

March 2023



MIGRANT WORKERS CENTRE

INSECURE BY DESIGN:

Australia's migration system
and migrant workers'
job market experience

About this report

This report summarises the findings of the Migrant Workers Centre Inc's research on migrant workers' experiences in the job market and with the migration system. A total of 1,354 migrant workers answered the annual survey, and 65 of them participated in the follow-up in-depth interviews.

The Migrant Workers Centre Inc expresses its deepest gratitude to all the participants for their time and valuable contribution. Data collection was facilitated by a team of volunteers (alphabetically by last name, Santosh Adhikari, Suzanne Clarke, Enrico Moscon, and Fergus Peace).

Questions and comments about the report should be directed to Dr. Hyeseon Jeong, Research and Policy Officer, at mwc@migrantworkers.org.au.

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The Migrant
Workers Centre Inc



The Migrant Workers Centre Inc is a not-for-profit organisation open to any workers in Victoria who were born overseas. We connect migrant workers with one another and empower them to understand and enforce their rights. The Migrant Workers Centre Inc assists workers from emerging communities to address problems they encounter in workplaces and collaborates with unions and community partners to seek long-term solutions to the exploitation of migrant workers.

We organise workshops, train community leaders, conduct research, develop policy recommendations, and bridge language barriers that limit workers' access to information. Our ultimate goal is to fix the system of labour exploitation in this country.

Acknowledgement of Country

The Migrant Workers Centre Inc respectfully acknowledges the Wurundjeri people of the Kulin Nations, the traditional owners and custodians of the land on which our office stands. We pay our respects to their elders past and present and acknowledge that sovereignty was never ceded.

The Migrant Workers
Centre Inc is supported by
the Victorian Government



INSECURE BY DESIGN:

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EXECUTIVE SUMMARY



Despite the pro-migration rhetoric that emerged in the aftermath of the pandemic, migrant workers are generally sceptical about seeing any immediate and positive changes because Australia does not have a culture of treating migrant workers fairly nor a just system of migration. Their skills are hardly recognised, work is devalued, and settlement is challenged.

The Migrant Workers Centre conducted a survey and follow-up interviews in late 2022 to understand the relationship between Australia's migration system and migrant workers' experiences in the job market. This report summarises our findings from analysing 1,002 survey responses and 65 individual interviews.

Have you ever stayed on a visa in Australia?

Take our annual survey of migrant workers. We will make policy recommendations based on your experience.

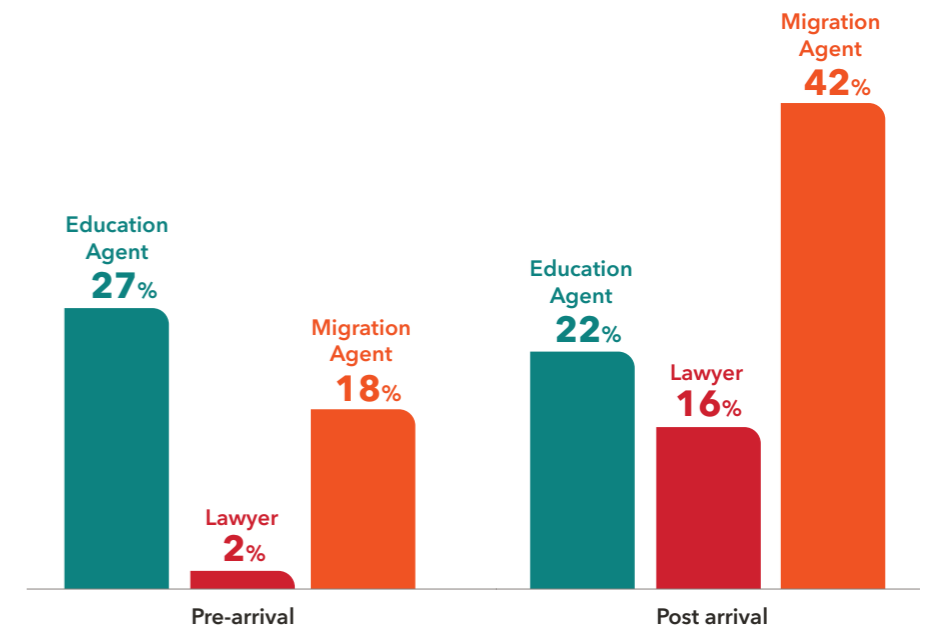
MIGRANT WORKERS CENTRE

1,002 SURVEY RESPONSES

65 INTERVIEWS

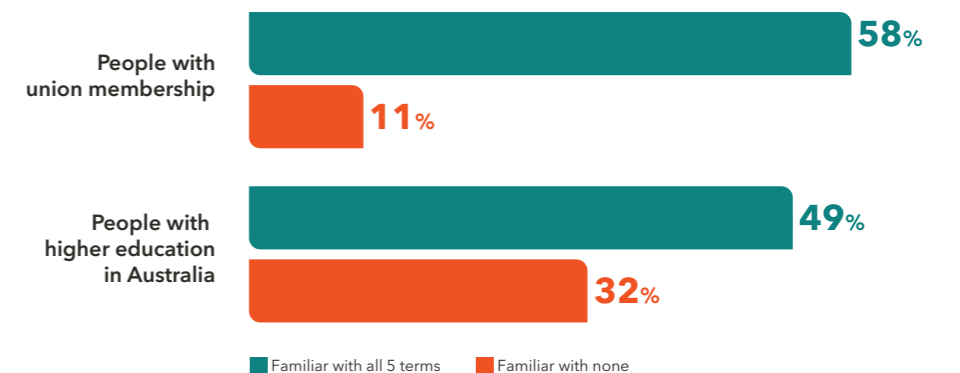
Migrant workers experience various obstacles as they look for jobs in Australia. **It is not easy to prove they have skills when their qualifications and experience are from overseas.** There are varying processes for overseas skills recognition across occupations, and **there is no centralised database or federal regulator from which to collect official information or guide.**

As a result, migrant workers rely on professional migration service providers who have no industry-specific expertise and cannot be held responsible for incorrect advice.



Australia's migration system encourages migrant workers to take the two-step migration strategy because permanent residency is hard to come by: most migrant workers first arrive in Australia on a temporary visa and strive to increase their chances of acquiring a permanent visa. Student visas were often used in the process both to acquire local education and to extend their legal stay period.

Although half of our research participants received local education or training, **they were not very familiar with workplace rights in Australia.** Local education at the level of Bachelor's degree or higher increased the chance of learning Australian industrial terms somewhat, and **becoming a member of union showed a significantly higher chance migrant workers learned their workplace rights.**



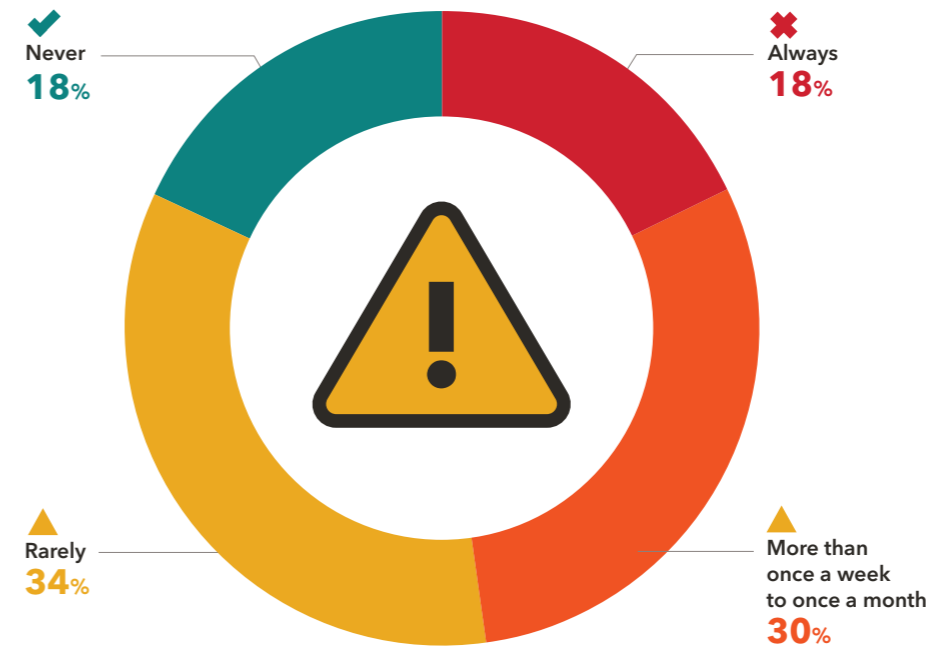
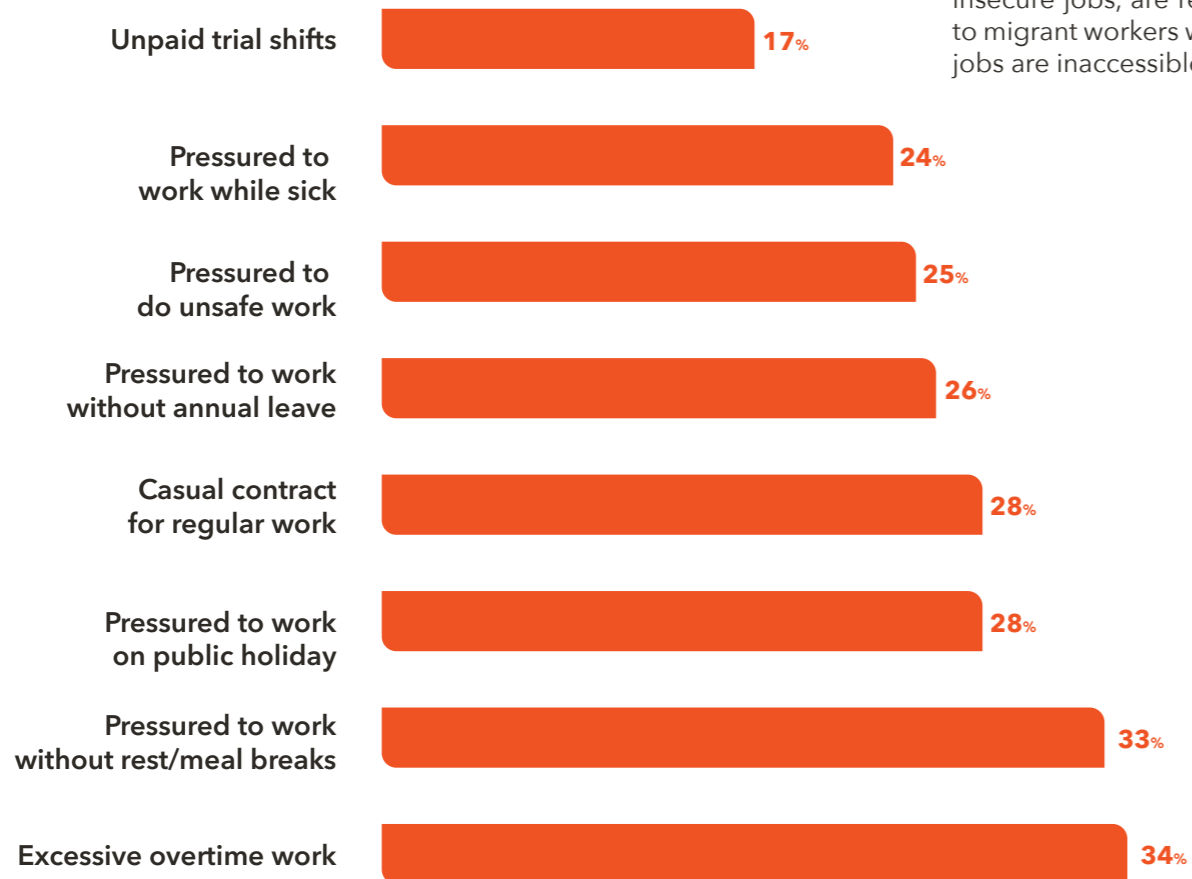
To get a decent job, migrant workers need permanent residency because many businesses don't entertain applications from migrant workers on temporary visas. **Permanent residency is not a legal requirement for employment in Australia, but businesses tend to equate it to work rights.** Our research participants expressed frustration about the fact it is not considered discrimination in Australia when businesses don't treat workers fairly based on migration status.

Are you a permanent resident of Australia or Australian citizen? *

Unfortunately we are unable to consider applicants who are not Australian citizens or permanent residents of Australia at the time of application.

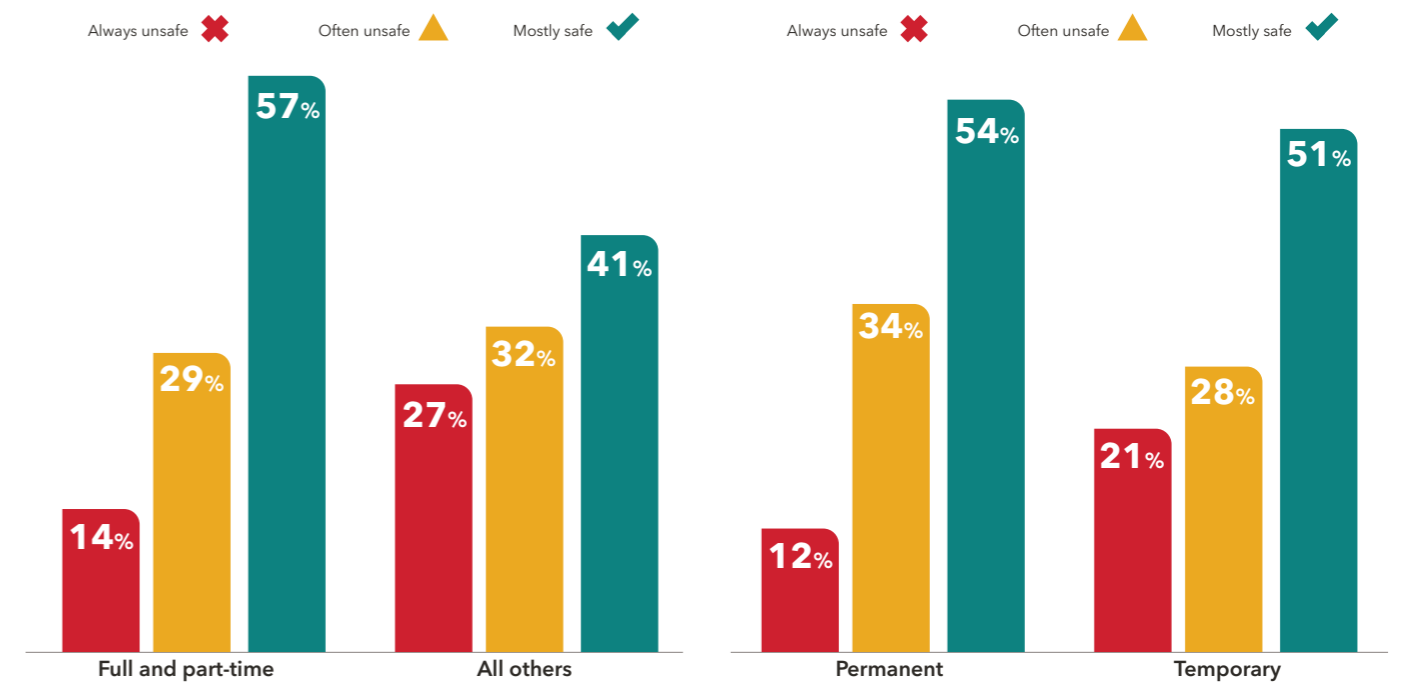
Yes

As a result, many **migrant workers get caught in the circular logic between jobs and visas: You need a permanent visa to get a decent job, and you need a decent job from which to earn migration points to get a permanent visa.** What we have in Australia is a dual market where some jobs, particularly exploitative and insecure jobs, are readily available to migrant workers whereas decent jobs are inaccessible.

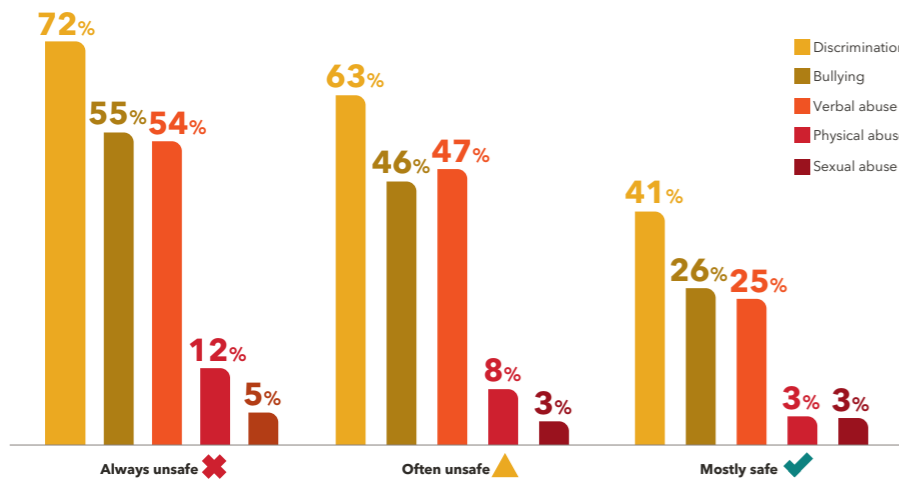
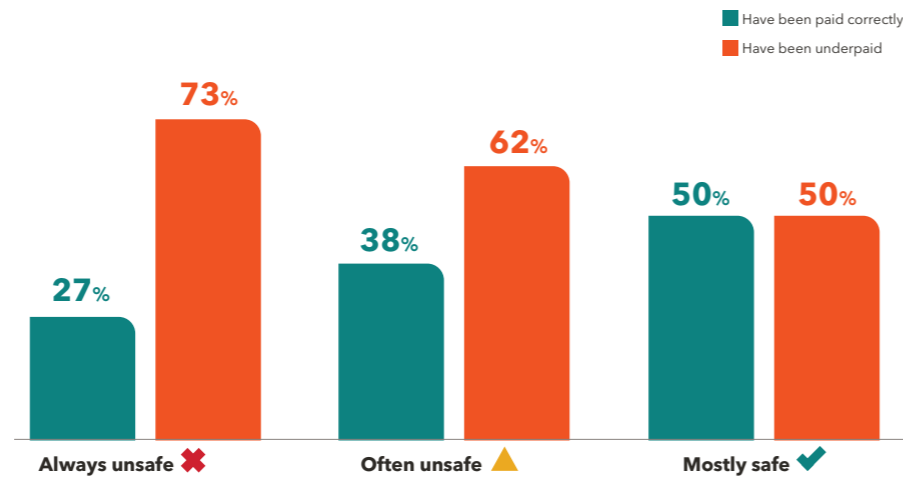


Half of our research participants reported feeling unsafe at work. As many as 18% indicated they always feel unsafe at work.

