

Why don't exploited international students report their employers?

By Natasya Salim and Hellena Souisa

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International student Amanda says she knows she is being paid less than she should be. (ABC News: Natasya Salim)

Melbourne international student Amanda* knows she's being exploited by her employers and could report them to the Fair Work Ombudsman (FWO), but has chosen not to.

The 25-year-old had been hoping to spend her last six months before returning to Indonesia either doing an internship or, better yet, getting a part-time role in the field she was studying — international business.

But that didn't work out.

Instead, she's now doing two jobs, both paying less than the legal minimum casual wage of \$24.80 an hour: in an inner-city restaurant (\$18 per hour), and in a Hawthorn cafe (\$15 per hour).

She's being paid cash in hand and it's not easy work, but she doesn't feel like she has any choice.

"Any job is better than nothing," Amanda told the ABC.

"My education is my priority at the moment.

"So even though I don't have a nine-to-five job, [it's OK] as long as I have these jobs."

International students are routinely exploited in Australia and, despite most being aware they're being underpaid, very few complain about it.

[The International Students and Wage Theft in Australia report](#), published last year, found more than three-quarters of those surveyed aged over 20 had been paid below the minimum casual hourly wage, with 20 per cent having worked for \$12 an hour or less.

Meanwhile, the [2016 National Temporary Migrant Work Survey](#) found only 10 per cent of underpaid international students took action and only 18 per cent of those went to the FWO, compared with two-thirds of skilled worker visa holders and almost half of working holiday makers.

Exploited international students 'satisfied' with work

According to Alex Reilly, director of the University of Adelaide's public law and policy research unit, a substantial number of international students actually say they are "satisfied" with their work, despite receiving wages well below the legal minimum.

Professor Reilly co-authored [a paper published earlier this year exploring why this might be](#), in hopes of dispelling misconceptions and motivating international students to address or avoid unfair working conditions.

The main way that the FWO finds out about exploitation and wage theft is from victims who come forward.

"The aim of the article was to better understand the motivations for international students working, and why they're prepared to work for wages that are below the minimum legal wage," he told the ABC.

Key points:

- The FWO largely relies on reports from victims to identify cases of exploitation
- International students often find work arrangements that offer worse conditions than are legally allowed
- Temporary visa holders can report cases of exploitation without immigration authorities taking action against them

Amanda says her education is her priority at the moment and any job is better than nothing. (ABC News: Natasya Salim)

He said working for less than minimum entitlements suppressed wages for everyone and could create an "underclass of workers who are exploited".

"Wage theft is bad, therefore understanding why workers are prepared to work for low wages is important to have strategies for stopping it in the future," he said.

Professor Reilly said many international students viewed underpaid work as a chance to get experience, meet Australians and improve their English language skills.

"There are other reasons to work, and it wasn't just for the wages," he said.

A survey conducted by Professor Reilly and his colleagues found 56.9 per cent of international students "felt lucky that they had a job in the first place and were grateful to their employer".

The survey also found that 32.4 per cent of international students who were paid below the minimum hourly wage felt happy with their payments "because their friends were getting paid a similar amount".

'I'm doing it just for the experience'

Dito*, an Indonesian international student who arrived in Melbourne at the end of 2019, told the ABC being paid below the minimum hourly wage was considered normal by international students.

He said he had agreed to work as an all-rounder at a restaurant in South Melbourne for \$11 per hour during the first month and then \$12 per hour after that.

Dito, who was still being supported by his parents, said the rate was common among the workers in the restaurant so he decided to work one day each week for the experience.

He said he didn't mind that the wages were below standard because he had not worked in hospitality before.

"I'm doing it just for the experience," he said.

Victims worried reporting exploitation will get them in trouble

Professor Reilly said some students were unwilling to report their cases because they worked more hours than they were supposed to and incorrectly believed it might affect their visas.

"Some may be working more [hours] because they need more money, [and] they would be very scared to complain, because they are in breach of their visa conditions and their risk of deportation and not being able to finish the degree," he said.

The federal [budget last week temporarily scrapped](#) the previous cap of 40 hours per fortnight that international students can work in the hospitality and tourism sectors.

Professor Reilly said international students should not be scared to make a complaint about their situation in the workplace.

"The Fair Work Ombudsman won't share information with other departments. If you make a complaint to them, they will keep your information confidential," he said.

"It is important not to be exploited at work."

Manorani Guy says some international students work for less than they are entitled to because they are desperate. *(Supplied)*

This is a familiar story for Manorani Guy, co-founder of VicWISE, a non-government organisation that helps international students with employment issues.

In many cases, Ms Guy said international students were financially desperate.

"For a student who is in survival mode, having food to eat and paying their bills is more important than being concerned about exploitation," she told the ABC.

"Some students like the way their employer looks after them, they feel they belong to a family.

"The money they make is enough to pay their bills and provide some extras for a social life.

"They are happy to remain where they are."

Temporary residents' work rights the same as citizens

According to the FWO, international students can report their case "without fear" of their visa being cancelled.

A spokesman said they prioritised matters that involved migrant workers and visa holders, including international students who "can be vulnerable to exploitation".

In 2019-20, 44 per cent of the matters the agency took to court involved visa holder workers and \$1.7 million was recovered.

"All workers in Australia have the same rights, regardless of citizenship or visa status," the spokesman said.

"The Fair Work Ombudsman has an agreement with the Department of Home Affairs called the Assurance Protocol, where visa holders can ask for our help without fear of their visa being cancelled for breaches of their work-related visa conditions."

International students can complain about their unfair working conditions to the FWO without worrying they will have their visa cancelled. *(Unsplash: Mitchell Hollander, file photo)*

Resources about how and when to report underpayments are available from the FWO website, with [tailored information for international students](#) and an auto-translation tool.

The FWO also offers a free interpreter service and an anonymous reporting tool, which can be accessed in 16 languages other than English.

A Department of Home Affairs spokesperson confirmed that the agreement existed with the FWO.

The spokesperson said there were conditions to the agreement, including that the victim was actively assisting the FWO with its inquiries, committed to abiding by visa conditions in the future and had only breached the work-related conditions of their visa.

Not just workers who should be concerned

Alexander Reilly says paying workers fairly is in the interests of employers. *(Supplied)*

Professor Reilly said it wasn't just workers that needed to be worried about wage theft.

"We're in an interesting time at the moment, because with the lower number of international students coming, particularly in the horticulture industry, there's a real desperate need for workers," he said.

"One of the reasons that you can't find workers, is there is now a culture of underpayment, which means workers are just not going to come.

"So now that there is suddenly a shortage of workers, it's maybe a good time to talk about wages and why they need to be pushed up."

Any workers who have concerns about their pay or entitlements should contact the Fair Work Ombudsman directly on 13 13 94, via the free interpreter service on 13 14 50 or by visiting www.fairwork.gov.au.

** The students quoted in this story were unwilling to be identified in case it affected their current or future work opportunities.*