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***A Pastoral Letter for the
Feast of St Joseph the Worker***

1 May 2008

Migrant Workers in Australia
Our responsibility as a global citizen

On this Feast Day of St Joseph the Worker we celebrate the value of work in fostering the dignity of the worker, the life of families and the well-being of the community. At a time when Australia is facing great skills shortages and many communities are struggling to fill job vacancies, it is worth considering the circumstances of migrant workers who come to our nation to help 'fill the gap'. Despite their great contribution, some of these people are among our most vulnerable workers.

These workers are important not only for their contribution to the Australian economy. Work in Australia can offer them the chance to support families and establish savings in their own countries as well as obtain experience and training – opportunities that they would not otherwise have. A just and well-run migrant worker scheme can be an important aspect of Australia's role as a good global citizen.

An increasing reliance on migration

Australia's traditional reliance on migrant workers is set to expand dramatically over the coming decades. Researchers are warning that as 'baby boomers' retire and the labour force participation of working-age citizens reaches its limits, Australia will not have the labour to

meet growing demands for services, to build infrastructure or to staff expanding industries. It is estimated that over the next 20 years the overall annual immigration intake will need to increase by at least 30%, from around 160,000 to 230,000 people.¹

It is likely that a greater emphasis will be placed on the recruitment of migrant workers on short-term visas. Since 1996, a range of visas for skilled and semi-skilled workers has been introduced and greatly expanded. One such visa is the Temporary Business (Long Stay) visa 457. Currently there are 57,000 people working under this visa, with total numbers including family members amounting to around 105,000 people.²

The 457 visa allows skilled migrants to work in Australia for up to four years. They must be paid an award wage or a minimum salary of around \$40,000. While there are regional concessions that allow for a lower rate of pay, employers of migrant workers must ensure Australian wages and conditions are not undermined. They must also demonstrate a commitment to employing and training local workers. This is important in protecting the rights of both Australian and migrant workers.

However, there are significant concerns about the treatment of some workers on the 457 visa, particularly in lower-skilled jobs. Because Australia is likely to have more such workers in future years, it is important to be vigilant with regard to their working conditions and human rights. This need for vigilance is heightened because of the growing consensus among industry bodies and some trade unions that there should be a new visa to allow workers from our region to come to Australia to work in seasonal jobs, like fruit picking, which are lower paid and lower skilled.

Reported abuses of temporary workers

There have been numerous media reports over the past two years alleging abuses of the 457 system. A 2007 Parliamentary Inquiry heard some serious allegations of exploitation: claims of underpayment, unpaid overtime, poor communication in unsafe working conditions, workplace injuries and deaths, racial abuse and threats, and unfair termination leading to deportation.

Industry bodies have emphasised that of the 10,000 businesses using the program, only a few hundred have been accused of abuses and only a small number of employers would be 'doing the wrong thing'.³

There is no doubt that a majority of businesses provide worthwhile work and treat workers with dignity and respect. However, inadequacies in the monitoring and enforcement of the program and the reluctance of migrant workers to report abuses would suggest that the exploitation may be more widespread and that all allegations should be taken seriously.

There are stories of some workers being deported without notice or good reason. One community group claims two workers were taken to the airport and sent home without any notice:

They were asked to put on their work uniform and they assumed they were going to an alternative workplace, but the flight was one to the Philippines. Essentially they were tricked into going to the airport and sent away.⁴

A worker who had grounds to complain said,

I am frightened and feel intimidated in raising these matters directly with my employer ... I wish to remain in Australia and only ask to be paid properly and treated with dignity and

*respect. I want to be treated like a human being and not forced to eat scraps from the rubbish bin, or insulted, pushed and jostled in the kitchen for no apparent reason*⁵

There have been allegations of migrant workers suffering serious injury or illness being denied pay and medical coverage, and being forced to rely on the support of their families overseas. Some have been threatened with deportation if they complain. Others have been sacked while on sick leave.⁶

Some lower-skilled workers, most seeking to improve the lot of their families back home, are financially vulnerable and can be placed under pressure to accept exploitative arrangements. There are reports of overseas labour hire agents charging workers 'processing fees' of up to \$10,000 in addition to travel costs, of employment contracts banning union membership, and of unauthorised wage deductions.⁷ Some of these workers are forced into substandard employer-provided accommodation and charged inflated rents as well as other 'costs' which are deducted without the workers' approval. It is alleged that one worker was sacked after he had paid off a \$10,000 'debt' to his employer and was then replaced immediately by another worker from China.⁸ In another case, two workers were dismissed and their employer used their ATM cards to empty their bank accounts of the \$30,000 each had earned.⁹

There is no doubt that many migrant workers, particularly those who are highly skilled, enjoy excellent pay and conditions. The concern is for the more vulnerable, who lack clear information about their rights, have little or no access to assistance when problems arise and are isolated from support networks in the host community.