We found that workplace safety, job security, and residency status are closely connected in Australia's dual market. Many of those who didn't feel safe at work didn't have job security. It was also more likely for them to feel unsafe at work when they were on a temporary visa. Many of our interview participants shared their experience of being targeted for discrimination and bullying based on their migration status or background.



Wage theft was a widely shared experience among our research participants, and those who had more safety concerns at work showed a higher chance of having experienced wage theft. Migrant workers who have experienced wage theft are more likely to take an unsafe working environment as a norm in Australia and continue working in safety risks.



Safety hazards arise from many factors including abusive working environment. **Discrimination, bullying, and verbal abuse were the most common forms of abuse migrant workers experienced.** Participants who reported to always feel unsafe experienced discrimination, bullying, and verbal abuse at significantly higher rates.

The findings of this research project clearly indicate that **migration policy is a workplace issue and requires urgent and significant reforms.** When migrant workers experience discrimination, it hurts not only the migrant workers but society more broadly. No one is forever safe in a society where bad working conditions and workplace rights violations are normalised.

POLICY RECOMMENDATIONS

1. Ban discrimination based on migration status in the job market

We must make it unlawful to bar migrant workers from applying for jobs or discriminate against them at work based on migration status because discrimination of any kind hurts diversity and cost the economy.

2. Better recognise migrant workers' skills and contributions

We all benefit when skills and qualifications earned overseas are better recognised and put into a good use. We also need to take migrant workers' community service, innovation, and leadership into account for better migration programs.

3. Improve job security as well as access to justice, compensation, and treatment

We must not compromise on the livelihood of all working people and upgrade work conditions and job security in every industry and workplace. We also need to improve wage recovery and workers compensation and improve access to justice.

4. Put an end to the elitist migration system

We must build a fair migration system and an inclusive society by eliminating restrictive visa conditions; replacing employer sponsorship with industrial sponsorship; building pathways to permanent residency for all temporary visa programs; and restoring balance between permanent and temporary visa programs.

5. Better disseminate information about workplace rights

We must close the knowledge gap in migrant communities by proactively disseminating information about workplace rights and encouraging education providers, unions, and industrial partners to collaborate on inducting migrant workers on Australian workplace laws.

1. INTRODUCTION

Australia is an immigration nation, where population growth has been led by immigration rather than by births since settler colonialism began. Nonetheless, migrants have been blamed for causing traffic congestions, for raising housing prices, and most notably, for stealing jobs. Especially in the last several decades, scepticism grew over the benefits of and need for migration.

When the former Federal Government closed the border and asked migrant workers on temporary visas to leave Australia in early 2020, the net overseas migration numbers became negative for the first time since World War II. Not only did the inflow of newly arriving migrants stop, but a substantial number of migrant workers living in the country packed their bags as well. Dismissed from work and shunned by the Government, many of them had no alternative but to leave Australia.

In the aftermath of the COVID-19 pandemic, however, a new light is shown on migrant workers to portray them as a key to Australia's recovery from the pandemic. Arguably, migration was one of the most uttered words in Australian politics in 2022. For example, at the economic summit the new Federal Government hosted in early September the year, migration was proposed as a solution to the country's mounting challenges.¹ The Government also increased the number of permanent residency places available in the financial year 2022-23. It was not just politicians who changed their attitude toward migration. Media reports seemed to suggest the entire country agreed that migration was now a good thing for Australia.²

There was an economic rationale to the radical change of attitude. After the exodus of migrant workers on temporary visas, the post-pandemic job market

recorded a historically low unemployment rate. In July 2022, the Australian Bureau of Statistics reported a record low of 3.4% of unemployment rate with job vacancies more than double the number recorded at the beginning of the pandemic.³ Businesses that had abandoned their workers during the pandemic started crying out about their struggles with labour shortages.

Many migrant workers were not convinced by the sudden emergence of pro-migration rhetoric because Australia does not have a system that gives a fair recognition of migrant workers' contributions or helps them settle in Australia. Few migrant workers with exclusive professional skills may have Australian permanent residency in the bag while most have to struggle for several years to become eligible for a permanent visa or just have no way to get closer to one.



“Convert to Christianity!”

I came to Australia with my family when I received an Australian scholarship to pursue a PhD here a few years back. I am close to completing the program, but there's no pathway to permanent residency for me and my family.

I have consulted three different migration agents. One of them suggested that I quit my doctoral program and go to regional Australia as soon as possible to become eligible for a provisional Regional visa. The other two suggested that I abandon my religion, convert to Christianity, and apply for a Refugee visa. What an insult!

The Australian migration policy forces people to consider lying as an option because there is no other way for them to continue their lives in Australia.

(Interviewee No. 2100601)

“I can get you a husband”

I am a customer service manager, and I am very good at my job. Staying on a Bridging visa, I received two job offers and ended up not taking any. I have already been exploited at work in Australia, and I review the working conditions very carefully before taking any job.

One of the two businesses that offered jobs to me suggested that they could help me get permanent residency through a paid Partner visa arrangement. They explained how a monthly payment option for such an arrangement worked.

The fake Partner sponsorship offer horrified me. I know how bad an Employer sponsorship can turn out to be when the employer decides to use their power over migrant workers.

I guess a Partner sponsorship could go worse when money gets involved in an intimate relationship. How could they suggest such a horrible idea?

(Interviewee No. 2080501)

In this context, the Migrant Workers Centre conducted a research project investigating on migrant workers' experience in the job market. Whilst the research revealed many issues such as gender-based discrimination and violence, racial biases, and anglophone-centric workplaces, this report focuses on the findings that highlight the relationship between the migration system and migrant workers' experiences in the job market.

In the next chapter, we explain how data were collected through a survey and follow-up interviews. Chapter 3 discusses the dilemma most migrant workers face in Australia, which is the circular logic between visa application and job market requirements, and the barriers migrant workers encounter as they try to start their career in Australia. The issues they must overcome after finding a job in Australia are discussed in Chapter 4 with a special attention to workplace discrimination and bullying. Finally, Chapter 5 discusses the workplace implications of the migration policy and policy recommendations.

2. METHODS AND PARTICIPANT PROFILE

Data for this research was collected through an online survey and follow-up interviews. We developed the survey questionnaire based on a literature review and consultations with both migrant workers and experts in the field. The questionnaire included only multiple-choice questions to facilitate the participation of migrant workers with limited English. Our questions focused on understanding migrant workers' history of migration, use of professional services for migration, job market experience, social participation in Australia, and demographic characteristics.

The online survey was promoted via emails and social media (that is, Facebook and Instagram) and through the Migrant Workers Centre's network of unions and not-for-profit organisations and was administered on Survey

Monkey from July to September 2022. Our target sample size of participants on temporary visas was 384 for statistical analysis with a confidence level of 95% and a margin of error of 5%. A total of 1,354 migrant workers participated in the survey, 87% of whom had originally arrived on temporary visas and 77% of whom were still holding temporary visas at the time of the survey.

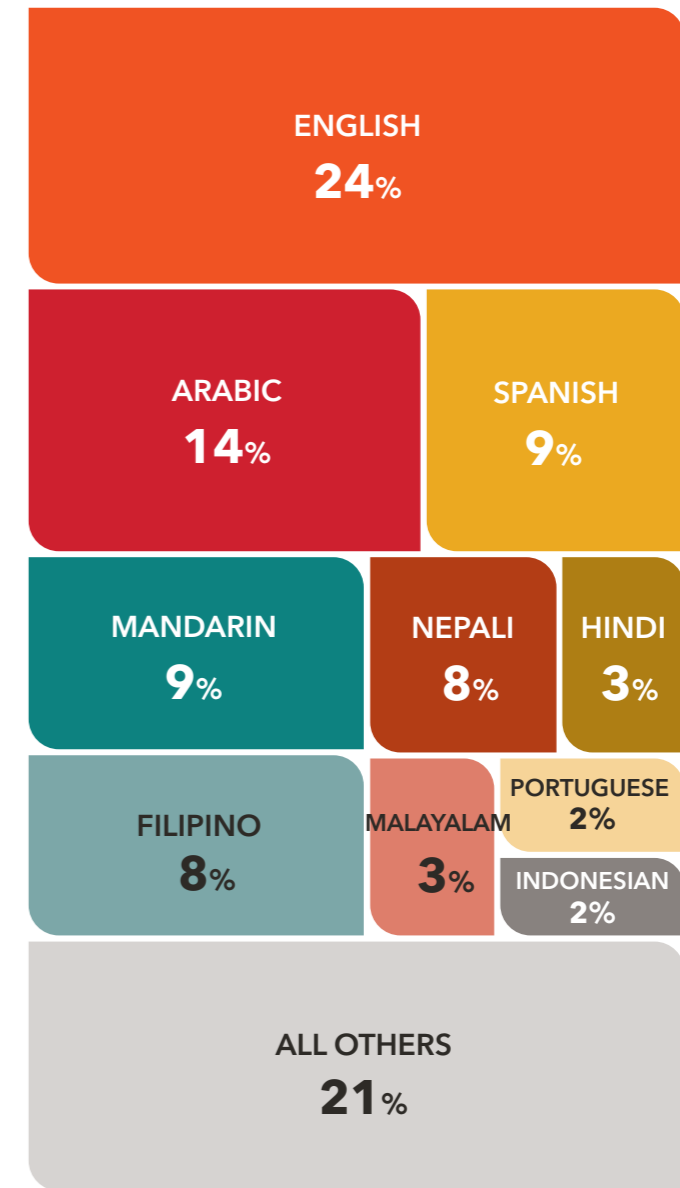
Our analysis was informed by a total of 1,002 valid responses after a rigorous process of cleaning inconsistent or incomplete responses and duplicates. The average time they spent participating in the survey was eight minutes. The Migrant Workers Centre expresses its deepest gratitude to all the migrant workers who took part in the project for their time and valuable contribution.

Survey participants could complete the survey anonymously and were given the option to volunteer to be part of a follow-up in-depth interview. A total of 65 migrant workers talked to the Migrant Workers Centre via either Zoom or Google Meet for up to an hour each. In-depth interview participants were given an opportunity to discuss their concerns about the interview and withdraw their participation afterwards. They did not receive any compensation for the interview.

Figure 1. Survey promotion materials



Figure 2. Primary language



The survey was initially offered in English only in order to avoid linguistic interferences. Speakers of 85 different languages participated in the survey, and they well represented most of the languages that are popularly spoken in Australia's culturally and linguistically diverse communities. The only exception was Arabic. It is the third most popularly spoken language in Australia after English and Mandarin, but our survey attracted few Arabic speakers consistently with our experience in 2021. To fill the gap, we had the survey questionnaire translated and made the Arabic version available in September.

The final composition of languages primarily spoken by our survey participants shows that our data has a good representation of Australia's recent migrant population. More than half of the survey participants reported one of the following four languages as their primary language: English (24%), Arabic (14%), Mandarin (9%), and Spanish (9%). The remainder of top ten languages include Filipino, Nepali, Hindi, Malayalam, Portuguese, and Indonesian.

The survey could have attracted many native speakers of English because it was initially offered in English only, but it is important to note that those who selected English as their primary language did not necessarily come from English-speaking countries. Our follow-up interviews revealed that many did so when they didn't want to reveal their cultural or linguistic origin or when they didn't easily find their native language in the list of 50 most popular languages we had provided in the questionnaire.

Most of the survey participants (91%) were aged between 25 and 54. This is partially owing to the fact that very few visas are available for people aged over 45. More women (54%) participated in the survey than men (44%) did. 2% of the survey participants chose to describe their gender otherwise.

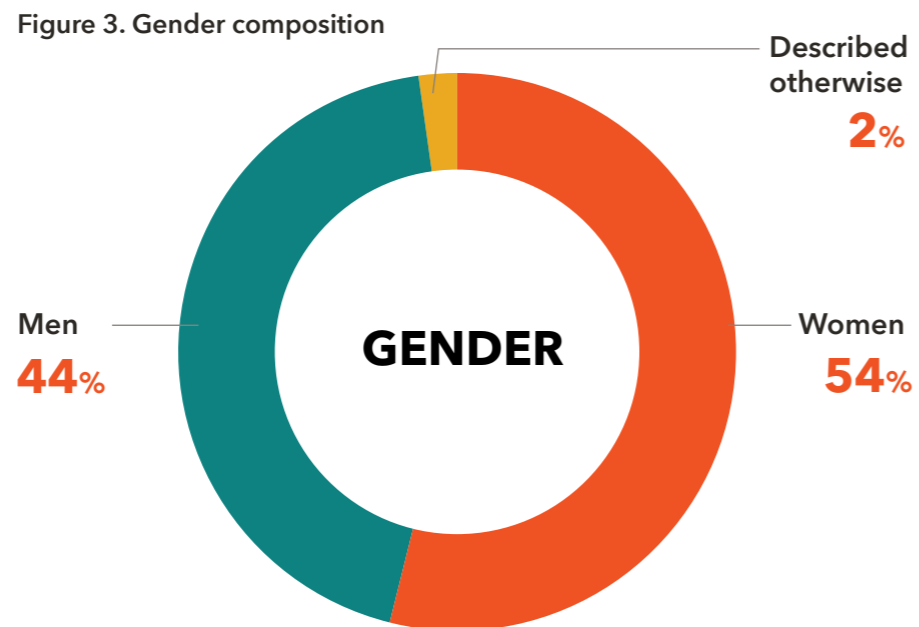


Figure 4. Age composition

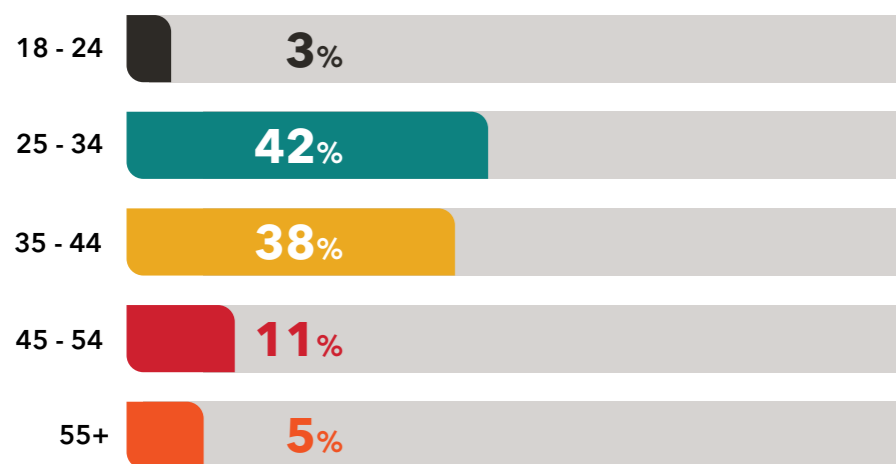
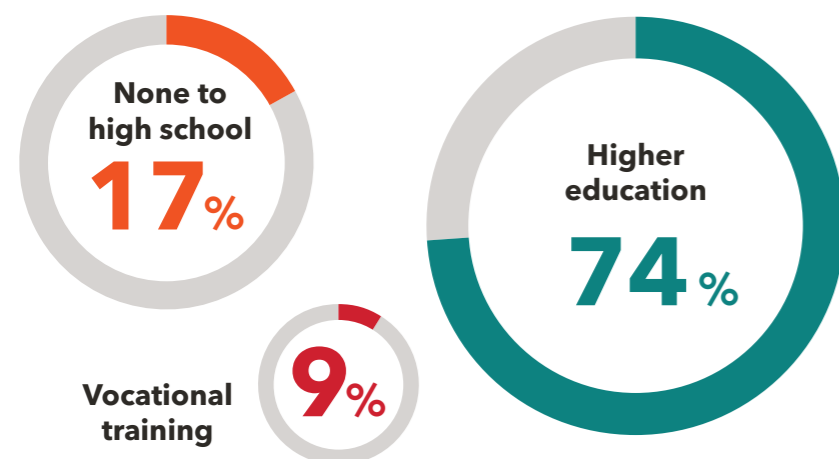


Figure 5. Pre-migration educational attainment



Survey participants had high levels of education attained prior to coming to Australia. This could be an effect of the survey made available in English and attracting people with good education. However, it should be also noted that people with limited education are already barred from entering the country because many visa programs, both temporary and permanent, require a high English test score and prioritise people with higher education.

The questionnaire also surveyed participants' industry of major income source. The following divisions were used according to the Australian and New Zealand Standard Industrial Classification (ANZSIC), a classification used by the Australian Bureau of Statistics in statistical collections:

Every industry was represented in the survey, which suggests that migrant workers in Australia come from a diverse industrial background and work in a variety of sectors. Health Care and Social Assistance was the most represented industry. This is partially thanks to the Australian Nursing and Midwifery Federation's organising of migrant workers and partially due to the active participation of aged care workers.

Industry of major income source



Half of the survey participants (51%) have lived in Australia for longer than five years. Most of them came on temporary visas, and the Student visa was by far the most popular type of visas used. As much as 8% of the participants arrived on visas without work rights such as a Visitor visa. This should not be misread as a sign of the prevalence of undocumented migrant workers in Australia. Many workers often enter the country on a Visitor visa, research about their job market prospects and visa options, and make an onshore application for a substantive visa with work rights.

