



BIGGER, STRONGER, UNITED.

TIM KENNEDY SECRETARY
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Submission to the Senate Legal and Constitutional Affairs Legislation Committee

Migration Amendment (Protecting Migrant Workers) Bill 2021

28 January 2022

United Workers Union (UWU) welcomes the opportunity to make a submission in relation to the **Migration Amendment (Protecting Migrant Workers) Bill 2021**.

Attached is a copy of the submission UWU made to the Department of Home Affairs on the Exposure Draft of this Bill.

UWU remains concerned that the provisions of the proposed Bill will be:

- **Ineffective** in addressing workplace exploitation of migrant workers, as workers will have no incentive to come forward and participate in enforcement activities given the consequences that might follow for them; and
- **Harmful** for migrant workers, in that the enforcement activities carried out by the Australian Border Force targeting 'illegal workers' will undoubtedly provide the basis for workers to have their temporary visas cancelled.

Enhanced enforcement provisions cannot improve the conditions of migrant workers **unless coupled with visa reform** that provides security of tenure to migrant workers who have been the victims of workplace abuse or underpayment. The Bill does not canvas, or even contemplate, the creation of visa options for migrant workers who have been the victims of workplace exploitation.

Any genuine attempt to address the exploitation of migrant workers must recognise the substantial barriers and disincentives for workers to take action and report exploitative employers, especially when doing so renders visa holders subject to enforcement activity.

There is no incentive for migrant workers to seek penalties against their employers under the existing employer sanction provisions in the Migration Act. Doing so unnecessarily jeopardises their visa pathway, without providing them with any relief or security while investigation is undertaken against their employer.

Without providing temporary migrant workers with security of tenure, the sanction provisions introduced by the Bill are likely to be as ineffective and underutilised as the existing provisions.

Our submission makes a number of recommendations on how the Federal Government can enhance the protections available to temporary migrant workers and support them to enforce their workplace rights.

Should you require any further information on this submission, please contact _____ at _____