

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2013-2014**

Agency - Fair Work Ombudsman

DEEWR Question No. EW0083_14

Senator Abetz asked on 3 June 2013, Hansard page 14

Question

FWO - Breakdown and profiles of 457 visa holder complainants

Senator ABETZ: From the experience of the 157 complaints last financial year and the 164 complaints so far this financial year, are you able to give us an idea as to what pockets of the economy—what areas of the economy—might be the offending areas? Mr Ronson: We have done some analysis on a breakdown, I suppose, of our complaints for the typical profile of a temporary work skilled standard business sponsorship subclass 457 visa holder. This is according to our complaints, individual written complaints that we have received. As the Fair Work Ombudsman has stated, this does not relate to market salary rates and so forth. Of those individuals who have complained, 73 per cent are likely to be male, 37 per cent are likely to be between 31 and 40 years of age— Senator ABETZ: So can we guess that the 27 per cent are female? Mr Ronson: Yes. Senator ABETZ: Good. Mr Ronson: And 38 per cent are likely to be from China, India or the UK; the majority, 54 per cent—this goes specifically to your question, Senator—are likely to be working in accommodation and food services, manufacturing, professional, scientific and technical services, and construction sectors. They are engaged typically—this is our analysis, not obviously the immigration department's— Senator ABETZ: Can I just interrupt you there. That 54 per cent— Mr Ronson: These are the top four sectors, if you like. Senator ABETZ: So accommodation and food services, manufacturing, scientific and technical, and then construction. Mr Ronson: If you break that down—this is like a profile—they are engaged as either a professional chef or a cook, an engineer, an IT specialist, a scientist or a carpenter. Do you want some more statistics? Senator ABETZ: Yes, please. It is a bit concerning that we were told that it was not readily available. Mr Campbell: Senator, I think I offered to get you as much granularity as we could. Senator ABETZ: Yes, but we did not have to take it on notice; it clearly is available. So yes, please, Mr Ronson. CHAIR: Mr Campbell did not say he would take it on notice; he said he would get it as quickly as possible for you. Senator ABETZ: It was through my persistence that we finally got Mr Ronson to the table. Senator Jacinta Collins: Yes, Senator Abetz, you are very persistent, and we are helping you. Mr Ronson: Just very simply, for the female visa holders, as you said, the figure is 27 per cent, with 32 per cent likely to be between 26 to 30 years of age, 30 per cent likely to be from the Philippines, India or the UK, and 90 per cent—this is the most interesting statistic—likely to be working in the healthcare and social assistance sector and engaged as either an aged-care worker or a nurse. Senator ABETZ: Ninety per cent? Mr Ronson: Of the female complainants. Senator ABETZ: In the healthcare and social area, I trust they are not employed by state governments? Mr Ronson: I do not have that information, Senator.

Senator ABETZ: If you are able to get that information, that would be very helpful, I would have thought. We do know that 457 visa holders are employed in the very highest offices of the land, including the Prime Minister's office; in the office of the national vice president of the ALP; and as Secretary of the Transport Workers' Union, Mr Tony Sheldon. It would be interesting to know how many in the health and social welfare area are employed by state and, indeed, potentially federal agencies. Mr Campbell: I have already undertaken to take some of these questions on notice. We make no secret of our compliance activity, and if I can provide some information to the committee—that is helpful I will. Senator ABETZ: It is interesting, but in the worst possible way, that we have this information come to us. So 90 per cent of the female complainants are in the healthcare/social area? Mr Ronson: Yes. That is on the complaints that we have received. Senator ABETZ: Yes. The previous ones—chef, cook, engineer, IT specialist and carpenter—are in the male category? Mr Ronson: Correct. Senator ABETZ: Are you able, for example, in the carpentry area, to tell us whether that is in the resource sector, in the home-building sector— Mr Ronson: I am not able to— tell you that. We would have to take it on notice. Senator ABETZ: If you would not mind; I know it would be some work. But, where we are dealing with 157 complaints, hopefully it would not be too much work to go through those individual cases and give us some basic facts: male, age, area, and whether they are in a small business, a large business or in the resource sector. Would that be occasioning too much work? Mr Campbell: I am happy to take that on notice and provide what we can.

Answer

The Fair Work Ombudsman has provided the following response.

The table below provides a breakdown of the 157 complaints completed by the Fair Work Ombudsman relating to 457 visa holders during the 2011–12 financial year, and the 164 complaints relating to 457 visa holders completed during the period 1 July 2012 to 31 March 2013.

Complaint data – 457 visa holder complaints		
	2011-12 FY	1 July 2012 – 31 March 2013
Male	73%	79%
Female	27%	21%
Breakdown by complainant state		
ACT	4%	3%
NSW	26%	33%
NT	8%	2%
QLD	18%	19%
SA	6%	4%
TAS	1%	1%
VIC	17%	18%
WA	20%	20%
Breakdown by age group		
Under 26 years	5%	9%
26 - 30 years	24%	27%
31 - 40 years	41%	37%
41 - 50 years	22%	16%
50+ years	6%	7%
No DOB provided	2%	4%
Top three sectors		
	14% 'Accommodation & Food Services'	17% 'Accommodation & Food Services'
	11% 'Manufacturing'	11% 'Domestic construction'
	11% 'Other Services' ¹	11% 'Professional, Scientific & Technical Services'
% complaints sustained		
	34%	32%
% complaints related to 'Wages & Conditions'		
	79%	75%
Money recovered		
	\$207,871 recovered for 43 employees	\$285,912 recovered for 141 employees
	Average recovery - \$4,834	Average recovery - \$3,316

¹ 'Other Services' includes: Automotive Body, Paint and Interior Repair n.e.c., Business and Professional Association Services, Hairdressing and Beauty Services, Introduction Agency Services, Other Machinery and Equipment Repair and Maintenance, Other Personal Services n.e.c.