Only 15% of the participants were holding a Student visa at the time of our survey, compared to 45% at the time of arrival. The small portion of current Student visa holders testifies the devastating impact of the pandemic on international students. Another thing that stands out from the current migration status is that almost one in four (24%) reported to have a visa with work rights that is not one of the major types. With few exceptions, these participants were on Bridging visas because of the exorbitant visa processing delay during the pandemic. This issue is discussed in detail in our report *Waiting to Be Seen (2022)*.⁴

Figure 6. Visa held on arrival

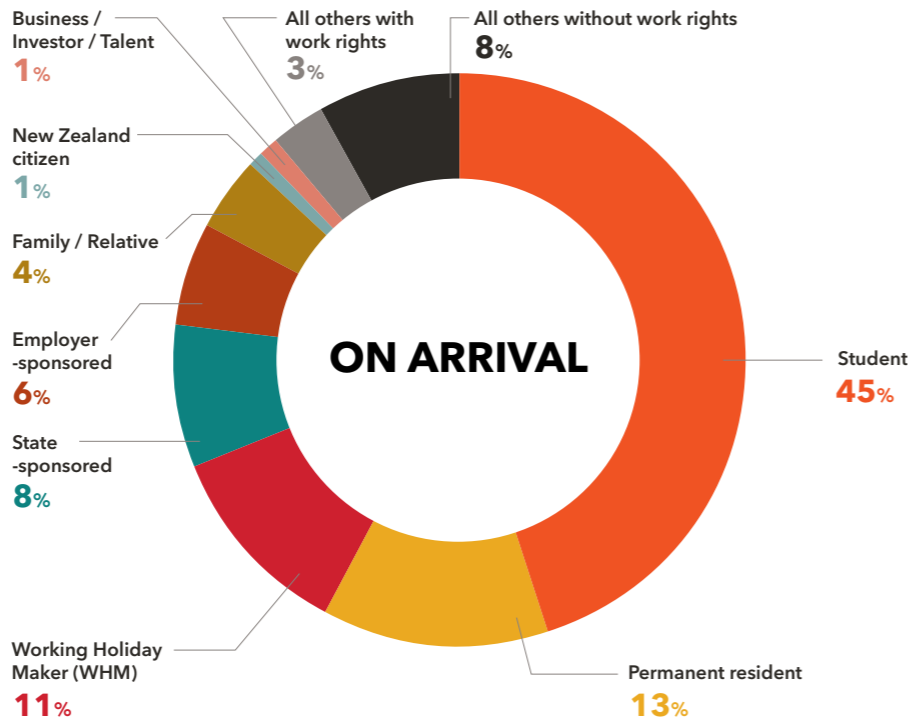
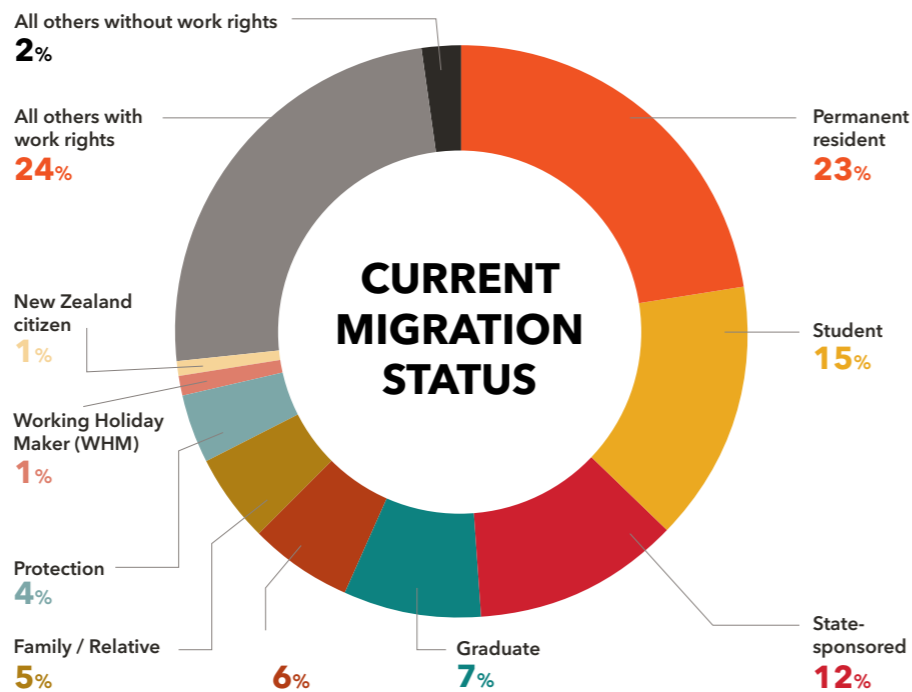


Figure 7. Current migration status



MWC. 2022. *Waiting to Be Seen: Problems of Australia's Visa Processing Delays.*



The survey participants also represent every state and territory in Australia. Victoria and New South Wales make up an absolute majority of the survey participants, showing even higher rates of representation (36% and 38%, respectively) than they do in the distribution of migrant population in the Census (28% and 34%, respectively).⁵ The discrepancy between our survey and the Census can be partially explained by the fact that unions and community organisations in the two states actively helped the Migrant Workers Centre promote the survey.

The disproportionate representation of Victoria and NSW in the survey outcome should not be interpreted to suggest that most migrant workers live in metropolitan cities like Melbourne and Sydney. Our follow-up interviews revealed that many lived in regional Australia because they were on a regional pathway to permanent residency. Most Regional visas are available only to those who have lived or studied in regional areas and require them to remain in the areas. Indeed, our survey outcome concurs on the finding as a majority answered they needed to live in their current state for visa considerations.

Figure 8. Location by state/territory

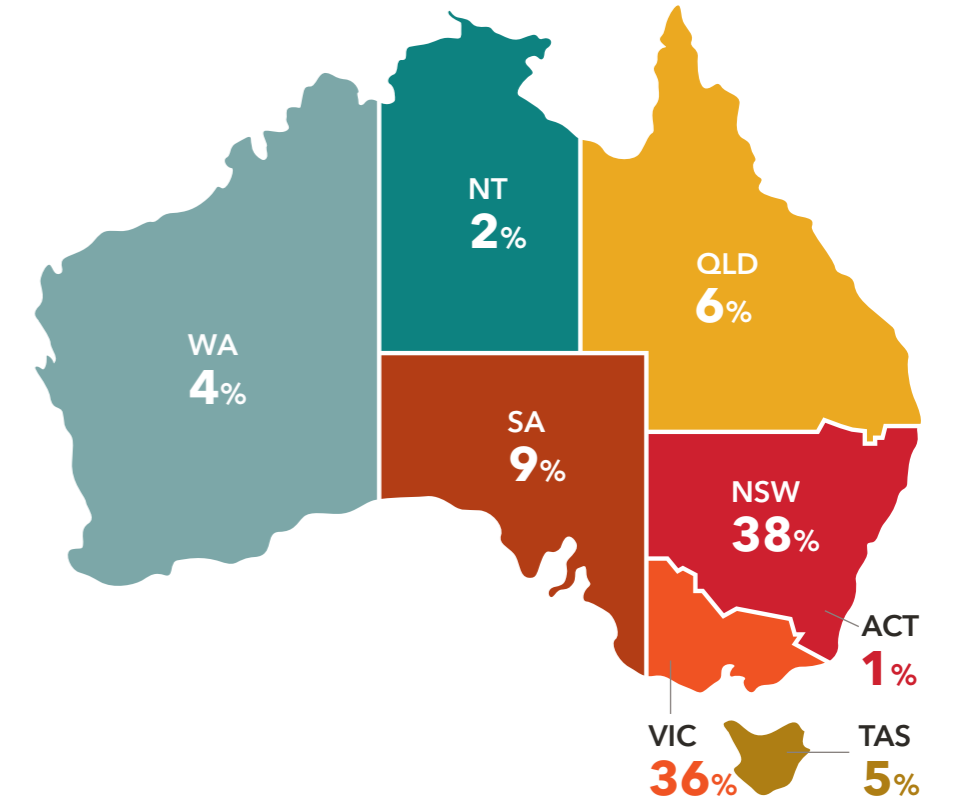
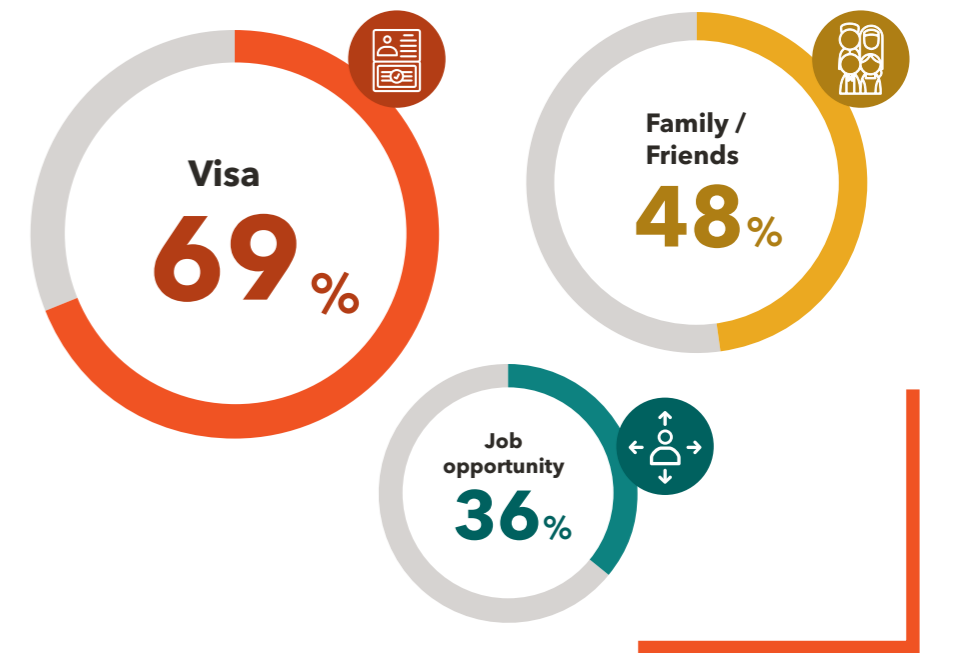


Figure 9. Reason behind location choice (multiple answers)

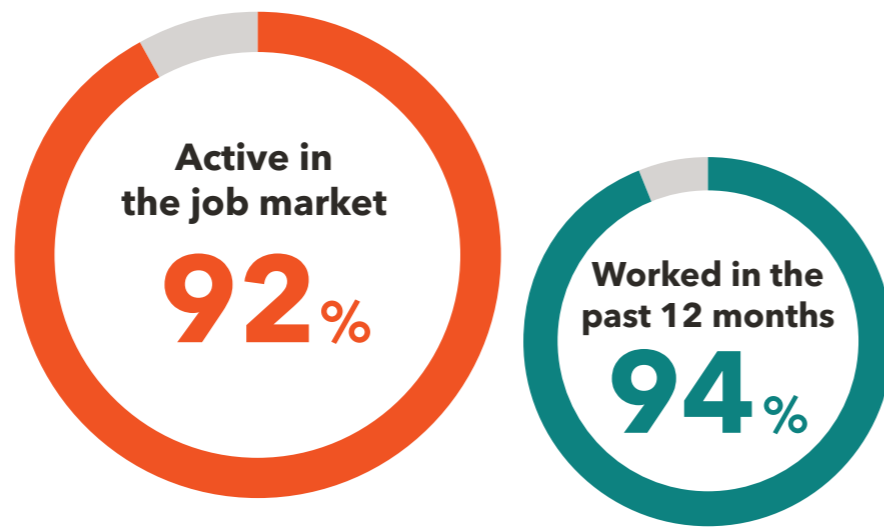


3. ENTERING THE JOB MARKET

According to the Australian Bureau of Statistics, migrant workers participate in the labour market at a higher rate (72%) than Australian-born workers do (68%).⁶ Having embarked on a journey to build a life on a foreign land, migrant workers have a strong desire to work and be part of Australian society. Participants of this research were not different: an absolute majority (92%) were active in the job market, and most of them (94%) had jobs.

Their high employment rate does not mean that migrant workers find a job in Australia with ease. With very few exceptions, our research participants encountered a lot of barriers to the job market. In this chapter, we discuss the characteristics of Australia's migration policy and how it affects migrant workers' job market experience.

Figure 10. Job market participation



Skilled migration has been at the centre of Australia's migration policy since the White Australia policy was officially rejected. Through the skilled migration stream of permanent migration programs, the Government issues permanent residency rights to migrants who have one of the occupations on the Government's skilled occupation list. (Before they can apply for a permanent visa, they must have successfully secured sponsorship from an Australian employer or demonstrate a score high enough on the Government's points test. This is discussed in detail in our previous report *Lives in Limbo* (2021).⁷)

There is no clear definition of what a "skilled occupation" is. An occupation counts as a skilled one for migration purposes only when it appears on the Government's skilled occupation list. Unfortunately, "skilled occupations" do not necessarily reflect the skills in demand in the market because the varying needs of Australian workplaces cannot be perfectly captured by the skilled migration stream.

All work is skilled work

I work in aged care, and I love my job. There is a serious labour shortage in aged care, and I was offered a full-time position even when I was staying on a Bridging visa. But aged care workers like me have no way to settle and continue doing the job because the Government thinks aged care workers are not skilled enough to deserve permanent residency.

They are mistaken! It's a highly skilled job, and it demands both a lot of physical and mental skills. Imagine taking care of your parent who suffers from dementia. Tough, right? Now think about how tough it can be when the dementia patient is not your own parent but a stranger. You need a lot of patience and professional attitudes. And there are so many people to satisfy: the patient, their family members, and the managers...

The Government only gives permanent residency to people who have some high paying jobs and people who score high points. Higher points on the Government's points test do not necessarily mean that they are better workers than people like me. People can score high because they had more and better chances in their lives. They may not have a passion for the job and leave for another after getting permanent residency. I think this is why Australia always suffers from skill shortages.

(Interviewee No. 2092301)

Who will take care of me?

I was a registered nurse and raised two sons by myself in my homeland. I came to Australia and acquired permanent residency in the early 2000s. Back then, my labour hire company incorrectly advised me that I would be able to invite my two sons who were already over 18 years old to Australia. Had I known they could not settle in Australia, I wouldn't have come here in the first place.

I worked hard at mental health facilities and emergency services to earn money to bring them in on Student visas. They studied business management and got jobs in Australia but didn't get a chance to become permanent residents. There was just no path for them. Eventually they left Australia, and I am now living my retiree life alone. I took care of so many Australians who struggled with alcoholism and drug addiction in the last two decades, but who's going to take care of me now that I'm old and weak?

(Interviewee No. 2091401)

The Government regularly updates the skilled occupation list to reflect the fluctuating market needs through consultations with businesses and professional bodies.⁸ For example, "cook" sometimes appears on the list though may disappear a few years later only to reappear once more. The frequent changes to the list are one of the contributing factors to the growth of the country's migrant population on temporary visas, which was over two million at the brink of the pandemic. To be clear, when your occupation is suddenly removed from the list after the many years of education or on-the-job training, you suddenly must start over from the beginning with another occupation on the revised list.

"Multimedia specialist" is one of the occupations newly added to the list in recent years. On the other hand, "mushroom picker" has never made it to the list. Does this mean that there is a shortage of multimedia specialists in Australia but no such demand for mushroom pickers? How should we explain the many existing migrant workers working on mushroom farms in Australia? There is no denying that Australia as a country needs varying skills that cannot be limited to a short list of occupations.

The truth is that Australia has temporary migration programs for jobs that need to be done but are not included in the skilled occupation list. The Seasonal Workers Program is an example. This temporary visa allows migrant workers from Pacific islands and Timor-Leste to stay and work on farms up to nine months consecutively. Workers must leave Australia afterwards for at least three months but can come back to work another nine months multiple times until their visa expires. Another example is the Working Holiday Program. This temporary visa may be extended twice if the holder of the visa works on farms.

During the pandemic, farm workers were classified as "essential workers" and allowed to travel despite lockdowns. And yet, they were and still are denied a chance to remain and make a life in Australia. The belief seems to be that they are easily replaceable with other young and healthy migrant workers because they perform so-called "unskilled labour".

In a sense, it is an undeniable truth that some workers are more easily replaceable than others. There are many people in so-called developing economies who were born with little privileges but have

a family to feed. The economy they were born to offers them little chance to make a living. To them, working in Australia on a temporary visa can be better than nothing.

The Government measures skills by the level of institutionalised education and training. According to its narrow frame, the agility, endurance, and attention to detail required of a mushroom picker do not render the job a skilled occupation. As a result, most mushroom pickers and their allegedly unskilled migrant workers are forced to hop from one temporary visa to another.

Without access to permanent residency, these essential workers cannot call Australia home however essential work they perform and however hard they work. They can stay and work in Australia for years, and sometimes for over a decade, until one day when they are told that they are too old to meet the age requirement of temporary visas or that their genuine intention to stay temporarily is suspected because they have taken out too many Student visas. Australia turns a blind eye to these long-term residents and simply doesn't care when they fall ill or get old.

3.1. Migrant skills on discount

When migrant workers already have skills they earned overseas, they can have them recognised in Australia for jobs and visas. However, getting overseas skills recognised is far from easy.

