

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2016 - 2017

Outcome 2 – Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ17-001523

Senator Marshall provided in writing.

Question

Migrant Worker Taskforce - Legislation

Has the Taskforce made submissions to the Government about legislative changes? What consultations were carried out by the government with the FWO regarding the content and drafting of the Government's worker exploitation bill introduced into the House on Monday?

How effective will any of the other measures be in the absence of a comprehensive legislative response to worker exploitation?

What does the Ombudsman view as important to include in the legislative response to deal with the range of issues facing vulnerable workers? Is there any particular industry or form of relationship between companies (eg franchise, contract, small business) where underpayment of wages is more prevalent, or is it widespread across the economy?

Answer

The Migrant Workers' Taskforce has not made submissions to the Government about legislative changes. The Taskforce was established in October 2016 and will run for eighteen months.

The Department of Employment consulted regularly with the Fair Work Ombudsman (FWO) throughout the development of the Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017.

Under the proposed laws the FWO's evidence gathering powers will be strengthened. The new provisions will:

- Enhance the FWO's ability to gather evidence where proper records do not exist or are being withheld; and
- Deter employers, employees and other witnesses from hindering or obstructing the FWO and Fair Work Inspectors in the exercise of their duties under the *Fair Work Act 2009*.

The Government has provided the Fair Work Ombudsman with an extra \$20.1 million over four years to further assist vulnerable workers including migrant workers. This funding will allow the Fair Work Ombudsman to increase direct engagement with ethnic communities, to expand its Overseas Workers Team and to target the needs of migrant workers.

In the Fair Work Ombudsman's experience, significant compliance issues are most likely to arise in highly competitive markets where low-skill, labour-intensive work is being performed by vulnerable workers.