

"Stamping Out" Migrant Worker Exploitation: The Worker Protection (Migrant and Other Employees) Bill

On 29 September 2022, the government introduced the Worker Protection (Migrant and Other Employees Bill) into Parliament. The bill aims to improve the efforts in preventing migrant worker exploitation by strengthening current measures and introducing new ones. Priyanca Radhakrishnan, Associate Minister for Workplace Relations and Safety, says the bill is a "comprehensive approach to stamping out migrant exploitation."

Broadly, the Bill aims to achieve the following three goals:

1. Educate migrant workers so that they know their employment rights.

The Government is currently working on an education program that informs and raises awareness of migrant workers' rights and employers' legal obligations.

Prior to drafting the Bill, the government had Kantar Public for MBIE research migrant worker and employer mindsets. Their findings revealed that about a third of migrant workers are at risk of exploitation because they lack knowledge of their employment rights or because they feel trapped to accept any job they can get for financial or visa reasons. On the flipside of this, the study found that while the majority of employers are compliant with immigration and employment law, not all are driven "to do right by" their workers.

The government says that the education program proposed by the Bill will "prevent migrant exploitation from ever occurring" by making information on employee rights and employer' obligations accessible.

2. Hold exploitative employers to account.

The Bill strengthens current offences and penalties for exploitation and introduces three new Immigration Act infringement offences. The new infringement offences will allow labour inspectors and immigration officers to issue an infringement notice for lower-level non-compliance, like where an employer fails to provide requested documents within a reasonable timeframe. The government says that introducing infringement offences will ensure that offending is dealt with before it becomes more serious.

The Bill also introduces a new public register for people and businesses found guilty of worker exploitation. Those people and businesses will also be disqualified from managing or directing a company.

3. Better protect those who have been exploited by providing further access to support.

It is unclear from the government's media release exactly what form this support will take.

The Bill as part of a bigger picture in stamping out migrant worker exploitation

The Bill introduces the remaining changes recommended by the Government's Temporary Migrant Worker Exploitation Review, building on recent changes which came into effect in July 2021. This included a dedicated 0800 number and online report form for migrant workers who feel they are being exploited, and also the Migrant Exploitation Protection Visa, which has seen approximately 120 visas granted as of July 2022.

Arguably, the timing of the Bill could not be better, with the government announcing just two days prior that it would be increasing the capacity of the Recognised

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Seasonal Employer scheme to 19,000 workers – the biggest increase to the scheme in over 10 years.

Want to know more?

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