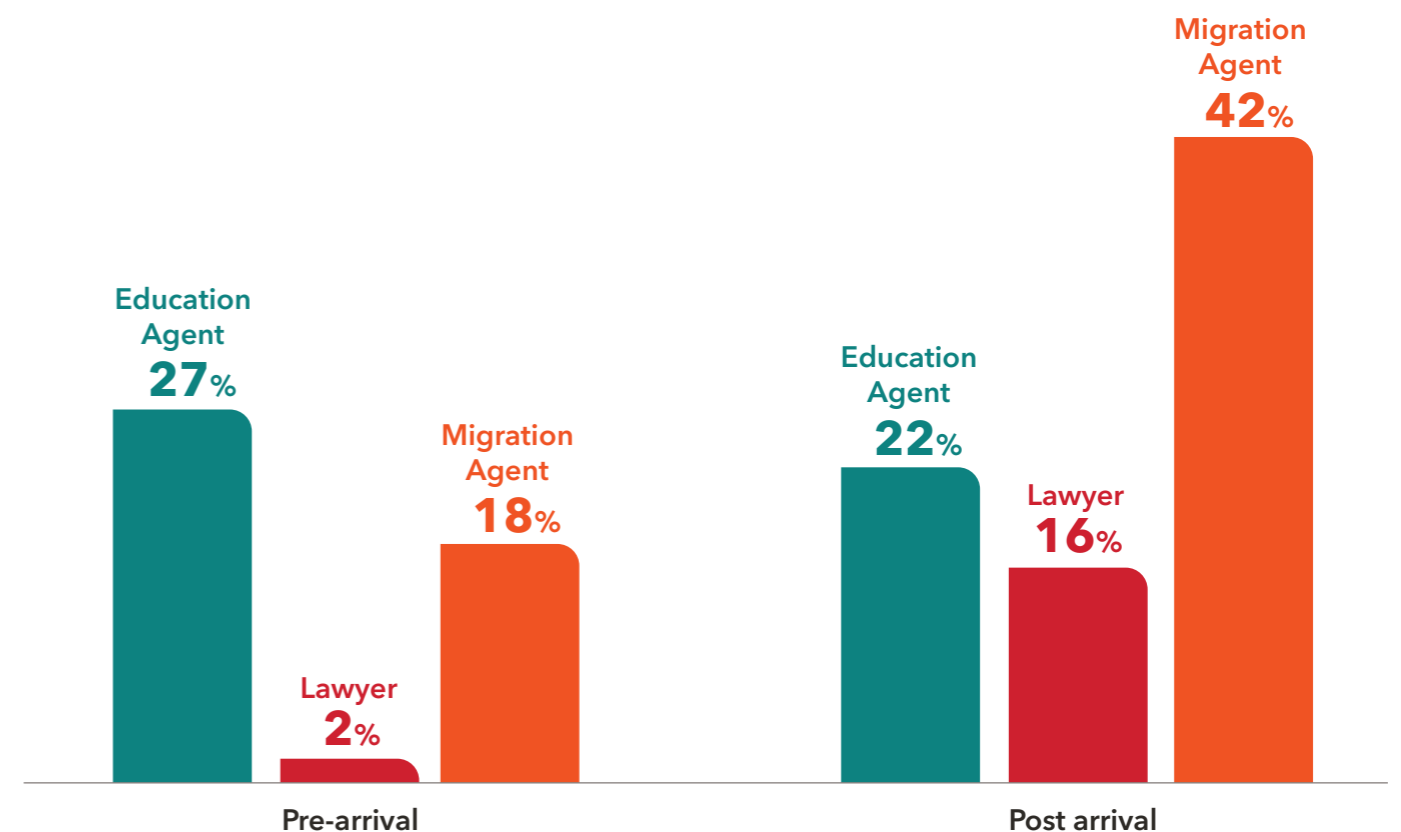
There are varying processes by occupation, and each industry publishes the information in their own way. There is no centralised database or federal regulator for migrant workers to resort to when they look for relevant information. In the absence of centralised coordination, industries have developed radically different assessment bodies and processes. In some cases, migrant workers need to have their skills recognised twice – once for immigration and the second time for

industry registration – because the Government's migration system and industry practices are not aligned.⁹

Migrant workers are left on their own to find out how to get their skills recognised. Most migrant workers find it difficult to stay on top of all the jargon and frequent changes in the skills recognition processes. Consequently, many rely on professional migration service providers to find the information they need, such as lawyers, migration agents, and education agents. (Technically, education agents should not be included here because they are not authorised to give migration advice, but we tried to capture the reality as is.)

Migrant workers' use of professional migration services grows substantially after they arrive in Australia. Unfortunately, professional migration service providers have no expertise on specific industries, and no one can be held responsible when they provide incorrect advice to migrant workers. The Migrant Workers Centre often hears from migrant workers various horror stories about a visa application gone wrong due to mistakes made by service providers. We recommend the Government conduct a comprehensive review of the quality and integrity of these services.

Figure 11. Professional migration service used before and after arrival (multiple answers)



Not worth the same

I'd say I have sent thousands of applications before I got a job in my industry. They hardly get back to me when I send online applications. On the phone, most workplaces would just hang up on me as soon as they noticed something foreign in my accent. Most employers say my resume is great but add: "you're on a temporary visa" or "you don't have Australian qualifications". I have a five-year degree in teaching from my homeland as well as years of experience. What else do you need to know that I'm actually competent to do the job?

Having my Bachelor's degree recognised here is pointless because it's only equivalent to a one-year vocational course here. I tried to apply for a Master's degree, and universities count it as meeting the Bachelor's degree requirement. I don't know why the assessing body views it differently. It's a pity there are so many professional migrant workers here in Australia, and Australia ignores them, and they are doing jobs that have nothing to do with what they have trained for. That's what I find unfair about Australia.

(Interviewee No. 2072601)

"It's a pity there are so many professional migrant workers here in Australia, and Australia ignores them, and they are doing jobs that have nothing to do with what they have trained for."

(Interviewee No. 2072601)

Who's responsible for wrong advice?

I was a pâtissier with years of experience in my homeland. I used an education agent and got into a TAFE to get a diploma in patisserie. I learned only after finishing the diploma that I didn't need to spend years and so much money studying for an Australian diploma. Since I already had a qualification overseas, what I should have pursued was something called RPL (recognition of prior learning). My agent didn't tell me this because their business was to sell Australian training and education programs.

(Interviewee No. 2071801)



Interview No. 2071801 deserves special attention. The interviewee consulted a migration agent and ended up undertaking a certificate program in Australia for years. He already had the necessary qualification and experience from overseas and only needed to get it recognised. His agent encouraged him to complete Australian training instead of telling him about the skill recognition process. The interviewee could only speculate if the agent didn't know how to help him get the skills recognised or if they deliberately made him study in Australia so that they could earn commission.

Another, more fundamental, problem with overseas skills recognition is that in most industries skills recognition processes are costly and have strict requirements that not all skilled workers can meet or understand. In some extreme cases, migrant workers try to get their skills recognised so that they gain Australian work experience and acquire permanent residency, but it is almost impossible to complete the skills recognition process without permanent residency.

Cost as barrier to skills recognition

I am a specialised physiotherapist with a lot of working experience. The cost of all the tests, plus the cost of preparing all the documents about my qualifications and experience, is enormous. I get the feeling that deep down Australia does not want migrant workers with skills, even though they say they are in need of us. It's almost like I have to start from scratch. I have passed the first of these tests and will undertake the practical test as soon as I have money to pay for it. I am working for a labour hire company as a casual general labourer at demolition sites. They pay me less than what they should when I really need the money to get my skills recognised.

(Interviewee No. 2071401)

Visa and skills recognition not matching

I am a medical doctor with seven years of experience practicing in my homeland. As soon as I arrived in Australia, I tried to get my qualification recognised so that there's no gap in my career. It turns out to take multiple years of time to get registered with AHPRA (Medical Board of Australia) in addition to a lot of money and efforts. I have been working as an NDIS support worker in the meantime. I hear it's relatively easy for people from some English-speaking countries because they can get a provisional registration to practice under supervision to qualify for a general registration.

For me, I needed to first pass a knowledge test. It took me three attempts, which cost about \$3,000 each time, because questions were written in a quite tricky fashion. I also needed to score very high on the English test (overall 7 on IELTS). I've met the English requirement, but I need to take the test again because the test score has expired. After passing the tests, I need to secure a job offer where I can complete a 12-month supervised practice.

I found a hospital that wants me, but they are hesitant because I don't have a visa for the practice period. A friend of mine had the same problem when she tried to register before me. She circumvented it by first getting a permanent visa as a community service worker and then changing her career back to the original medical field.

(Interviewee No. 2100701)

As revealed in one of the testimonies (Interviewee No. 2100701), even veteran medical professionals have a hard time before they can resume their career when they don't have permanent residency. The person in the testimony became a community service worker despite having no intention to work in the industry just for the sake of securing permanent residency and getting back on her original career path. This anecdote explains why some occupations have been continuously identified as in-demand occupations in need in Australia for decades. On the other hand, we have met so many migrant workers who worked in the aged care industry because it was the only industry where they could find secure jobs.

Businesses often resort to the mantra of “local qualifications and local experience” and discount migrant workers’ overseas qualifications and experience. Many of our interview participants complained that businesses often expect them to do unpaid trial work or volunteer work to get their foot in the door. Employers do so for the purpose of not paying the workers what they actually deserve and reducing their labour cost.

Can I at least get an apprenticeship?

I have an accounting degree from my homeland and am now in the middle of getting further education in the same field in Australia. I want to build a career as an accountant, but it’s so hard to get an opportunity. They are happy with my skills but always ask if I have Australian experience. Tell me, how do you get local experience when no one here is willing to give me a chance to start?

My only option was working as a cashier at a 7-Eleven and knowingly getting underpaid. I want to get a chance to have apprenticeship or traineeship, but I don’t know where to begin. They don’t share such information with migrant workers.

(Interviewee No. 2082301)



Many migrant workers look for apprenticeships after arriving in Australia for the first time. They say they cannot get one because they don’t know how to find an apprenticeship opportunity. To be precise, what they don’t know is that migrant workers on temporary visas cannot participate in apprenticeships in Australia. Apprenticeship is a Government-funded program. An employer of apprentices may get financial assistance from the Government to help with hiring, training, and retaining apprentices. With few exceptions such as provisional Partner visa holders, migrant workers on temporary visas are not eligible for apprenticeship programs in Australia. What is available to them is volunteering or unpaid internships.

3.2. Two-step migration

Australia’s migration system encourages migrant workers to take the two-step migration strategy. A two-step migration strategy refers to the use of temporary visas for entry and working toward acquiring permanent residency. Since permanent residency is hard to come by, most migrant workers first come to Australia on a temporary visa and then strive to increase their chances of acquiring a permanent visa. Some of the popular tactics of two-step migration include completing local qualifications while staying on a Student visa and building local work experience on a Temporary Skill Shortage visa to gain more points on the Government’s points test.

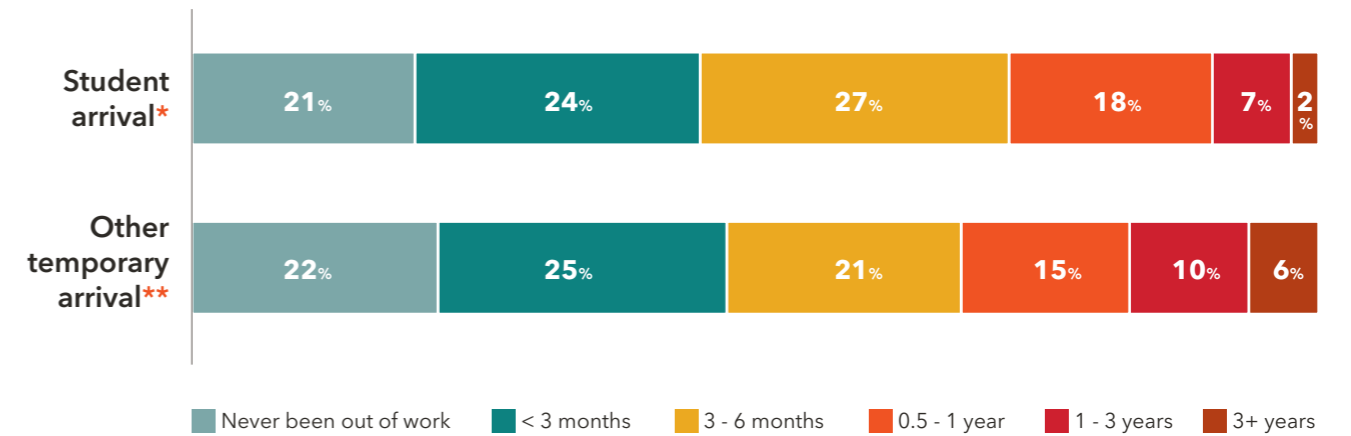
Student visa was most popular among our research participants both to acquire local education and to extend their legal stay period. However, getting training

or education in Australia does not radically increase migrant workers’ chance to find work in Australia. Administrative hurdles, prejudices, and exclusionary customs make them struggle to find secure employment. There is little difference between those who have “local qualifications” and who do not when it comes to the time they spent looking for jobs.

Figure 12 compares those who arrived on a Student visa and pursued Australian education and those who arrived on any type of temporary visa and not pursued any Australian vocational training or higher education. The second group excludes those who arrived on an Employer-sponsored because they already had a job waiting for them and could not be out of work for over 60 days between jobs according to their visa conditions.

The little difference in time spent out of employment between those with local qualifications and those without does not imply that local qualifications mean nothing to migrant workers. It suggests the Australian job market forces migrant workers to pick up whatever job is available to them, instead of waiting for the right job opportunity. Underpaying and exploitative jobs are in abundance in Australia because many businesses that don’t care about working people’s job security actively recruit migrant workers.

Figure 12. Time spent looking for job by arrival visa



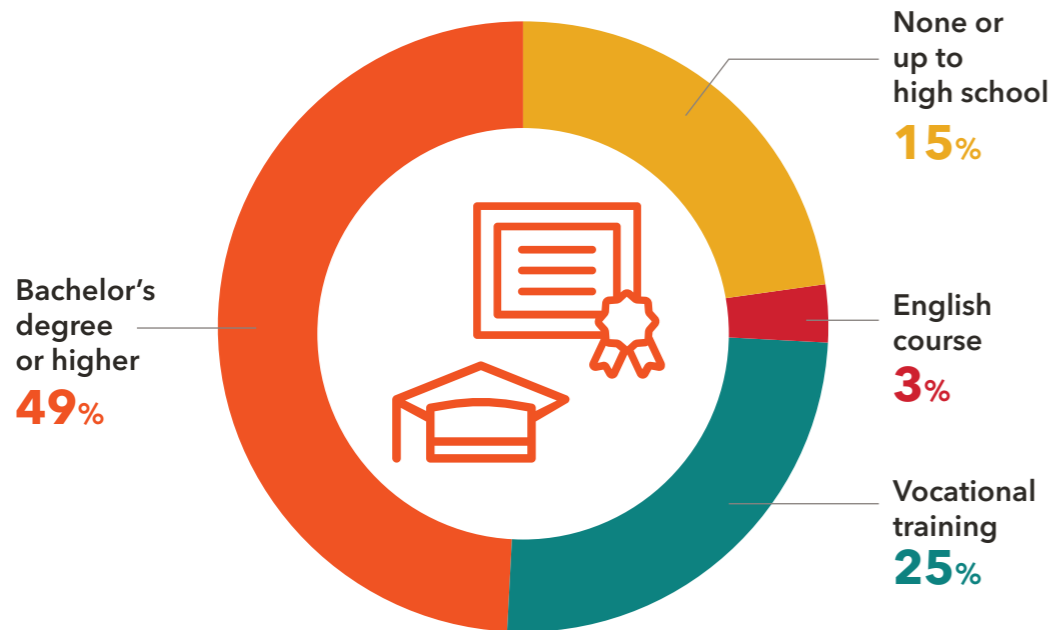
Note:

- * Student arrival refers to all survey participants who have arrived on a Student visa and completed vocational training and/or higher education in Australia.
- ** Other temporary arrival refers to all others arriving on a non-Employer-sponsored temporary visa. They also include both primary and secondary Student visa holders who didn’t pursue vocational training or higher education in Australia.

Completing Australian training and education helped our research participants enter the industry for which they have prepared. Those with local qualifications had a better chance to work in their industry of choice. Almost three in four who worked in their industry of choice had completed training or education in Australia. This is again suggestive of how closed Australian job market is to workers with overseas skills. Surviving and making career advancement in your industry of choice, however, can be extremely challenging, especially if you are on a temporary visa as we discuss in Chapter 4.



Figure 13. Highest Australian education received by migrant workers in industry of choice



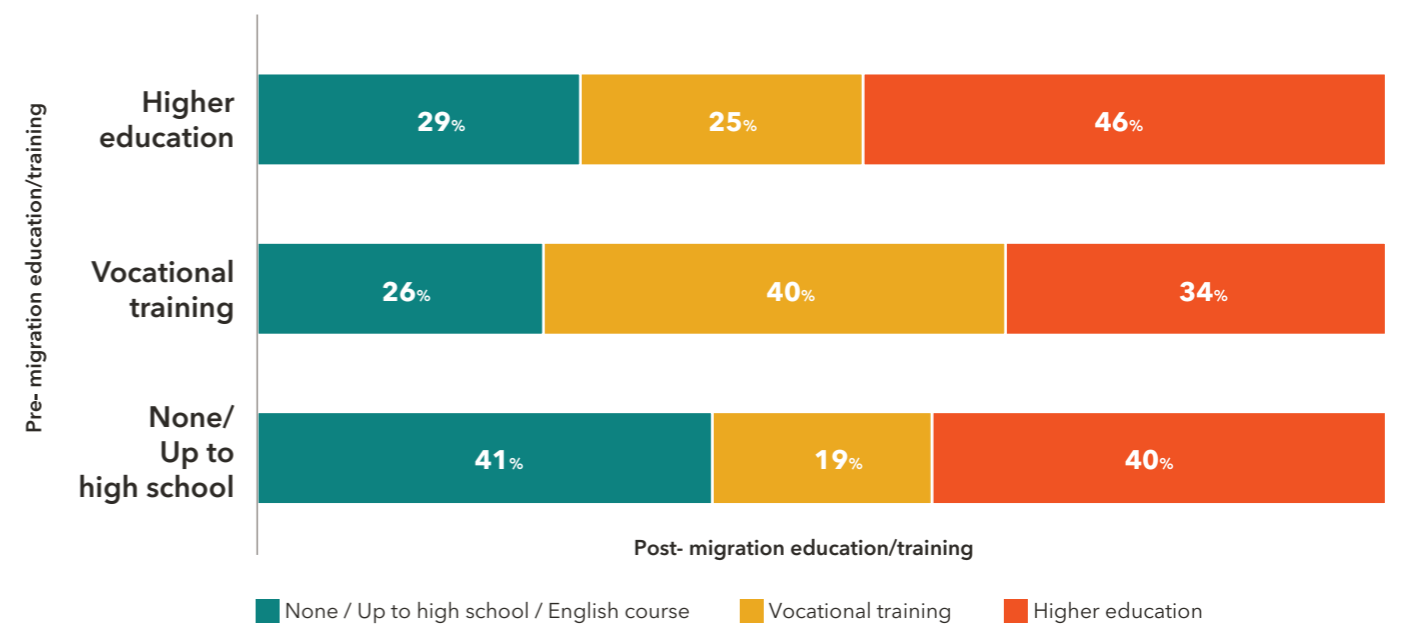
Lastly, the fact that many migrant workers acquire local qualifications does not necessarily mean that they get to skill up in Australia. We may conveniently think that migrant workers can earn at least some new skills and qualifications during their time in Australia even when they don't acquire permanent residency in the end. However, over 40% of the survey participants remained in the same level they had been before coming to Australia.

