

**Submission
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**INQUIRY INTO MODERN SLAVERY RISKS FACED BY
TEMPORARY MIGRANT WORKERS IN RURAL AND
REGIONAL NEW SOUTH WALES**

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Submission to the Modern Slavery Committee: Inquiry into Modern Slavery Risks Faced by Temporary Migrant Workers in Rural and Regional New South Wales

Introduction

Aligned with its [2024-2028 strategic plan](#), the International Organization for Migration (IOM) aims to maximise migration benefits by supporting governments in establishing regular migration pathways and reducing irregular migration. IOM recognises the systemic barriers that put migrants at risk of modern slavery and is committed to addressing them, ensuring fair treatment, and enabling migrants to contribute to society without discrimination or exploitation.

Drawing on its global experience in combatting exploitation, IOM is pleased to submit a response to the inquiry into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales (NSW) by focusing on a multifaceted approach to enhance the protection of temporary migrant workers. Through capacity-building, expanding legal protections, improving support systems, strengthening accountability, and reviewing visa settings, this approach aims to enhance the identification and mitigation of modern slavery risks, ensure fair and ethical recruitment practices, and ultimately empower temporary migrant workers in rural and regional NSW to exercise their human and workplace rights.

Strengthening the Protection of Temporary Migrant Workers

Recommendation: The implementation of capacity-building programmes for frontline workers, employers (including labour hire agencies), and Country Liaison Officers (CLOs) to improve the identification of exploitation risks, promote ethical labour practices, and strengthen support systems for temporary migrant workers

To address the inadequacy of protection of the temporary migrant workers in rural and regional NSW, IOM supports the implementation of comprehensive training programs for frontline workers, including those from the NSW Police Force, healthcare organisations, SafeWork NSW, the Department of Primary Industries and Regional Development (DPIRD), and other relevant departments. Training initiatives, such as those provided through [IOM's Migration, Business, and Human Rights \(MBHR\)](#) framework, focus on identifying and addressing risks of exploitation by promoting a rights-based approach to the protection of migrant workers. With an emphasis on human rights due diligence and ethical recruitment practices, the MBHR framework can equip frontline workers with the tools and knowledge necessary to identify signs of exploitation or forced labour, ensuring that migrant workers' rights are prioritised in responses and interventions. To complement the above initiative, IOM emphasises the importance of capacity-building for employers and labour hire agencies involved in the PALM scheme, focusing on fair and ethical labour practices and enhancing cultural sensitivity in the workplace. Building on the success of the Corporate Responsibility in Eliminating Slavery and Trafficking ([CREST](#)) programme, [IOM's Resource Package for Business](#) provides tailored training and resources to help employers, including labour hire agencies, align their practices with international labour standards. This ensures the protection of migrant workers' rights while effectively managing the labour migration process. The resources also support addressing access to justice barriers and enable proactive remediation to prevent issues from escalating.

IOM also highlights the need for strengthened support and capacity-building for Country Liaison Officers (CLOs), who act as key links between PALM workers, approved employers, and the governments of their sending countries. CLOs are crucial in helping PALM workers understand their rights, resolve workplace issues, and access necessary services in Australia. Capacity-building for CLOs should focus on enhancing their skills in areas such as promoting workers'

rights and legal protections and ensuring access to essential services and information, including available grievance mechanisms. Strengthening CLO's capacity will enable a more coordinated and effective approach to strengthen the protection of PALM workers from exploitation and modern slavery risks in rural and regional NSW.

Enhancing Support Systems for Temporary Migrant Workers

Recommendation: Extending social protection including the Fair Entitlements Guarantee and Medicare, enhancing superannuation portability through bilateral labour agreements (BLA) or Memorandum of Understanding (MoU), strengthening awareness of workers' rights, and addressing socio-cultural expectations and norms to improve support systems for temporary migrant workers

Social Protections

IOM supports the ILO's strategy to extend social protection to migrant workers,¹ recognising the vital role of inclusive policies in reducing exploitation, safeguarding migrants' rights and enhancing the well-being of migrant workers. Exclusion from protection in cases of employer bankruptcy and healthcare access exacerbates temporary migrant workers' financial vulnerability and exploitation risk. Reports indicated that pregnant PALM workers in some regional areas were turned away at hospitals due to the absence of Medicare access or funds to pay medical bills.² The lack of access to social protection further undermines temporary migrant worker's ability to secure basic rights, leaving them more dependent on their employers and at greater risk of exploitation and modern slavery. IOM advocates for the extension of social protection access to temporary migrant workers, including the Fair Entitlements Guarantee and Medicare, particularly for antenatal care for pregnant PALM workers.

