



## SPRINGVALE MONASH LEGAL SERVICE Inc.

Working for Justice

5 April 2017

Committee Secretary  
Senate Education and Employment Committees  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Dear Committee Secretary

### Support for WEstjustice's submission on the Vulnerable Workers Bills

We welcome the proposed Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017 (**Vulnerable Workers Bill**). It will provide valuable protection for vulnerable workers. However, we support WEstjustice's suggestion for some further amendments that will increase the effectiveness of the Vulnerable Workers Bill.

In particular, we support the following key recommendations:

1. **Reverse onus to stop wage theft:** Increased penalties alone are not enough. Inserting a reverse onus where employers fail to keep or provide employee records will remove the incentive to break the law and assist vulnerable workers recover unpaid wages where records have not been kept.
2. **Protecting workers in supply chains and labour hire:** As well as protecting workers in franchises, the law should make directors, supply chain and labour hire heads responsible for the protection of workers rights. We also support changes to the Vulnerable Workers Bill to broaden the definition of franchisor/responsible franchisee entity and to clarify liability for contraventions.
3. **Increased FWO powers to resolve more wage claims:** Increase FWO powers to issue notices of assessment and resolve more wages claims without the need for court.

We would like to direct the Committee's attention to additional steps that need to be taken to protect vulnerable workers, particularly migrant workers on temporary visas as set out in the Not Just Work Report.

In addition to legislative reform, we note that without more accessible agencies and targeted assistance to understand and enforce their rights, vulnerable workers often cannot access the law at all, due to a variety of barriers explained in our Not Just Work report (including language, practical and cultural barriers).