41% of those who had no education overseas or education up to high school level prior to migration remain at the same education level in Australia. Similarly, 40% of those who had up to vocational training overseas remained in the same level of training in Australia. 54% of those who had higher education overseas received local training at a lower level (25%) or no education (29%) in Australia.

34% of those who came with overseas vocational training and 59% of those who came with no overseas education or education up to high school improved their education/training level after coming to Australia. They represented only 13% of the survey participants.

This is because Australian education can be very expensive for migrant workers on temporary visas because of the fees applicable to international students. Only a small fraction of migrant workers can afford to pay for the level of education/training in Australia that they couldn't afford in their homeland. When they do not succeed in settling in Australia and return to their homeland, the investment they have made in Australia would not make much sense there because they would remain at the same education/training level as before migration. We recommend the Government embark on a larger scale study on the effect of Australian education contributing to international students' skills and career improvement.

Figure 14. Educational attainment in Australia by pre-migration level of education



3.3. Not local if not permanent

Figure 15. Residency question on typical job application forms

Are you a permanent resident of Australia or Australian citizen? *

Unfortunately we are unable to consider applicants who are not Australian citizens or permanent residents of Australia at the time of application.

Yes

What is more important for improving one's employment prospects in Australia is to get permanent residency than to earn local qualifications. This is because many businesses don't entertain applications from migrant workers on temporary visas. Businesses often discourage migrant workers on temporary visas from applying for a job by listing permanent residency as a requirement on a job ad. This practice denies migrant workers for a chance to be considered at all, however talented and dedicated they are.

To employers, those who have earned certificates and degrees in Australia are not so different from those who gained their skills overseas as long as they are staying on a temporary visa such as a Graduate visa or a Bridging visa.

There is no law preventing business, government, or non-government organisations from hiring migrant workers on temporary visas. Except for the rare circumstances where security clearance is required, there is no rationale to prevent migrant workers on temporary visas from applying for jobs. Permanent residency is not a requirement even for jobs in the Australian Public Service, for which the Federal Government states that "[a] person who is not an Australian citizen must hold appropriate work entitlements" before applying.¹⁰

What is required of employers by law is to make sure they hire people who have work rights in Australia. The Government advises employers to check the Department's visa information portal (VEVO) "every three months" if they do not know migrant workers' visa expiry date or "when their circumstances change" to ensure their migrant employees have work rights. To fulfill this requirement, some employers collect detailed migration status information from job applicants. The Department of Home Affairs explains the law on their website as Figure 16.



Figure 16. Government's guidelines on hiring migrant workers

How to hire someone

Follow these steps to hire someone in Australia.

Step 1
See if the person is an Australian citizen, Australian permanent resident or a New Zealand citizen

Step 2
See if they have a visa with work rights

A person's visa will say if they are not allowed to work. To check, you can:

- ask the person to email you their current visa details from VEVO
- use VEVO yourself

Step 3
Ensure the visa holder has a valid work visa while they work for you

You need to ensure your employee has a valid work visa for the whole time they work for you. You should check their visa within two days of visa expiry and when their circumstances change. If they hold a bridging visa and VEVO does not show a visa expiry date, you should check their visa every three months to ensure they have work rights.

Source: DHA. n.d.
<https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/hire-someone-in-australia> (last updated 17 March 2020).

Figure 17. Residency question in accordance with the Government guidelines

Are you a permanent resident of Australia?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If NO, what is your visa status:				
Passport Number:		Expiry Date:		

Market open to Australians only

Most employers do not follow the Government's advice as intended. They find it cumbersome to take on the responsibility to keep checking on their employees' migration status every now and then. In most cases, they use a simple yes-no question and screen out people on temporary visas from submitting job applications at all.

There is a prevalent view among businesses that migrant workers won't succeed in Australian workplaces because they don't have local experience or networks.¹¹This bias has no logical basis because Australian-born workers are not different from migrant workers in the sense that they come with no work experience nor professional networks when they enter the job market for the first time.

Our research participants' experience suggests that businesses' bias against migrant workers has more to do with their migrant background—especially when they are from non-English-speaking countries—than their lack of local experience or networks.

I graduated from an Australian university with a Bachelor's degree with Honours. I was one of the top students at my university and was showcased on the university website, too.

Still, job search was not easy at all. After about six months, I eventually got a job at a consulting firm through my university reference. All my Australian classmates got jobs soon after graduation, but most of my international classmates didn't.

In Australia, job opportunities are circulated through personal networks. I think it's unfair to not publish those opportunities. It's not about what skills you have but about who you know here. Migrant workers cannot compete. There is no fair go this way.

Many of my international classmates left Australia in disappointment or went on pursuing a higher degree. For example, my girlfriend is now pursuing a PhD, but it was never her intention. She just didn't get a job.

(Interviewee No. 2072002)

No one told us they didn't want migrant workers

I am a marketing specialist. When I first arrived in Australia, I attended some workshops on employability. They taught us how to prepare CVs in the Australian way and what to do at job interviews. But no one told us that Australian employers didn't want us, temporary visa holders!

In the first couple of months of my arrival, I applied for over 80 positions. I received four interview invitations: two from the aged care sector and two from the wholesale sector. I believe these are the industries that are more familiar with and open to migrant workers. Still, when they learned that I didn't have permanent residency, I could see their facial expression change.

At the moment, I am between jobs. This time, I sent out 12 applications and received eight interview invitations. I think the difference comes from the fact this time I am answering "Yes" to the permanent residency question in the job application form.

(Interviewee No. 2080101)

Migrant workers from English-speaking countries are not saved from discriminatory job market barriers, either. Our research participants who came from the UK and the USA acknowledged that they had a relatively easy pass to the interview stage, but they were eventually held back by their temporary visas.

Employers' concern with migrant workers' temporary status, which is well captured in the quote "You are here today, but no one knows where you'll be tomorrow" (Interviewee No. 2102201), may be exaggerated. In today's complex and competitive economy, a permanent position on paper is hardly a permanent position in reality. Workers change jobs all the time to get better pay and conditions, to adjust work to their personal circumstances, and to adapt to the evolving industry needs.

Australian and migrant alike, no one knows tomorrow

I am an engineer with three years of work experience in my homeland. I got an Advanced Diploma in engineering in Australia. Australian education didn't give me opportunities to work in Australia. They have problems with my lack of local experience and my Bridging visa. They would ask for my visa type, and I answer "Bridging visa". They don't know what it is, and I explain. Then they'd say "You are here today, but no one knows where you'll be tomorrow". I wonder if they knew where their Australian workers would be tomorrow.

So, I work as a waiter or a cleaner. In my first job as a restaurant bus boy, I was paid \$12 per hour in cash. I knew I was being underpaid but didn't know what to do about it when I had no other jobs.

(Interviewee No. 2102201)

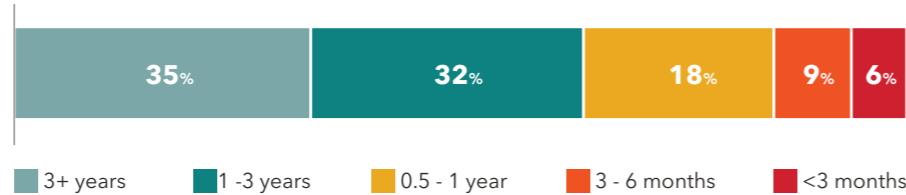
***"You are here today,
but no one knows where
you'll be tomorrow"***

(Interviewee No. 2102201)



3.4. Dual market by design

Figure 18. Time worked in current main source of income



Discriminated by colleagues and customers alike

I have five years' experience in marketing from my homeland and a Master's degree in Australia. I live in regional Australia because I am pursuing the Regional pathway for permanent residency.

It was so difficult to get any job here, let alone a job in my field. I realised I needed to have a network with Australians to get a job. People here would rather hire someone in their league because they are not very open to foreigners. So, I started volunteering and got helped with my first job in my field.

Before I got this job, I worked at a hotel. I remember every single day someone would ask me: "Why are you here?". The question was not "Where are you from?". It was as if they wanted to tell me "You don't belong here". I was the first and only foreigner they hired in their 30 years of business. I was also the last so far.

(Interviewee No. 2081301)

Permanent residency is not a legal requirement for employment, but businesses tend to equate it to work rights. Unfortunately, discrimination based on one's visa type is not considered unlawful in Australia because migration status is not a protected quality, unlike personal characteristics, such as age, sex, marital status or race. The Australian Human Rights Commission merely advises businesses to advertise jobs to "a greater diversity of applicants".¹³ Our research participants expressed

frustration because there is nothing they could do when businesses don't treat them fairly.

Restricting migrant workers' access to the job market might look like a measure to protect workers who do have local qualifications and local experience, but it is far from the truth. According to a recent study, 23% of migrant workers continue to have problems getting a job they were trained for even after acquiring permanent residency, which could have cost \$1.25 billion in foregone wages between 2013 and 2018.¹⁴

The Australian Bureau of Statistics runs an annual survey on Participation, Job Search and Mobility (PJSM) to understand the trend. According to their most recent survey result, over half of workers (55%) have been employed in their current job for less than five years, and as many as one in five workers (21%) have taken on their current job less than a year before.¹²

Our survey posed a similar question to migrant workers. As much as 33% of the survey participants had taken on the job that was their current main source of income less than a year before. The rate was much higher for migrant workers than that reported by the Australian Bureau of Statistics on the general population (21%) because the majority of migrant workers do not enjoy job security as much as citizens and permanent residents do.

What is more important to note is that over a third of the survey participants (35%) worked in the current job for over three years. Our interviewees told us they prefer to have job security and build networks and reputation as a reliable worker when they were given an opportunity.

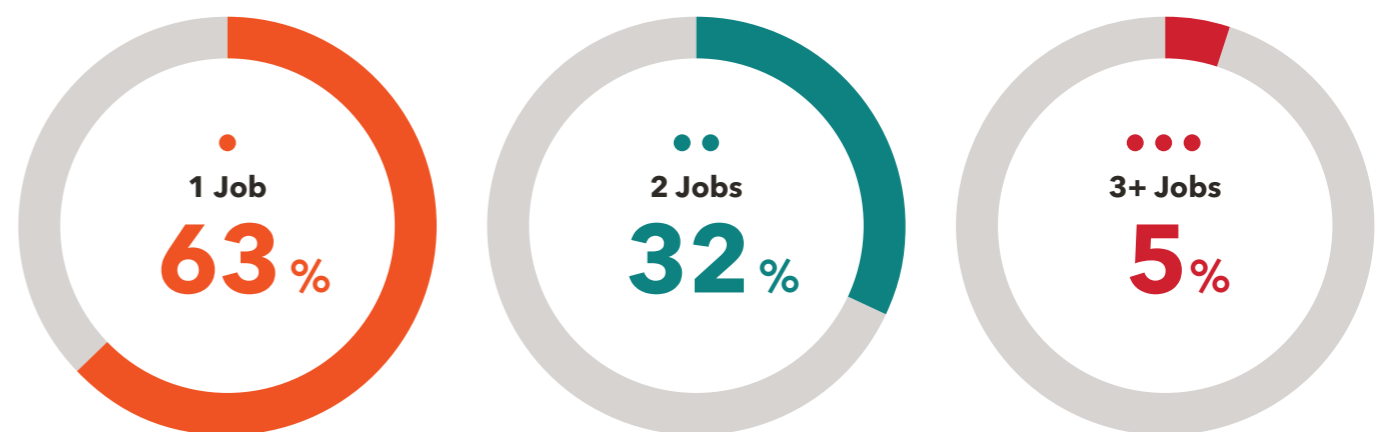
Many migrant workers get caught in the circular logic between jobs and visas: You need a permanent visa to get a decent job, and you need a decent job from which to earn migration points to get a permanent visa.

From migrant workers' perspective, the Australian job market is almost divided into two—one for citizens and permanent residents and another for migrant workers on temporary visas. Some industries are extremely hard for migrant workers to get into unless they have permanent residency. On the other hand, other industries are relatively open to migrant workers. Community service, aged care, cooking, and hair dressing are some of the examples. For example, 37% of

aged and disability carers and 50% of personal care assistants are overseas-born workers in Australia today.¹⁵ The literature concurs on the point that some jobs, particularly exploitative and insecure jobs, are readily available to migrant workers whereas decent jobs are inaccessible to migrant workers on temporary visas.¹⁶

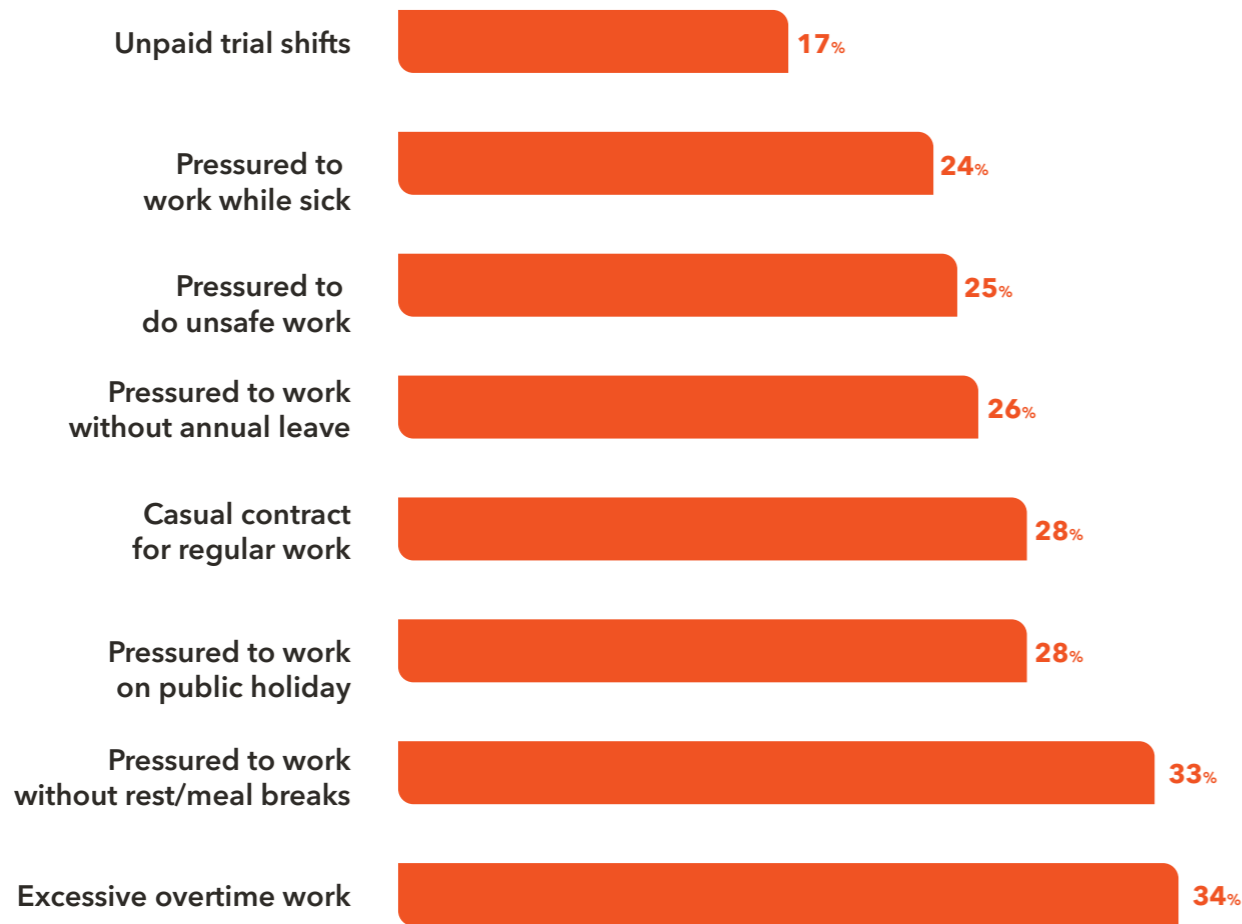
Our survey results suggest that Australia has a dual economy where Australian-born workers enjoy better workplace rights protection and migrant workers suffer from job insecurity, labour exploitation, and wage theft. For example, 37% of our survey participants worked on multiple jobs, while only half the rate of workers in the general public (16.6%) holds multiple jobs.¹⁷

Figure 19. Number of jobs taken concurrently (average in past 12 months)



On top of job insecurity, migrant workers also suffer from labour exploitation. Insecure jobs tend to demand more work for less reward. Businesses have no incentive to provide good working conditions to migrant workers because they know it is difficult for them to quit and switch to another job.

Figure 20. Experience of labour exploitation (multiple answers)



Australian laws of labour distribution

I'm a chartered chemist and have 20 years of experience. My husband is a chartered accountant and has 25 years of experience. We came to Australia seeking asylum. When we applied for jobs here, the first thing they wanted to see was if we had permanent residency and a driver's licence. We have work rights, but we are staying on a Bridging visa until our protection claims are processed. We don't know when we will get permanent residency.

I applied for over 200 positions in the first year. No one was willing to give us a chance. So, we did some magazine and newspaper delivery. Finally,

I got a lab technician role. The workplace was far from my house, and I had to travel an hour and a half each way. I was still happy because I was finally getting a start on my Australian career.

My husband was not as fortunate as I was in finding a job in his field as an accountant. So he worked at a small currency exchange shop. Then he completed Certificate III in Aged Care. He's now working in aged care.

(Interviewee No. 2072402)

Industrial glass walls made of visas

My wife is an accountant and used to work in the banking industry when we were in our homeland. She's now pursuing a Master's degree in accounting in Australia. Every time she applies for a job, they ask for Australian citizenship or permanent residency.

Once she lied on her application and said she was a permanent resident just to see what would happen. That was the only time she was invited to an interview. She's now working part-time in aged care.

I also have a Master's degree from overseas and work full-time in aged care. We cannot get jobs in our own industries, but people here still think we have stolen their jobs.

They also think migrant workers are all refugees and cannot speak English. Their stereotype affects my job. My boss assumes I will have trouble understanding English and assigns an Australian co-worker to supervise me. It makes me feel bad. I complained, in English of course, but nothing changes.

(Interviewee No. 2082901)

English name to access the job market

After completing my Master's degree in Australia, I sent out more than 50 job applications to my industry and beyond. I got no responses and was out of work for eight months despite having full work rights on my Graduate visa.

