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Exploited migrant workers to finally get effective visa protections

Redfern Legal Centre (RLC) welcomes the Albanese Government's announcement of reforms to assist temporary visa holders experiencing workplace exploitation.

The Minister of Immigration, Citizenship and Multicultural Affairs, Andrew Giles committed on Monday to introduce protections against visa cancellation to allow workers to bring claims for wages they are owed and hold exploitative employers to account.

Through its specialist International Student Legal Service and Employment Rights Legal Service, RLC has extensive specialist experience providing employment law advice and representation to temporary visa holders. Workplace exploitation of migrant workers is often deliberate and systemic.¹ Underpayment or non-payment of wages and other entitlements is the most common employment-related problem for our migrant worker clients.²

"Many of our migrant worker clients are badly underpaid. We regularly see clients being paid a flat rate of \$10-\$12 an hour, often easily less than half the minimum wage. We hear about forced cashbacks where employers march workers to an ATM and make them hand over thousands in cash each pay-cycle often called 'loan repayments'. Superannuation is a fiction, at best shown as paid on payslips, with no transfers made to super funds." Sharmilla Bargon, Senior Solicitor, Employment Law Practice RLC.

Currently, migrant workers have limited protections against visa cancellation if they try and seek legal redress. Many RLC migrant worker clients do not take legal action to try and recover their underpaid wages. We observe that clients are more willing to act if they have moved to permanent visas.

"International students tell me, time and time again, that their visa is the most important consideration, and they are not willing to risk their visa to pursue their underpaid wages. Often, these students have spent \$100,000-200,000 to study in Australia, and they won't risk their visa on the hope of recovering their wages in court." Sean Stimson, Senior Solicitor, International Student Legal Service RLC.

We look forward to consulting with the Federal Government on how best to support temporary visa holders experiencing exploitation in Australian workplaces.



**Redfern
Legal
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Media Release

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