

## Senate Standing Committee on Education Employment and Workplace Relations

### QUESTIONS ON NOTICE Budget Estimates – 2012-2013

#### Outcome 3 – Employment

DEEWR Question No. EW0231\_13

Senator Marshall asked on 29 May 2012, Hansard Page 23

#### Question – Enterprise Migration Agreement (EMA)

CHAIR: Are you aware whether the conditions of being brought in under an EMA will differ in any way to a 457 visa? Mr Roddam: Yes, they can do. CHAIR: In what way could they be different? Mr Kovacic: That is really a case-by-case approach. We have not seen the final Roy Hill agreement, so we cannot give you any sense of to what extent they would differ. CHAIR: I am looking for things like access to medical care, access to workers compensation or other issues. Mr Kovacic: Certainly in terms of things like workers compensation, as I mentioned before, workers who enter Australia under an enterprise migration agreement would be subject to Australian workplace laws. I would think that would cover workers compensation arrangements, but I will take on notice to confirm that.

#### Answer

The Department of Education, Employment and Workplace Relations (DEEWR) understands that unless a variation is approved by the Minister for Immigration and Citizenship, the *Worker Protection Act 2008* and standard business sponsorship obligations apply to subclass 457 visa holders sponsored under an Enterprise Migration Agreement (EMA).

Subclass 457 visa holders including those sponsored under an EMA must be engaged in accordance with Australian workplace law including: awards, agreements, superannuation, occupational health and safety and workers' compensation. Subclass 457 visa holders are eligible to join Australian trade unions and employee associations and may participate in enterprise bargaining arrangements.

DEEWR also notes that where covered by the *Fair Work Act 2009*, subclass 457 visa holders sponsored under an EMA receive the same protection as Australian citizens and permanent residents in terms of the investigation of underpayment and exploitation claims.