Then I changed my name to a random English name and started getting interview opportunities. At one place, they just assumed I had permanent residency and didn't ask about my visa type. Thanks to their oversight, I finally got a job relevant to my degree and was able to start my career.

(Interviewee No. 2072101)

As much as 58% of the survey participants reported to have experienced wage theft in Australia, and only one in four of them (26%) was able to recover any wages. One of the research participants speculated if Australia had a report on how much everyone was paid by ethnicity and visa status, it would expose how much the country undervalues migrant workers.

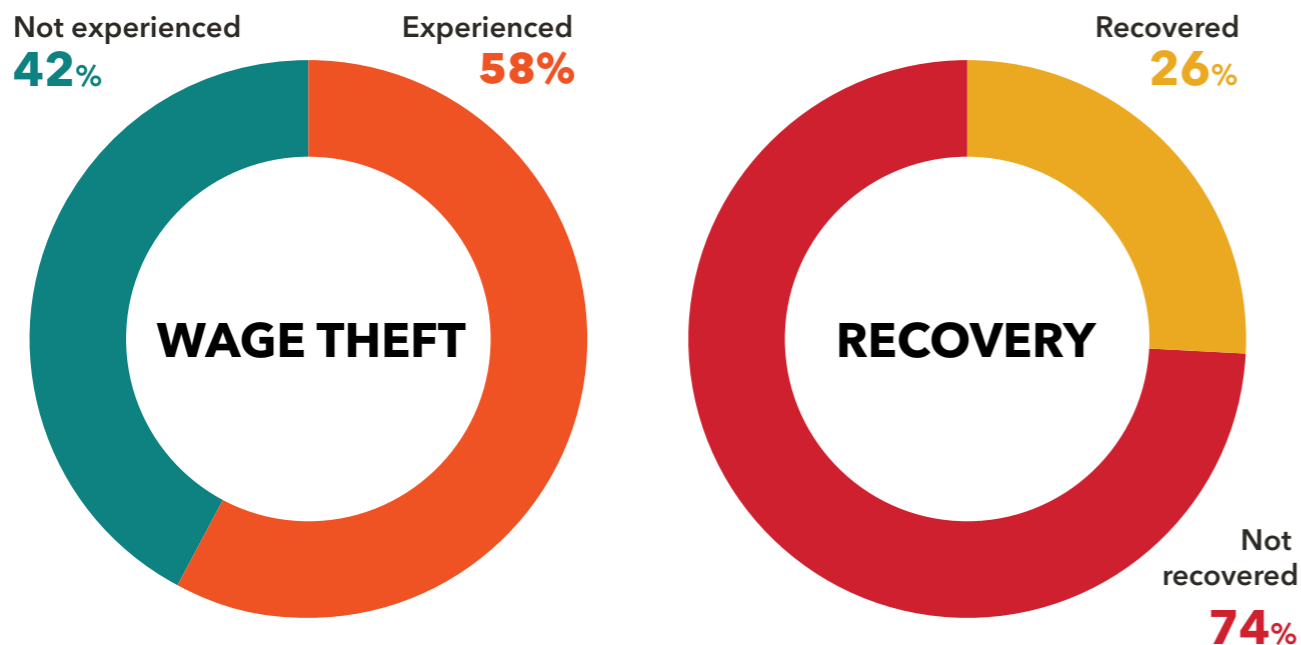
Student visa? Perfect!

I pursued a Master's degree in Australia. It wasn't easy to get a job as a Student visa holder. I wanted to work on campus as a teaching assistant, but professors would turn me away. They said, "I'd like to work with you, but your visa is a problem. It's hard to manage employees on Student visas because they cannot do overtime". It didn't make much sense because teaching assistants are part-time positions that hardly exceed the number of hours Student visa holders can work.

So, I got a casual job at a call centre. When they interviewed me, I told them I had a Student visa. To my surprise, they said, "Perfect". I thought, "Lucky me!", but as a matter of fact, it was a red flag. More than half of the staff were migrant workers, and what we were ordered to do was borderline fraudulent.

(Interviewee No. 2090101)

Figure 21. Experience of wage theft and recovery



Migrant workers have varying attitudes toward labour exploitation and wage theft. Some are fully aware of what is going on when they are taken advantage of but choose not to do anything about it because they believe Australia treats migrant workers as second-class everywhere they go. Others have little idea what their rights are or where they can go to get help.

Our survey tested migrant workers' familiarity with basic industrial terminology. We asked if they heard of any of the following five terms:

- Enterprise bargaining agreement
- Industry award
- Penalty rate
- Redundancy pay
- Workers compensation

None of the test terms were known to a majority of the survey participants, although 'penalty rate' and 'workers compensation' were slightly more well known

than the others. The percentage of participants who didn't recognise any of the test terms (26%) was bigger than that of those who recognised all of them (16%). This is an interesting finding, given that a great majority of our survey participants were highly educated and had good English.

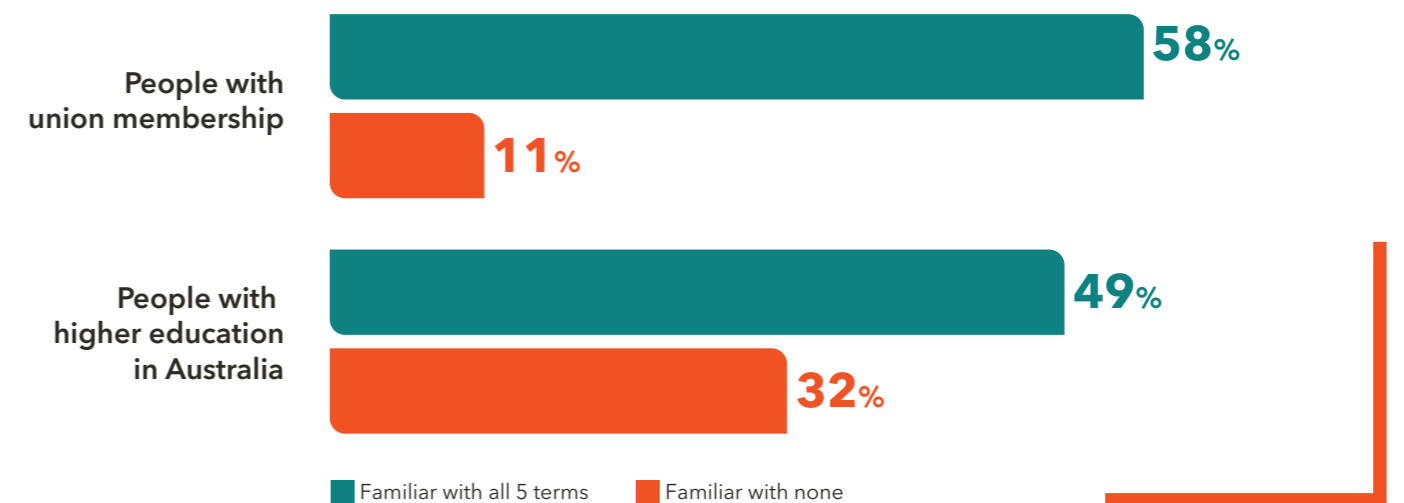
Both overseas and Australian education had little correlation with migrant workers' familiarity with the industrial terms. It is understandable that overseas education didn't influence the test result because it is not designed to help them prepare for life in Australia. However, it is disappointing that Australian education did not provide any opportunity for international students to learn the basic terms used in Australian workplaces.

The impact of Australian education at the level of Bachelor's degree or higher showed some interesting correlation with the survey participants' familiarity with the test terms. In this group, the percentage

of people who recognised all five test terms rose to 49%, but the percentage of people who didn't recognise any of the test terms also rose to 32%. The results could mean that the survey participants' level of industrial knowledge has little to do with their Australian higher education but more with their industries and working environment. Further study on a bigger sample could provide more insights.

On the other hand, there was a clear correlation between people's union membership and their level of industrial knowledge. Among the survey participants who had union membership, the percentage of those familiar with all five test terms rose up to 58%, while that of those recognising none of the test terms decreased to 11%. The results suggest that becoming a member of union provides significantly more opportunities for migrant workers to be exposed to information about Australian industrial relations and learn their workplace rights.

Figure 22. Impact of unions and Australian education on industrial knowledge dissemination



4. SURVIVING AT WORK

In the previous chapter, we discussed that entering the Australian job market is full of hurdles for migrant workers. You need to secure a visa with work rights and overcome the discouragement toward and discrimination against migrant workers on temporary visas and those from non-English speaking countries. It is especially difficult to get a job when you try to build a career of your choice in the industry for which you were trained or have experience from overseas.

Even after you find a job, the hurdles continue. Our survey respondents complained that Australian workplaces often could be like a minefield to them, full of workplace health and safety hazards. When it comes to workplace safety, our survey participants were largely divided into three groups. The first group reported that they have rarely (34%) or never (18%) felt unsafe at work. For one fifth of the participants (18%), on the other hand, workplace safety was

a luxury as they "always feel unsafe at work". The remainder (30%) reported that they have often felt unsafe on a weekly to a monthly basis.

Figure 23. Frequency feeling unsafe at work

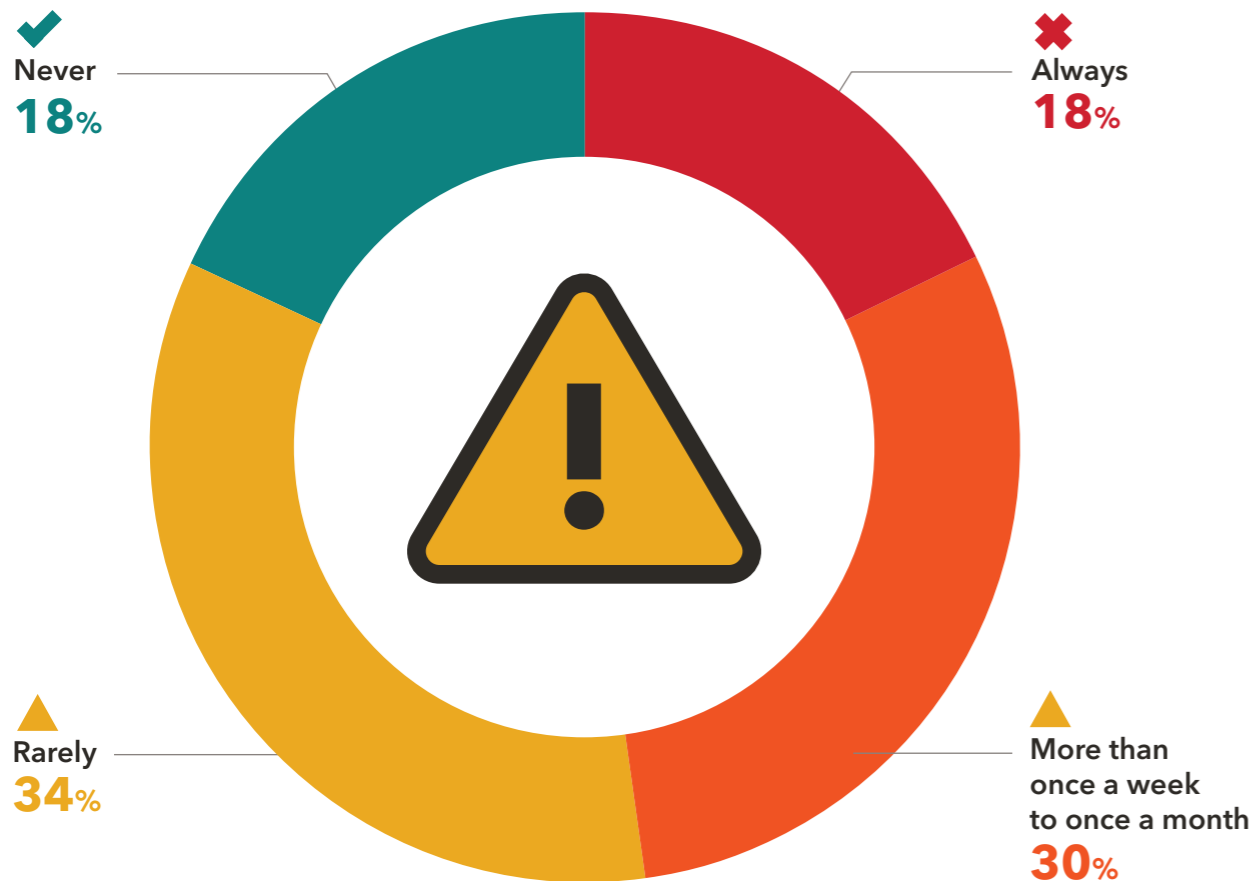
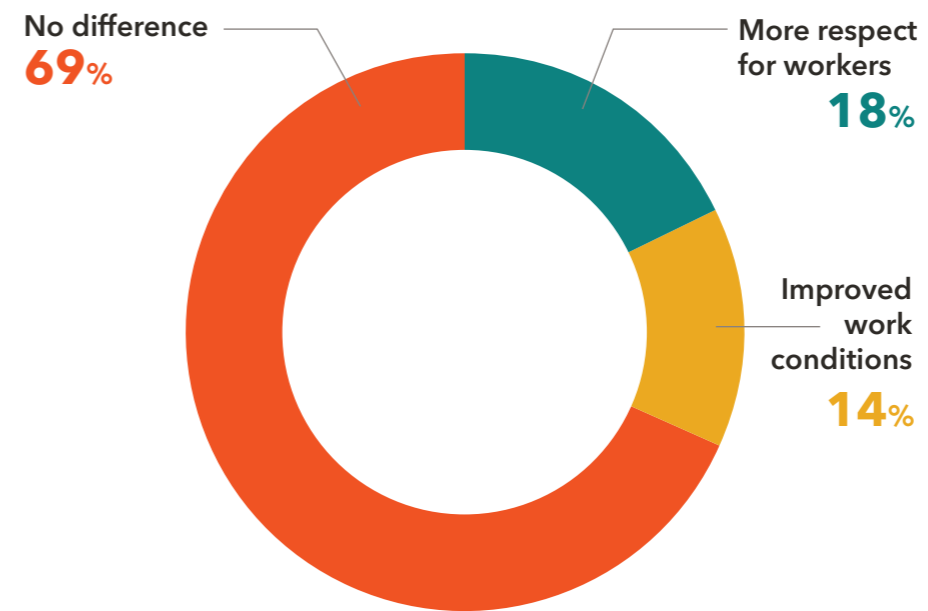


Figure 24. Perceived impact of labour shortage on working conditions



Despite all the political discourse about the importance of migrant workers, little has changed for the benefit of migrant workers since the pandemic. Migrant workers would tell the Migrant Workers Centre that they didn't feel any better appreciation of their work or any improvement in their working conditions. For the majority, labour exploitation and discrimination continued as before. Indeed, 69% of our survey participants report to have not experienced any difference at work.

4.1. Temporary status as hazard

To understand the nature of safety hazards migrant workers experience at work, we compared the three groups of survey participants—those feeling mostly safe at work (52%), those often feeling unsafe at work (30%), and those feeling always unsafe at work (18%)—and analysed how they were different from one another and what factors were associated with their differences.

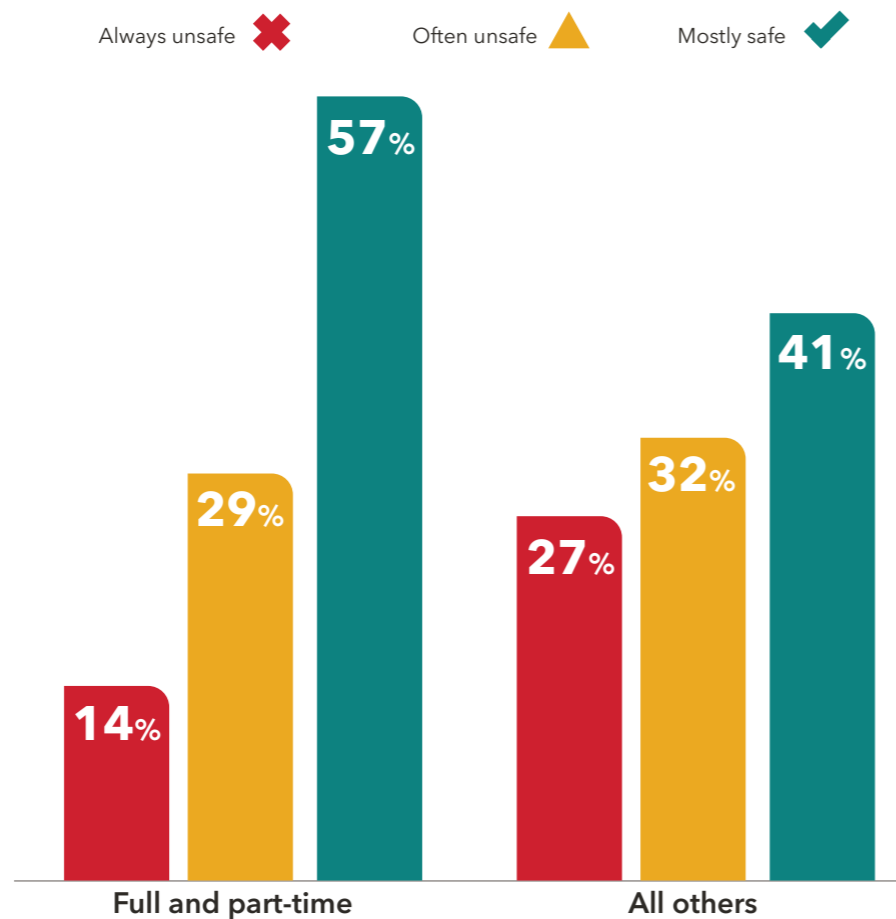
Some variables show little to no association with migrant workers' concerns over workplace safety. For example, there is no clear industrial affiliation among workers who report to feel more unsafe or those who report to feel more safe. Accommodation and Food Services; Education and Training; Health Care and Social Assistance; and Information, Media and Telecommunications are most represented industries in the two groups of workers who report to often or always feel unsafe, but our sample size is not big enough to conclude that these industries are more dangerous than others. Neither primary language nor educational attainment matter in terms of perceived workplace safety hazards. A more in-depth, sector-specific or occupation-specific, investigation would help understand the relationship between industries and workplace safety.

