chesters, Lisa, MP

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Ms CHESTERS (Bendigo) (17:05): I rise to share with the House my concerns about the temporary employment visa program in this country. These visas are often referred to as 457, 417 or backpacker visas, and there are also the regional subclass visas. We have heard from recent reports in the media about a growing number of cases of exploitation are starting to get attention. These guest workers have come here with the best of intentions to do what any of us do as workers, a fair day's work for a fair day's pay. A lot of these workers work very hard, but some of them discover when they get here that they are the victims of some quite grievous exploitation. I will take a moment to highlight some of the examples that have been publicised recently in our local media and some of the work that fair work Australia has been doing to expose exploitation that is occurring under the temporary work visa system.

I am using this debate today to highlight these issues because they are undermining people's rights at work. They are undermining the idea of a fair go that we have in our country and they are undermining the Fair Work Act and system. They are quickly becoming a way in which some—not all—employers can underpay workers. They use this visa system to get labour at a cheaper rate than they would have to pay Australian workers. This is a serious problem for the government and an issue that the government needs to address urgently, because it is ruining our reputation overseas. The experiences that these overseas workers have in our country is not a good one, and they take these experiences back to their own country. Because the temporary-work system is out of control and exploitation is rife, we are very quickly damaging our reputation overseas as a safe and fair country to come and work in.

Let me first highlight the example of foreign workers who have been working for a construction company in New South Wales:

Despite being promised almost \$30 dollars, they say they were paid as little as \$4 and were forced to live in substandard accommodation.

The construction union says many companies are using immigration laws to exploit foreign labour.

One of the workers, Edwin de Castro, said, 'We were underpaid for working for this company. We were expecting to receive \$27 per hour per week but we received only \$10 per hour.' That was Edwin's case but his was not the worst. As I said, some of them were paid as little as \$4 per hour. Edwin said that he accepted this job working for a Taiwanese company working on construction projects in the north-west of Sydney. He believed that Australia was a safe place. He had spent many years working overseas. He entered the country on a 457 visa. He said that he looked forward to getting paid a rate of \$27 per hour, because he would send much of it back to his family in the Philippines. That is why he chooses to work overseas. This is not his first employment overseas, but he said that the experience of working in Australia turned out to be the worst experience he has had working overseas. He said that the working and accommodation conditions were terrible. He said, 'We had six persons to a room. Others staying in shipping containers had their pay docked \$250 per person for accommodation.'

Mr De Castro said that after several months all the foreign workers were sacked. They were thrown out of their accommodation in the middle of the night—41 Filipino and Chinese workers who worked on three separate projects were affected. This is the treatment of these guest workers in this country, and it is purely unacceptable that this is occurring. It goes to the fault in our system, and it is something that needs to be addressed at a broader level. The Fair Work Ombudsman is investigating the case and has ordered the company to repay the workers a total of \$440,000. These situations—where workers on 457 visas and other temporary workers are being grossly exploited by a contractor or an agency—are becoming too common. Another example in my own electorate is one that broke in the media just yesterday. A Bendigo restaurant owner promised a husband and wife about \$1,600 a week to work in his Indian restaurants, but paid them no wages for 12 months. The Fair Work Ombudsman alleges in their investigation that the businessman involved only provided food and accommodation for the couple, and was responsible for short-changing the husband and wife a total of \$85,000 between August 2012 and October

2013. When the couple were asked why they continued to work even though they were not being paid wages, the couple said that their reluctance to make a complaint about the lack of payment was because they were reliant on the support of this business for their Regional Sponsored Migration Scheme visa application. They were on bridging visas whilst they awaited the outcome of their application. The couple eventually complained to the Fair Work Ombudsman in March 2014, after they had ceased working for the restaurant and had received advice that their visa application would be declined.

These people are in desperate situations. They are being told by these dodgy employers that if they do not like it, they can go home. They are here as guest workers and they are being held to ransom by these dodgy employers. There is another example I would like to highlight: the Fair Work Ombudsman is prosecuting a Queenstown cafe and hardware store operator for allegedly paying a woman \$270 for four weeks' work; it worked out to be \$1.35 an hour. All of us in this House would acknowledge that that is not an underpayment—that is slave labour. This is what is going on currently with the temporary work visa system in our country. The Fair Work Ombudsman claims that the woman, who was on a 417 Working Holiday visa, agreed to work for the business owner if he promised to sign her visa extension forms. This is the problem that we have. The Fair Work Ombudsman, I have to acknowledge, is working really hard to prosecute all of these individual cases. But there are just too many for the Fair Work Ombudsman to chase up. I have had the opportunity in this debate to highlight three, but there are thousands and thousands more. This speaks to a systemic problem. It is something that I believe this House and this government need to take urgent action on. *The Weekly Times* journalist, Emma Field, says in an article printed on 28 January this year:

I have written more than 20 stories in the past 10 months on alleged breaches of workplace, health and safety and housing laws involving foreigners working mainly on farms and in the food processing sector.

But, in all the cases where workers allege underpayment, claim they never received pay slips, paid tax or received superannuation, these foreigners are rarely employed directly by the farm or factory they worked in.

In many cases they were employed by an agency. This is another part of the problem. Employers and companies cannot hide behind using a subcontractor. It is clearly an organised way in which these companies are going about bringing guest workers to our country, and then ripping them off and exploiting them—only for it to be chased up by Fair Work Australia and—hopefully—one day for these people to get the money and the wages that they are entitled to. To bring it back to my original point: if we want to invite people to work in this country and to be here as temporary workers, they deserve the same rights and opportunities as those Australians that are working here. They should not be exploited in the ways we are hearing about day in, day out in our media. There is clearly a systemic problem with these visas and with the way in which people are being brought into this country.

The agencies need to be investigated; the employers need to be investigated; the industries need to be investigated. Workers in Australian workplaces should not be pitted against each other. There should be one rule and one pay rate. No worker here as a guest worker should be exploited in this way.

I encourage all of those who have concerns about their pay and conditions to contact the Fair Work Ombudsman to have their individual case investigated. In the meantime, I join the unions in their call for this government to have an urgent inquiry into this field of work.