



Electrical Trades Union of Australia

Proud to be Union

Senate Education and Employment References

Committee

Supplementary Submission

Inquiry into the impact of Australia's temporary work visa programs on the Australian labour market and on the temporary work visa holders

May 2015



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Supplementary Submission – Thiess Australia

In addendum, and as foreshadowed in our original submission to the Committee, we now submit a further supplementary case study for the Committee's consideration.

Major construction group Thiess had employed at least 11 skilled migrants on the illegal contracts, with the linesmen carrying out electricity network maintenance in Western Australia, then later in Melbourne, Victoria. Thiess placed illegal clauses in contracts that allowing migrant workers to be sacked and deported if they joined a union. Please refer to Clause 11 A (vii) of the Thiess Employment Contract that forms part of this submission as Attachment A.

The case has received recent media attention¹.

Thiess Services Victoria conducted a meeting on 2 April 2015 Friday 3:00 pm to inform 31 linesmen about an impending work force reduction. Before the meeting, on 27 February 2015, Thiess Regional and Human Resources Managers met all the 457 visa holders who were informed that their nomination for permanent residency (PR) has been put on hold, as advised by Thiess executive management due to management transition linked to an on-going sale of 50% of the company to Apollo Holdings. The company, through the Regional Manager, made an assurance that the current employment would not be affected by the sale.

On Friday, 10 April 2015 some of the workers received a letter dated 1 April 2015 with the subject "Re: Confirmation - Your employment continues." The letter also stated that while there had been a change of shareholding, the current employer did

¹ <http://www.theage.com.au/victoria/skilled-filipino-migrants-were-given-illegal-contracts-20150510-ggv6sg.html>



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not change. In the letter, they were advised that they “do not need to take any further action.”

On the morning of 13 April 2015, the Regional Manager, together with supervisors and staff, conducted a meeting informing all employees are made redundant effectively. Eleven (11) of them are Filipino workers holding 457 visas. There was no union representative present at the meeting.

The most affected workers in this round of unexpected job losses are 457 visa workers who have worked continuously for the past two years with the vision of settling permanently in Australia. Most of them have brought their families to Australia. Their children, the oldest is 19 year old, are enrolled in TAFE schools. With house rents, car loans, insurances and other regular expenses, it may only take a few months before whatever they may have received as redundancy pay will be spent.

With the loss of employment in a nominated position, the sponsorship of employer of the 457 worker ceases as well and the pathway to PR disappears. Only by finding a new sponsoring employer can this pathway be maintained. The greater loss for many of them is the forfeiture of an opportunity to reside and work permanently in Australia. Like many migrant workers looking for a better future for them and their families, these former Thiess employees have incurred significant debts in order to work overseas. Many of them are still paying these loans.

It is their desire to find new employment and continue to make their dreams a reality. They have proven themselves to be contributory to the Australian economy as workers, taxpayers, and consumers and as positive cultural agents in multicultural



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Australia. As workers with duly issued skill certificates they are an asset to their respective industry and the economy as a whole.

This case raises concerns about whether similar practices may be occurring on other major infrastructure and construction projects resulting in the exploitation of vulnerable workers.