Temporary migrant workers including PALM workers have also been reported to face significant barriers in accessing their superannuation due to complex processes, high taxation,³ and limited resources, particularly when returning to the Pacific. Workers must wait for their visa to expire and provide various documents, including Australian bank statements and certified ID copies, to claim superannuation. Accessing these documents can be challenging if workers have closed Australian bank accounts, their passports expired or are in remote areas with limited internet.⁴ Many are also unaware of the necessary steps to claim their entitlements, resulting in unclaimed funds.⁵ IOM commends the collaboration between the federal government departments to address this issue such as supporting the Australian Tax Office (ATO) to supplement existing tax clinics to support PALM workers prepare their Departing Australia Superannuation Payment (DASP) claim while still in Australia.⁶

To strengthen the efforts, IOM recommends enhancing portability schemes that enable temporary migrant workers to access superannuation more easily through bilateral labour agreements (BLA)⁷ or Memorandum of Understanding (MoU). Through these agreements, the Australian Government can collaborate with its partners to explore ways of reducing the tax rate on DASP or allow the transfer of superannuation earned in Australia to the national provident fund of the worker's country of origin. Australia could draw on New Zealand's model that allows workers to transfer their superannuation entitlements into a local provident fund in their country of origin at a low cost.⁸ IOM commends the recent MoU between Australia and the Cook Islands

¹ [Securing social protection for migrant workers and their families: Challenges and options for building a better future.](#)

² [Be Our Guests.](#)

³ Departing Australia Superannuation Payment (DASP) tax rates vary depending on the temporary migrant's visa status and residency for tax purposes. Working Holiday Makers (WHM) are taxed at 65%, while non-WHM holders are generally taxed at 35-45% (Source: [ATO](#)).

⁴ [Pacific PALM workers face barriers accessing superannuation.](#)

⁵ [Australia's superannuation rules leave Pacific workers out of pocket.](#)

⁶ [FAQs Budget 2023-24: Expanding and improving the Pacific Australia Labour Mobility scheme.](#)

⁷ [Securing and insuring the future: Social protection for migrants](#), IOM, 2020.

⁸ [Supporting NZ's seasonal workers to remit and save.](#)

on Shared Retirement Savings Portability, which will allow Cook Islanders to transfer superannuation earned in Australia to the Cook Islands National Superannuation Fund and vice versa.⁹ Expanding this portability to temporary migrant workers would enhance their access to financial entitlements, maximise the benefits of labour mobility, and support their long-term financial security.

Socio-cultural Expectations and Norms

Anecdotal evidence suggests that female PALM workers in Australia face additional challenges, particularly when living in shared accommodation with male workers. In these settings, there are often underlying expectations shaped by traditional gender norms, where female workers are typically expected to take on domestic tasks such as cooking and cleaning, which can add extra burdens to their responsibilities and affect their well-being. There is a need for stronger efforts to provide targeted, culturally sensitive resources and information that support female PALM workers in navigating these expectations. Empowering them with the knowledge and tools to advocate for their rights and well-being is essential in creating a more equitable environment.

Similarly, the need for better access to information extends beyond gender expectations. While some PALM workers disengaged from the scheme due to the poor working conditions, others absconded as a result of misinformation or the perception that better opportunities exist elsewhere.¹⁰ Some have also submitted unfounded onshore protection visa claims.¹¹ While some efforts have been made to address this issue, such as expediting the decision of onshore protection visa application, IOM calls for strengthening the dissemination of information regarding workers' rights prior to departure in the country of origin (e.g., during the application process) and worker's induction post-arrival, where information such as consequences in submitting unfounded protection visa claims can also be provided. This information session should offer culturally sensitive resources and ensure that the information is accessible in local languages. Communities and diaspora groups in Australia also play a crucial role in preventing the spread of misinformation and should be actively involved in these efforts. By enhancing these initiatives, PALM workers will be better equipped to make informed decisions about their employment and well-being.