And yet, two variables display clear correlations with the level of workplace safety concerns reported by our survey participants: job security and permanent residency.

The more one feels unsafe at work, the more likely the person struggles with insecure jobs. More than half of full-time and part-time workers (57%) who worked on a regular pattern reported to feel mostly safe at work. On the other hand, almost the same percentage of workers in insecure jobs (59%) felt either always or often unsafe at work. These workers in insecure jobs include casual employees and contractors. Casual employees do not have regular work hours and are not entitled

to sick leave or annual leave to recharge. Independent contractors may look as if they operate their own business under their own Australian Business Numbers (ABN). In reality, they work in employment-like conditions but enjoy no protection of workplace rights. As much as 54% of the contractors who answered our survey had been instructed by their boss or labour hire provider to get an ABN, and 28% were working on jobs they got from online platforms such as Uber and Airtasker.

Figure 25. Workplace safety and job security



"Casual" migrants

For me, it wasn't difficult to find work in Australia. I started working in my field as soon as I arrived. It could have been the case because I am a Caucasian woman from England. However, they refused to count my work experience from England because the employer wanted to utilise my skills in the cheapest way possible.

My Australian colleagues and I did the same work, but they were classified as consultants when I was called a coordinator. They were full-time employees when I was a casual employee working

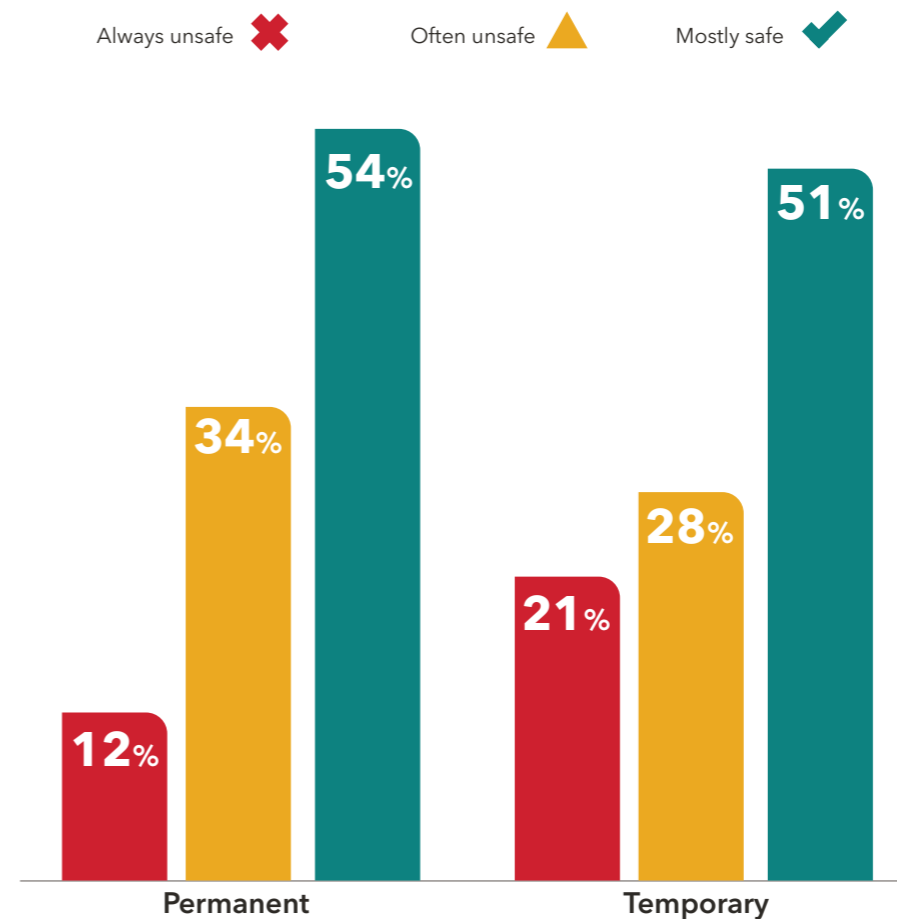
full time. I was paid casual loading, but my pay was still less than what my colleagues received for the same work.

I was first hired through a labour hire company. They promised to directly employ me as a permanent employee in ten weeks, but it took them two years before I was directly employed.

Still, I was on a three-month casual contract. They used my temporary visa as an excuse and renewed the contract again and again until I quit three years later.

(Interviewee No. 2082601)

Figure 26. Workplace safety and visa



Our survey participants' current migration status also mattered. It displayed strong association with the participants' overall perception of workplace safety hazards. Those who reported to always feel unsafe at work had more insecure migration statuses than their counterparts in general. More workers were on temporary visas in the group of workers who always felt unsafe at work than in the other two groups.

In the previous chapter we have established the relationship between job insecurity and temporary migration status. Our data shows that job insecurity and temporary migration status are strongly associated with migrant workers' perception of workplace health and safety risk. It is no surprise that migrant workers on temporary visas are more likely to have insecure jobs and feel unsafe at work in this dual market by visa status.



Work can hurt when you are on a temporary visa

I came to Australia on a Student visa. When I finished my degree, I found a job with visa sponsorship. I felt so lucky, but it turns out I was not after all. My boss would make me stay late alone with him or ask me to accompany him on overnight business trips. When I made excuses to refuse him, he would casually remind me of my visa sponsorship or threaten me that I might lose the job.

According to the visa regulations, I become eligible for transition to permanent residency when I have worked for the sponsoring employer for over three years and the employer agrees to continue sponsoring me for a permanent visa. So, I ended up working in the unsafe work environment for four years. After filing for my permanent visa application, my boss took a further step and started touching me. I was so scared. I went to police, but there was nothing to be done as I had no evidence or witness. And I didn't want to lose his visa sponsorship, either, when my permanent residency seemed to be just around the corner.

One morning, he fired me by a text message. He came to my house and made a scene, yelling at me that I was not cooperative. I talked to a lawyer because I was about to lose both my job and years of efforts toward settlement in Australia.

My lawyer negotiated with the boss and made him sign a deed stating that he would keep me on the book for five more months so that I could get my permanent visa in exchange for my silence about his sexual harassment. However, visa processing was delayed during the pandemic, and the boss reported my termination to the Government 5 months later.

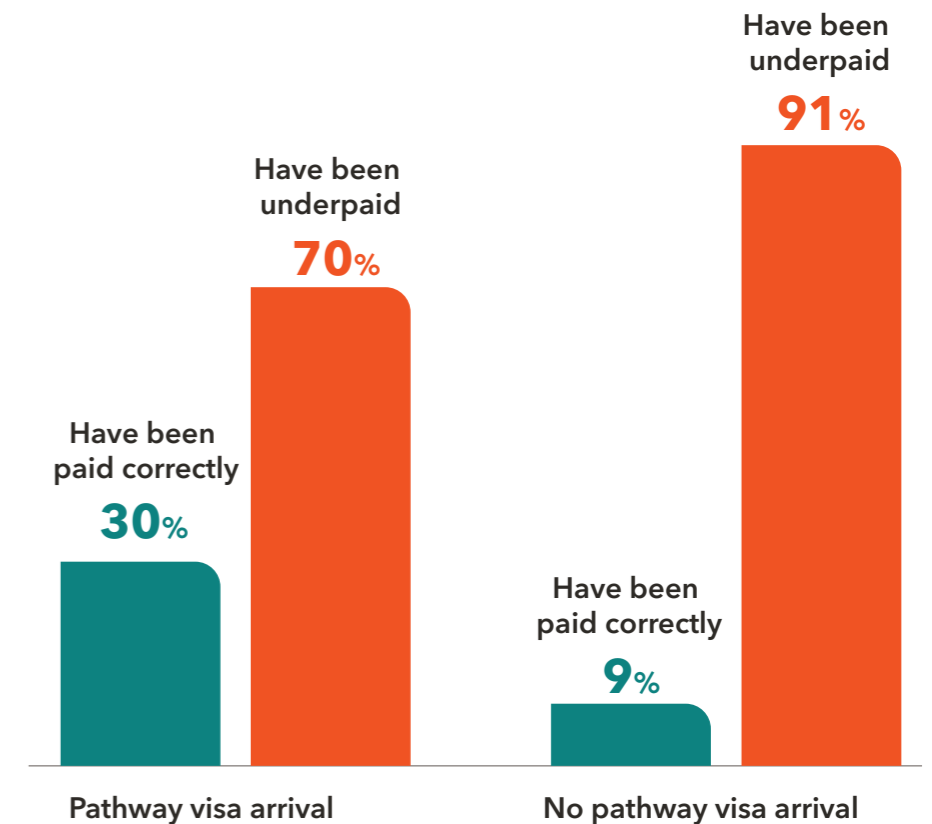
My temporary visa was cancelled, and the permanent visa application was rejected. I am in the process of appealing the decision.

(Interviewee No. 2072901)

The story does not end here because job insecurity and temporary migration status also affect wages. More importantly, we found correlation between our research participants' experience of wage theft and the level they feel unsafe at work.

In our previous study *Lives in Limbo* (2021), our analysis revealed that there was a strong statistical correlation between migrant workers' wage theft experience and the type of visa they had when they first arrived in Australia.¹⁸ Arrival visas that do not lead to a pathway to permanent residency such as a Student visa or a Working Holiday visa are more likely to lead migrant workers to exploitative and underpaying work.

Figure 27. Wage theft and arrival visa type



MWC. 2021. *Lives in Limbo: The Experiences of Migrant Workers Navigating Australia's Unsettling Migration System.*

“According to the visa regulations, I become eligible for transition to permanent residency when I have worked for the sponsoring employer for over three years and the employer agrees to continue sponsoring me for a permanent visa. So, I ended up working in the unsafe work environment for four years.”

(Interviewee No. 2072901)

On the other hand, as shown in Figure 28, the more our research participants felt unsafe at work, the higher rate of wage theft experience they reported. Almost three in every four workers (73%) among those who always feel unsafe at work had experienced wage theft in Australia, whereas one in two workers (50%) among those who felt safe most of the times had.

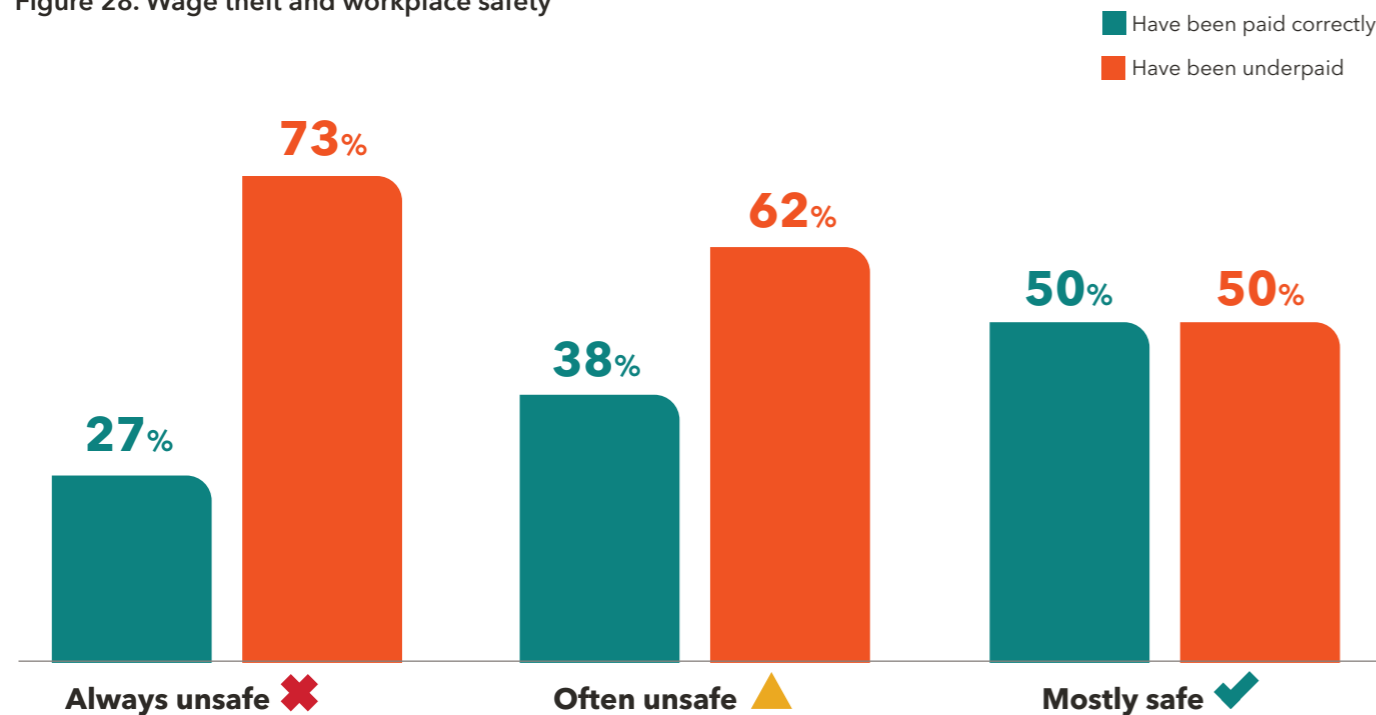
Wage theft was a widely shared experience among our research participants, and those who had more safety concerns at work showed a higher chance of having experienced wage theft. It does not necessarily suggest that wage theft is more likely to take place in unsafe working

environment because our research participants reported their experience of wage theft throughout their time in Australia. Rather, the result should be interpreted to mean that migrant workers who have experienced wage theft are more likely to take an unsafe working environment as a norm in Australia and continue working in safety risks.

There are many important policy implications here. First, we need a system in which wage theft regulators and workplace safety regulators put their heads together to eradicate labour exploitation and workplace safety hazards. Second, the Government should acknowledge that temporary migration programs can breed

wage theft and occupational health and safety risks and investigate ways to give migrant workers better protection of workplace rights such as eliminating visa conditions that restrict their capacity to work and disadvantage them against other workers or replacing employer sponsorship with industrial sponsorship.¹⁹

Figure 28. Wage theft and workplace safety



Non-Australian pay for non-Australian degrees

I have a full-time job I like, but I experience discrimination at work. As a team lead, I have more responsibilities than my teammates, but I'm paid way less than them.

The reason is very simple: it's because my qualifications are not from Australia. My boss said: "You don't have Australian qualifications, and we can't pay you as an Australian".

When the pandemic hit, he said he could no longer keep me because he couldn't get my JobKeeper payment (a federal subsidy paid during the pandemic to the employer of a worker with Australian citizenship or permanent residency).

He told me to get an ABN and become an independent contractor if I wanted to continue working there at least a couple of hours a day.

(Interviewee No. 2072601)

Non-Australian conditions for non-Australian workers

I got a Master's degree in Australia but haven't found a job in the industry of my training. Instead, I picked up all kinds of jobs: I worked at construction sites, attended fish stores, and delivered food.

Migrant workers hardly get a fair pay in Australia because bosses think it's okay to treat temporary visa holders differently from Australian workers. It's unfair.

And racism is everywhere! At a construction site, for example, they didn't allow me to park at the on-site parking lot where all my Australian colleagues parked their cars for free. I had to travel farther to park.

And I was paid only \$12 per hour, and my friend was not even paid at all. When he tried to get his payment, the boss didn't even wink and said that no one would care because he wasn't Australian!

(Interviewee No. 2091601)

Temporary visas facilitating labour exploitation

I studied accounting in Australia. After graduation, I got a provisional regional visa and found a job in my industry, too. But my boss took advantage of my migration status and underpaid me.

To apply for jobs in Australia, you need to disclose what visa you have. The boss understood that I had to stay in the area at least two years to meet my regional visa requirements and apply for permanent residency. There were not many accounting job opportunities in the area, and my boss knew it very well.

He forced me to open an ABN and work for him as a contractor even though I was clearly his employee with regular hours of work. He didn't have to pay me superannuation, penalty rates, nor overtime because technically I was not his employee.

Besides, he took 10% off my pay to claim GST on my behalf. I had to stay on standby 24/7 for him, and I wasn't even covered by Workers Compensation insurance. My visa exposed me to exploitation and workplace safety risks.

(Interviewee No. 2072701)

4.2. Discrimination as hazard

What makes workers feel unsafe at work? Workplace safety hazards can be either physical, biological, or psychosocial. Workers may feel unsafe from physical hazards such as sharp equipment or dangerous machinery, rough or slippery floors, and exposure to chemicals, asbestos or silicosis. Such safety hazards can also arise from exploitative working conditions that allow no break time, demand extensive overtime work, or involve extremely dangerous or stressful tasks. Exposure to bacteria or viruses such as COVID-19 at work can be a cause of biological workplace hazards.

While risks to exposure to the aforementioned hazards may vary by workplace, psychosocial hazards exist across all industries. Every job involves human interactions, and migrant workers report various psychosocial hazards, ranging from bullying by supervisors or co-workers, violent or aggressive behaviour of clients or customers, to sexual harassment or assaults.

A significant number of our survey participants reported that they experienced safety hazards arising from abusive working environment.

Discrimination, bullying, and verbal abuse were the most common forms of abuse workers experienced. Participants who reported to always feel unsafe experienced discrimination, bullying, and verbal abuse at significantly higher rates. More than half of the participants (54%) have experienced discrimination at work, and more than a third of the participants report bullying (38%) and verbal abuse (37%).

Expectedly, the group of workers who always felt unsafe at work recorded a higher rate of experience for all forms of workplace abuse. Discrimination recorded at an alarmingly high rate of 72%. More than half have experienced bullying (55%) and verbal abuse (54%). Discrimination was found to affect as much as 54% of the entire research participant population. Even those who reported to feel mostly safe at work experienced discrimination at a rate of 41%.

Discriminatory behaviours may include favouritism toward a specific group as well as unfairly adverse treatment of another. They make you feel powerless, intimidated, offended, and/or humiliated. Discrimination can be exercised in the forms of verbal, nonverbal, and environmental aspects of everyday interaction. It can be so subtle and complex that it is often difficult for recipients to determine whether or not a behaviour is indeed discriminatory. The subtlety and complexity of discriminatory behaviours often make the victim wonder whether they are overly sensitive and discourage them from taking actions.