A call to justice for migrant workers

These reports reveal weaknesses that need to be addressed, particularly when Australia is considering hosting many more migrant workers, possibly in lower-skilled sectors.

The reports raise a number of questions. How will the Australian community balance the desire to sustain its economic success with our obligation to treat vulnerable workers with justice? How will we show our gratitude to migrant workers for the vital role they are playing in the Australian economy? Do we also recognise that many are working to support families in extreme poverty?

The Church has called on host nations to protect the rights of migrant workers.

In the modern world, where there are still grave inequalities between rich countries and poor countries, ... the immigration of people looking for a better life is on the increase ... their arrival in developed countries is often perceived as a threat to the high levels of well-being achieved thanks to decades of economic growth. In most cases, however, immigrants fill a labour need which would otherwise remain unfilled in sectors and territories where the local workforce is insufficient or unwilling to engage in the work question.

*Institutions in host countries must keep careful watch to prevent the spread of the temptation to exploit foreign labourers, denying them the same rights enjoyed by nationals, rights that are to be guaranteed to all without discrimination.*¹⁰

In an immediate and practical sense, this is a call on Government to protect Australian wages and conditions of work, to improve monitoring and compliance with working visa conditions and to protect vulnerable migrant workers from exploitation. It means ensuring workers are aware of their rights and assured of adequate assistance and protection when they need it.

Pope Benedict XVI has challenged developed countries like Australia to go much further than this in affording basic dignity to migrant workers. He has called us 'to protect the dignity of the person' and to be less concerned about being 'competitive' and 'productive'. On behalf of the migrant worker he calls us to be 'witnesses of charity'.¹¹

In this spirit of charity, Australia can go much further to develop programs that ensure that the dignity of migrant workers is protected and that benefits flow both to communities in Australia and the workers' countries of origin. The wages migrant workers send to their families have an important role in terms of international development. The assurance of decent wages as well as skills development would be a vital support to nations in our region enduring the effects of poverty and civil unrest, not to mention the depletion of natural resources or the threat posed by rising sea levels. As a good global citizen, Australia should also work harder to help such countries manage the loss of strengths and skills when their sons and daughters leave their communities to seek work here.

Reflecting on the life of Saint Joseph, who knew the true value of work and braved the upheaval and challenges of migration for the well-being and future of the family, we remember today the circumstances of vulnerable migrant workers. Let us also give thanks for the hard work of generations of migrant workers. Australia would not be the prosperous and vibrant community it is without their contribution.

Most Rev Christopher Saunders, DD
Bishop of Broome
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Notes

¹ P McDonald, G Withers (2008) 'Population and Australia's Future Labour Force', Policy Paper # 7, The Academy of Social Sciences in Australia, Canberra, pp.1-2.

² Department of Immigration and Citizenship (2007), Inquiry into temporary business visas: Answers to questions on notice from hearing held on 1 June 2007, p.24; Commonwealth of Australia (2007) *Official Committee Hansard*, Joint Standing Committee on Migration, 1 June 2007 Hearings, p.81.

³ Commonwealth of Australia (2007) *Temporary visas ... permanent benefits*, Report of the Joint Standing Committee on Migration, p.118.

⁴ Filipino Australian Affiliation of North Queensland (2007) Submission to the Joint Standing Committee on Migration.

⁵ Liquor, Hospitality and Miscellaneous Union (2007) Submission to the Parliamentary Joint Standing Committee on Migration's Inquiry into Temporary Business Visas.

⁶ N O'Malley, 'A nice little earner' *The Sydney Morning Herald*, 4/9/2006; M Bachelard, N O'Malley, 'Foreign workers forced onto illegal contracts' *The Age*, 10/10/2006; ABC News 'Filipino worker unfairly sacked over illness: union' 20/1/2008.

⁷ Commonwealth of Australia (2007) *Temporary visas ... permanent benefits* p.97.

⁸ M Bachelard, 'Workers forced to pay boss \$10,000' *The Sydney Morning Herald*, 6/9/2006

⁹ ABC News, '457 visa workers mull futures after payout' 18/12/2007.

¹⁰ Pontifical Council for Justice and Peace (2004) *Compendium of the Social Doctrine of the Church*, Libreria Editrice Vaticana, Citta del Vaticano, nn.297, 298.

¹¹ Pope Benedict XVI (2007) Message of His Holiness Benedict XVI to the Participants in the 9th International Youth Forum, Rocca di Papa, 28-31 March 2007.