Strengthening Accountability and Oversight

Recommendation: Strengthening inspection mechanisms, enhancing accountability, and collaborating with third-party organisations to ensure the effective enforcement of the National Labour Hire Regulation Scheme, particularly in high-risk sectors such as agriculture and meat processing

IOM positively notes the Australian Government's commitment to implementing the recommendations from the Migrant Workers' Taskforce Report, including the establishment of the National Labour Hire Regulation Scheme to address migrant worker exploitation. As outlined in the [IOM's IRIS Handbook](#), promoting transparent recruitment practices, ensuring accountability through monitoring, and encouraging certification of labour hire is critical to protecting migrant workers and preventing exploitation, particularly in high-risk industries like agriculture and meat processing. Effective implementation of these standards requires clearly outlining the penalties for non-compliance by labour hire companies.¹² Strengthening the monitoring and regulation of labour hire agencies, along with implementing joint liability regulations that hold employers accountable for exploitation, can help reduce the vulnerability

⁹ [Cook Islands and Australia sign memorandum of understanding on shared retirement savings portability.](#)

¹⁰ [Safety and wellbeing in Australia's Pacific labour mobility scheme Research report.](#)

¹¹ [Pacific PALM workers applying for asylum in record numbers.](#)

¹² [Chapter 2: Licensing - IRIS Handbook for Governments on Ethical Recruitment and Migrant Worker Protection.](#)

of temporary migrant workers and improve compliance.¹³ IOM also acknowledges the Australian Government's commitment to consider strengthening due diligence accountability under the Modern Slavery Act 2018 that will require reporting entities to demonstrate through effective due diligence systems; monitored identification, remediation and mitigation of worker exploitation throughout business operations and supply chains, aligned with the UN Guiding Principles on Business and Human Rights.¹⁴ Compliance would be strengthened further through the introduction of penalties for non-compliance, currently under consideration by the Australian Government.¹⁵

IOM acknowledges the efforts of the Department of Employment and Workplace Relations (DEWR) in addressing exploitation, including joint inspections with the Fair Work Ombudsman. To further strengthen these efforts, IOM advocates for joint efforts between SafeWork NSW and the Fair Work Ombudsman to engage trusted third parties to strengthen inspection mechanisms, particularly in high-risk sectors. Collaboration with trusted third parties, such as trade unions, civil society groups, and migrant worker support organisations, can improve oversight, build trust,¹⁶ and help overcome cultural and linguistic barriers. IOM commends initiatives such as [the Cleaning Accountability Framework \(CAF\)](#), where local authorities and the United Workers Union (UWU) jointly ensure that cleaning services meet established standards, safeguard workers' rights, and monitor compliance with fair wages and working conditions. This model should be expanded to other industries, particularly high-risk sectors, as a collaborative and multi-stakeholder approach will improve accountability and strengthen protection systems for vulnerable temporary migrant workers in rural and regional NSW.

Reviewing Visa Settings to Enhance Protection

Recommendation: Reviewing the PALM scheme visa settings to address power imbalance and enhancing the accessibility of the Workplace Justice Visa (WJV) & Strengthening Reporting Protections (SRP) to ensure broader protection for vulnerable workers

Employer-tied systems often place migrant workers in vulnerable positions by restricting their ability to change employers, thereby granting employers disproportionate control and promoting discrimination.¹⁷ While the new Approved Employer Deed of Agreement (introduced on 1 July 2023) includes 'portability' provisions allowing PALM workers to transfer between employers, the process remains employer driven. Workers cannot initiate the transfer themselves, and it must be arranged between employers, with the worker's written consent.¹⁸ This structure still leaves PALM workers reliant on employers, maintaining the power imbalance. The Migration Review highlighted the risks of exploitation due to restrictions on changing employers, which increase dependence on employers and make workers vulnerable to visa cancellation and deportation, limiting their ability to leave exploitative situations.¹⁹ This has been reported as a factor in PALM workers disengaging from the scheme,²⁰ with some opting to apply for asylum in Australia.²¹

IOM commends the positive efforts that DEWR has made by actively monitoring employers to ensure they adhere to the PALM scheme guidelines, including checks on working conditions, pay rates, and accommodation standards. This has established a stronger protection mechanism for the PALM scheme workers.