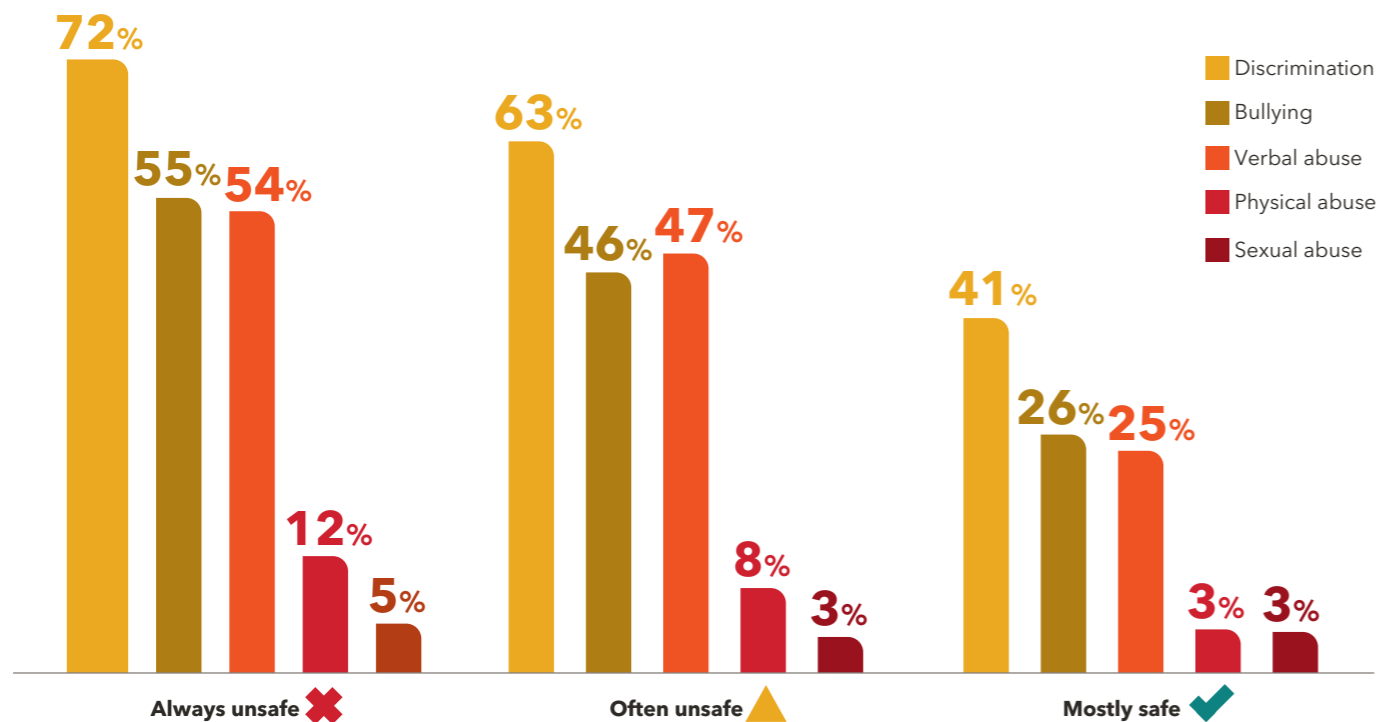
Bullying is more explicit and includes verbal, physical, social or psychological abuse. Workplace bullying can include unreasonable criticism about the way you work, withholding information and disproportionately assigning tasks less desirable. Bullying is considered discrimination when someone treats you badly or unfairly because of your personal characteristics such as age, gender, race, or religion.

While bullying and verbal abuse are not the same, they are inseparable because common forms of bullying are verbal abuse, including abusive or offensive comments, insults, sarcasm, or intimidation. Bullying can take place in a form that is not necessarily verbal abuse when the offender repeatedly criticises the victim's work in condescending words or makes comments that are strategically chosen with the intention to discredit the victim's integrity or credibility.

"Australians have communities to back them up and resources to tap into at times of trouble. I have neither."

(Interviewee No. 2091901)

Figure 29. Experience of abuse at work (multiple answers)



"Black b***h"

I work at a warehouse. I have both qualifications and experience from Australia, and I work hard. Somehow, it's not enough. They always promote others – who are white – over me. When I complain, they give me lame excuses such as "Oh, I'm not the one who makes decisions here".

I also experience bullying at work because of my race. For example, I once heard my manager calling me "black b***h". I reported it to the HR, but their investigation went nowhere.

Australians have communities to back them up and resources to tap into at times of trouble. I have neither. So, they demoted me from a full-time supervisor to a casual employee level 1. I have no energy to fight back.

(Interviewee No. 2091901)

Our research participants told us that they felt discriminated at work when they were assigned tasks inappropriate to their competency. Unfortunately, such a practice is a reality too common for many migrant workers. Australian workplaces do not fully acknowledge and utilise the skills migrant workers bring to work. This is consistent with our finding on the hurdles to the job market access we discussed in Chapter 3 about the way migrant workers' skills were discounted in the job market.

As if English were their only weapon...

I have a Master's degree from one of the most prestigious Australian universities. I work in the not-for-profit sector, which is a very white-dominant sector. It's not so open to diversity unlike what they claim.

People at my previous workplace would often complain they had trouble understanding my English. They also seemed annoyed when I tried making contributions to team meetings and such.

When there was something misspelled or grammatically incorrect on documents, they automatically assumed it was my writing. One of them would come to me to correct it, and each time I had to tell them it was actually the work of so and so who is a native speaker of English. They'd still make it an opportunity to teach me a lesson. "Well, you should know this is not how we write in English. I know it's hard for you to learn the language".

Now that I have moved to another workplace in a senior role, there's no one complaining about my English. My English is the same, and everyone understands me perfectly.

(Interviewee No. 2072101)

Got skills? You can assist Australians

I have a Bachelor's degree in engineering from my homeland and worked in Qatar as a migrant worker on a temporary visa for seven years. My migration agent advised me to get a Regional visa and go to Australia for a more secure future. I came to Australia, believing that I would be able to get permanent residency here unlike in Qatar.

Once I arrived in Australia, no one would give me a job. I ended up taking a position of draftperson – someone who prepares drawings and supports engineers – although I was already registered as an engineer in Australia.

At work, there are four engineers and three draftpersons. The draftpersons are all migrant workers, whereas the engineers are all Australian-born citizens. Two of the engineers are students with no experience who are yet to finish their degree. I have seven years of professional experience as an engineer and am working on my Master's degree in Australia, but I am ordered to work under their instructions.

I am the only woman in the workplace, and I wonder that's why I am the only one not assigned any proper tasks. I ask for on-site tasks, but they only take the other male draftpersons out.

When I worked in Qatar, which is a Muslim country, I never experienced discrimination at work based on my gender. I could go everywhere and do everything I was qualified for. In my experience so far, Qatar is better than Australia for women migrant workers. That's why I have decided to go back to Qatar.

(Interviewee No. 2100801)

Another form of discrimination is to hire migrant workers in a more insecure pattern than locally-born workers. Forcing workers to pretend to be an independent contractor or sign a casual contract and demanding them to work under instructions the same way full-time employees do is commonplace.

"It turns out they heavily rely on people like me on temporary visas. Only citizens and permanent residents enjoy job security here. We holding temporary visas are all casual employees although we work full time."

(Interviewee No. 2092001)

"Consider quitting if you don't like it"

I got a Master's degree in Australia and succeeded in entering my industry. But I am only on a short-term contract. My current job was originally advertised as an ongoing position. When I was interviewed, I told the employer that I had a Graduate visa. They said "Oh, we are not looking for someone on that visa". Later, they offered me a casual position for the same work. It turns out they heavily rely on people like me on temporary visas. Only citizens and permanent residents enjoy job security here. We holding temporary visas are all casual employees although we work full time.

When our contracts expire, they offer another short-term one to sign. I hear the employer hasn't sponsored anyone for permanent residency in the last 10 years. This is because they prefer

young casual workers who cannot speak up. For example, I never ask for overtime pay even though I do heaps of extra hours. The employer gets free labour by keeping workers insecure. And they can always tap into newly graduating international students.

When I complained about the stress about my job insecurity and migration status, they referred me to the employee assistance program. And the counsellor suggested I quit! At work, they organised an event called 'Multicultural Meeting with Staff'. I brought my concerns and the counsellor's advice about quitting to the CEO's attention. The CEO immediately ordered my manager to come up with a solution, but I haven't heard back anything.

(Interviewee No. 2092001)

Lastly, many of our research participants expressed frustration because they are held back from promotion or career development opportunities. Studies suggest that such discriminatory obstacle to career advancement and professional recognition can not only affect physical and psychological wellbeing of workers but also hamper the quality of work they perform.²⁰ The fact that they hold a temporary visa often provides a ground for discriminatory treatment, both structurally and non-structurally.

Promotion is only for Australians

I got my education here in Australia and became a registered nurse. I work at an emergency unit, and I am frustrated to see colleagues who are juniors to me and less experienced going ahead of me only because they are Australian citizens and permanent residents.

You can upgrade your skills doing a graduate certificate or a Master's degree and get senior positions like team leading. I am not allowed to do such courses because I'm on a temporary visa.

I am willing to pay the international fee. I contacted universities, but they said "Sorry, only citizens and permanent residents can enrol". I work hard. I look after Australians. But it's just give and give, not give and take.

(Interviewee No. 2080901)

Not Australian? Not good enough

I am a school teacher. I have a Bachelor's degree from my homeland and completed a Master's in education in Australia. I have a great passion for teaching and work well with students. But I am discriminated at work. They always try to take advantage of me.

Recently, there was a senior position opening. Three teachers including me applied for the job. I was the only one who went beyond meeting the requirements, but someone else who's Australian got the job. When I asked for feedback, they just verbally made a vague excuse, saying I was not good enough.

I was demotivated and thought I should say less and do less from now on. Then we learned I had won an award from a big regional event that I had participated with my students, and the state director called my school to congratulate me. I believe my employer felt embarrassed. They opened another senior position and offered it to me. I said no and quit.

(Interviewee No. 2072501)

The literature on discrimination finds that migrant workers have a high score on perceived discrimination and that people from non-English speaking backgrounds experience higher rates of discrimination.²¹ Our data supported the fact that discrimination is prevalent at workplaces where our survey participants worked but we couldn't show that their primary language mattered. It could be either because discrimination against migrant workers is getting more prevalent in workplaces or because many of those who indicated English as their primary language in our survey were not native speakers of English as we have pointed out in Chapter 2.

When migrant workers experience discrimination, it hurts not only the migrant workers but society more broadly. It is without question that workers who experience discriminatory behaviours may result in poor mental health.²² In addition, studies find that workplace discrimination leads to high turnover and training costs.²³

Only a wealthy few benefit from growing a job market where job insecurity, labour exploitation, and wage theft are business as usual. For the rest of us, no matter where we come from, no one is forever safe in a society where bad working conditions and workplace rights violations are normalised. Australia loses when it discriminates against migrant workers.

A recent study confirms that recent flows of migrant workers have had a positive effect on local workers' job market participation and wages.²⁴ Australia must understand that what distinguishes migrant workers from the rest of Australian people is nothing but the expiration date on their temporary visa.

"...no matter where we come from, no one is forever safe in a society where bad working conditions and workplace rights violations are normalised."

5. CONCLUSION

We have reviewed in this report some of the major issues migrant workers experience when they try entering the job market and as they build their career in Australian workplaces. Our findings clearly point us to the conclusion that Australia's migration policy creates a dual market in which migrant workers are driven towards certain industries and especially to exploitative and insecure jobs and creates workplace health and safety issues.

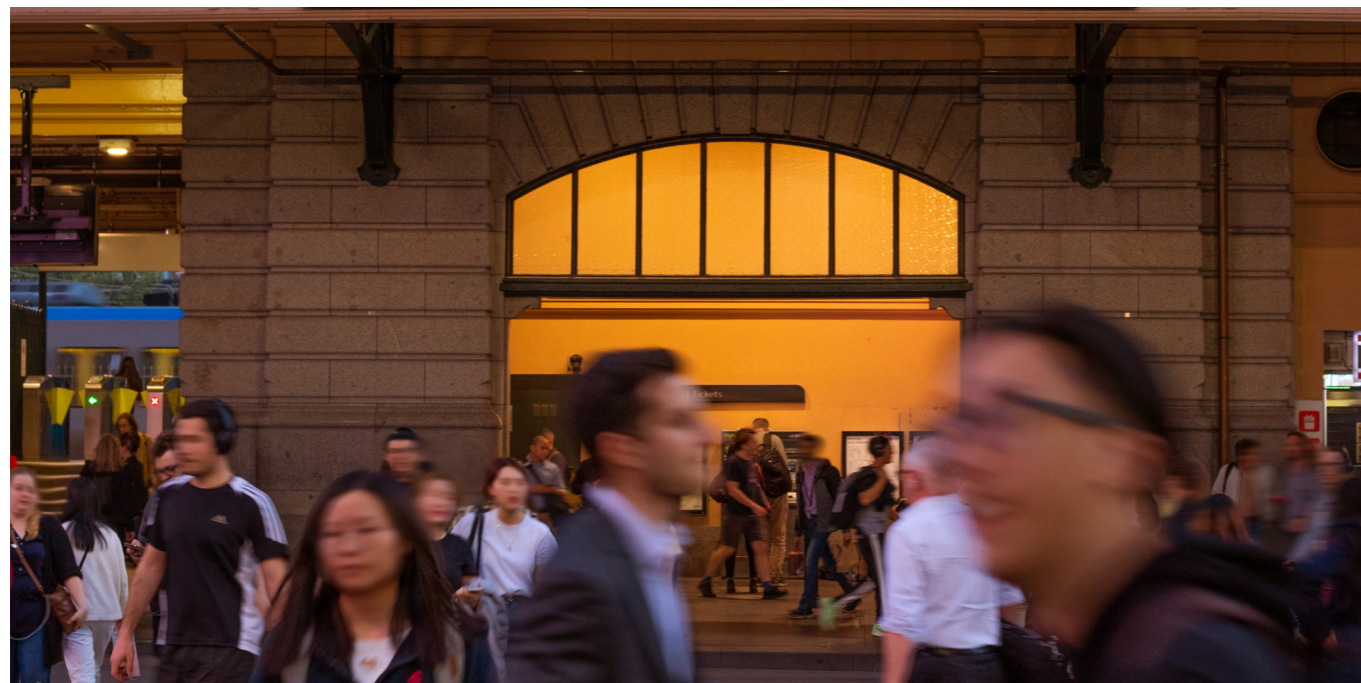
Temporary visas are identified to be one of the toughest barriers when migrant workers try to have their overseas qualifications recognised in Australia and pursue a decent job. In addition, migrant workers on temporary visas are found to be exposed to a higher level of workplace safety risk.

Many of our interview participants shared their experience of being targeted for discrimination and bullying based on their migration status or background.

Migrant workers have a strong desire to settle and be part of Australia. Wherever they work and whatever they do for a living, migrant workers are proud of the contributions they make in their communities. Above all, migrant workers concertedly reject the dichotomy of migrant workers and local workers. Most have come to Australia with the intention to settle permanently and actively seek opportunities to boost their sense of belonging in Australia.

Our research participants shared with us not only their experience but also their ideas for migration

reforms and better protection of migrant workers from labour exploitation. We conclude this report by presenting them as below. We once again thank all the migrant workers who participated in the project for their time and valuable contributions.



1. Ban discrimination based on migration status in the job market

Migrant workers are often barred from applying for jobs based on their migration status. Such discriminatory practices force many migrant workers to start their Australian employment record with insecure positions and below their competence level. Many never get back on the career path they were trained for.

Discrimination is hurtful and costly and has a lasting impact on Australia. The Government must make it unlawful to bar people from applying for jobs or discriminate against them at work based on their migration status and launch campaigns for anti-racism to promote diversity in workplaces.

2. Better recognise migrant workers' skills and contributions

Australia discounts the skills, qualifications, and experience migrant workers have earned from overseas. Not only migrant workers but the whole Australian society benefit when the skills brought from overseas are put into a good use. The Government must establish a coherent and efficient system for the recognition of overseas skills across industries. We also need to investigate ways to take migrant workers' community service, innovation, and leadership into account for better migration programs.

3. Improve job security as well as access to justice, compensation, and treatment

The Government must protect the wages and livelihood of all working people by upgrading work conditions and job security in every industry and workplace, facilitating wage recovery and workers compensation, and improving access to justice through easy and cost-effective mechanisms.

When migrant workers have taken steps to address contraventions of labour or immigration law made by their employers, the workers and their migration status should be protected to enable them to resolve the matter. Appropriate whistle-blower protections should include: visa status resolution if a valid visa is required to pursue claims or participate in a relevant investigation and protections against visa cancellation in case any visa conditions were breached. These protections should include measures to ensure migrants do not suffer adverse settlement outcomes relating to their existing visa or any future visa application.

4. Put an end to the elitist migration system

Australia's permanent visa schemes gauge applicants' potential contributions to the economy and do not consider what they have already contributed to the society. A desirable migration outcome for all is not simply that migrant workers increase the gross domestic product but that they promote diversity in harmony and help make Australia a freer and fairer place.

Although the Government has recently increased the number of permanent visa issuance, it still issues an unlimited number of temporary visas with work rights while maintaining a tight cap on permanent migration. The imbalance between permanent and temporary migration programs makes migrant workers remain as temporary residents and keep them in a precarious status at work for an extended period. Australia cannot eradicate labour exploitation if migrant workers on temporary visas have no pathway to permanent residency.

We must build a fair migration system and an inclusive society by introducing pathways to permanent residency for all temporary visa programs and restoring balance between permanent and temporary visa programs. At the same time, the Government should also investigate ways to give migrant workers better protection of workplace rights such as eliminating visa conditions that restrict their capacity to work and disadvantage them against other workers and replacing employer sponsorship with industrial sponsorship.

5. Better disseminate information about workplace rights

Migrant workers, even locally-educated ones, are less familiar with the basic conditions and protections of their workplace rights in Australia. The Government must proactively disseminate the message that the standards under the *Fair Work Act 2009* apply to every worker equally, irrespective of their residency or visa status, upon issuing a visa with work rights and close the knowledge gap in migrant communities. It should also encourage education providers to collaborate with both unions and industrial partners to develop job-ready programs that give migrant workers induction to Australian workplace laws.

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