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Joint Standing Committee on Migration

BY: MIG

Inquiry into Temporary Business Visas

Inquiry into eligibility requirements and monitoring, enforcement and reporting arrangements for temporary business visas

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The South Metropolitan Migrant Resource Centre runs a Career Development service for Migrants and refugees as well as many other settlement support services. The Career development service offers advice and assistance on many employment matters to clients from all visa sources.

In 2006 the Employment service started to see clients on 457 visas, they were either holders of the visa or their family members. Their enquiries related mainly to information on employment, skills recognition and cultural aspects of their settlement.

Late in 2006 we started to see clients on 457 visas that had significant problems associated with their employment contracts and visa status.

Question 1: I am presenting 2 case studies and anecdotal evidence to the inquiry in response to this question.

Case Study 1

Late in 2006 a client from Taiwan presented with problems associated with the conditions of his employment. He held a 457 visa, working as a Pipe fitter. He was contracted by a recruitment company and was very unhappy with his employment conditions, stating that he was working alongside other 457 visa holders from the Philippines who were receiving higher rates of pay for exactly the same work. He was unable to discuss his pay and conditions with his employer; in fact he was afraid to. His English was minimal requiring the use of an interpreter.

Before leaving Taiwan to take up the position in Australia, he had worked for 27 years as a trade person earning a good wage that more than provided for his family. He did not realise that when he came to Australia the cost of living would be so high and he would not be earning enough to live to the level he had in Taiwan. Although he was being paid at the rate of pay he was told of in Taiwan and was getting plenty of hours work, it was not enough money for him to live on. His family were with him in Australia and he had additional fees associated with schooling for his children, high rent, medical expenses etc.

His English was very basic and required the use of an interpreter for the first interview and subsequent visits were difficult due to his level of understanding. He appeared not to have enough English to be able to function effectively in an Australian work place and also it was questionable whether he was safe in the work place. Discussion with him about this matter

established that he was operating safely and could function and do his work. He wanted us to assist him to find another employer sponsor so that he could leave the present one.

We provided him with assistance to construct a resume and helped him to write a good canvassing letter and introduced him to employers and recruitment agencies that we thought may be able to assist him. Unfortunately due to his low levels of English and lack of trade qualifications recognisable in Australia we have been unable to gain a positive outcome for him to date.

### Case Study 2

More recently in 2007, a client from Singapore holding a 457 visa, presented to us in crisis, having been sacked from his position after 6 weeks of working as a scheduler, a job he had never done before. He had trade skills in Diesel Fitting/Engineering obtained through the navy in Singapore, but had not been put to work in that capacity. Most of his working experience had been in supervisory positions rather than hands on trade positions. He was fluent in English and had been brought to Australia by a recruitment company. He was in Australia alone without his immediate family and knew no one in Perth.

The client was frantic as he had to find another employer sponsor within 28 days, otherwise he would be deported. He was living with somebody from the work place he was sacked from and had very little money.

We contacted employers and recruitment agencies and arranged a work experience placement, so that the client could demonstrate his skills to another employer. We provided Emergency Relief and other services to relieve his situation.

He has recently contacted us to let us know the new employer has offered him employment and is ready to sponsor him.

### Anecdotal evidence from a co-worker at SMMRC:

Anecdotal evidence from another worker at SMMRC who was contacted by a real estate agent in Mandurah regarding a 457 visa holder:

The SMMRC worker was contacted by the property manager of a real estate agent in Mandurah, who was seeking support and accommodation for a family who were in serious rent arrears. The husband was on a 457 visa and had initially been employed full time, but was now unemployed after periods of underemployment. While fully employed, he had brought his family from South Africa. The real estate agent indicated that the family were afraid of the company the husband worked for, and that threats had been made by the company towards the family if they spoke out or named the company. The children in the family needed medical treatment and hospitalisation, which the family could not afford having no medical insurance. The real estate agent was reluctant to pass on the families name or address because the family were so frightened of recrimination and because of privacy laws. The agent had contacted the WA Trades & Labour Council, but after initial enquiries were told that there was nothing that could be done. The SMMRC worker contacted the Equal Opportunity Commission who were willing to act, so she passed on the information to the Real Estate agent who was dealing with the clients. She also provided

advice about the Catholic Migration Advice Service and offered to provide Emergency Relief; however, it was not taken up. The worker does not know the outcome of this case; she had no direct contact with the clients experiencing the problems.

### Summary and recommendations:

It appears that the people we have dealt with entering Australia on 457 visas have very little information about the jobs they will undertake or the actual living circumstances they will experience in Australia. Most importantly, they seem to have no recourse to any assistance if things go wrong. They do not appear to have any rights and don't know how to go about negotiating outcomes with their employers. They found our centre by chance, so it is possible that the cases we have seen are simply an indication of a larger population.

Consideration should be given to properly informing and inducting potential 457 applicants on the following:

- The cost of living in Australia in comparison to their country of origin
- Their working rights while in Australia
- Fair labour agreements that take into consideration the employees welfare while in Australia
- The employer's responsibilities towards workers sponsored on 457 visas and how this may be monitored and enforced.
- The positions the workers will hold and what status of occupation they will hold in comparison to the work they were doing in their country of origin
- Whether they need to obtain skills recognition in order to be paid at the correct rate. (Many seem to be working as T/A's when they are deemed trades people in their country of origin and in consequence are paid at a lower rate of pay).
- Grievance/mediation/advocacy processes, if things do not work well for them ( an independent body who they can take their issues to without fear of reprisal from the employer/recruitment agency)
- Advice about organisations that can provide information and advice if they need it
- Information about working conditions in Australia
- The necessity to have at least basic English to be safe in the workplace and be able to understand Australian workplace condition
- The cost of health cover and access to medical services in Australia.

As 457 visa holders have 28 days to find another employer sponsor if the contract they hold is terminated or is not working out, they are under a lot of pressure to find another sponsored position in a country that they are not familiar with. It appears from the clients we have dealt with, that 457 visa holders are lured to Australia in the belief that they will earn a lot of money and may also be able to apply for permanent residency once here. If we are going to use overseas workers on temporary arrangements, we should be able to offer adequate information about what they will experience in Australia, fair and safe workplace conditions and advice while they are here.