IOM also acknowledges the recent Australian Government reforms, including the *Migration Amendment (Work Related Visa Conditions) Regulations 2024 (Cth)*, which enhances the

¹³ [Global estimates of modern slavery: Forced labour and forced marriage.](#)

¹⁴ [Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.](#)

¹⁵ [Australian Government response to the review report of the Modern Slavery Act 2018 \(Cth\).](#)

¹⁶ [IRIS Handbook for Governments on Ethical Recruitment and Migrant Worker Protection: Chapter 3 – Strengthening the effectiveness of inspectorates.](#)

¹⁷ [Migrant workers in the ASEAN region: Improving the protection of migrant workers in the ASEAN region, ILO, 2018.](#)

¹⁸ [The Pacific Australia Labour Mobility scheme: a quick guide.](#)

¹⁹ [Review of the migration system.](#)

²⁰ [Preventing Migrant Worker Exploitation In Australia: A Report For The United Nations Special Rapporteur On Contemporary Forms Of Slavery.](#)

²¹ [Head in the sand approach to P.A.L.M. visa continues.](#)

employment flexibility of Skills in Demand visa holders (previously known as Temporary Skills Shortage (TSS)), *the Migration Amendment (Strengthening Employer Compliance) Act 2024 (Cth)*, which improves employer accountability, and *the Migration Amendment (Workplace Justice Visa) Regulations 2024 (Cth)*, which introduces the Workplace Justice Visa (WJV). These changes are important steps in improving the protection of temporary migrants in Australia.

To further advance the efforts, IOM advocates for a federal review of the PALM scheme visa settings. Allowing PALM workers, especially those on the long-term stream, to switch between approved employers within the PALM scheme would empower them to leave an exploitative situation²² and foster greater economic mobility and independence. Aligning this model with the recently introduced settings for Skills in Demand visa holders would ensure that PALM workers are treated fairly and have equal rights as other temporary migrants. Furthermore, it aligns with Australia's Migration Strategy, which highlights that improved employment mobility increases productivity and job satisfaction.²³ Australia could draw from the [UK's Seasonal Worker Visa](#) model, which allows workers to change employers within the same sector, offering greater mobility and protection from exploitation. While such model would need to be tailored to Australia's unique workforce needs, it can contribute to reducing workers' vulnerability to exploitation and power imbalance while maintaining sector-specific job opportunities.

IOM also acknowledges the implementation of Australia's Workplace Justice Visa (WJV) and the Strengthening Reporting Protections (SRP) Pilot as a positive step towards improving protections for temporary migrant workers while recognising that further improvements are needed. Echoing the preliminary findings of the United Nations Special Rapporteur on Contemporary Forms of Slavery during his visit to Australia, there are requirements that could lead to practical challenges.²⁴ For example, the current restrictions on the WJV allow only workers whose visas expire within 28 days or who have already expired within the past 28 days to apply, which excludes vulnerable workers whose visas may have expired for longer periods and who also require protection.

Both WJV and SRP also face accessibility challenges, primarily due to the requirement that exploitation claims be certified by a government agency or accredited third party. This process, combined with the geographical isolation of many workers can discourage workers from reporting.²⁵ To address this, IOM calls for a review of these initiatives to expand eligibility and streamline the certification process. In particular, the WJV's tight timeframe should be reassessed to prevent eligible workers from missing out due to delays in certification.²⁶ Expanding eligibility to include workers whose visas have expired for longer than 28 days would ensure broader protection. Additionally, improving access to support services, particularly in remote areas, would further reduce barriers to reporting exploitation.

Lastly, expanding eligibility to include workers whose visas have expired for more than 28 days could provide an alternative pathway for temporary migrant workers who have disengaged such as from the PALM scheme. Consideration could be given to allowing these workers to transition to a new employer without the need to return to their home country, provided it is demonstrated that the disengagement was a result of exploitation. Implementing a waiver of penalties for workers disengaging due to exploitation would ensure they are not penalised for escaping exploitative situations. This approach would foster a fairer and more supportive framework for temporary migrant workers.

²² *The PALM scheme: Risks and realities*, Adhikari, A., Anderson, L., & Harrington, M., The Australia Institute, 2023.

²³ [Migration strategy: Getting migration working for the nation](#).

²⁴ [End of mission statement by the United Nations Special Rapporteur on contemporary forms of slavery following his visit to Australia](#).

²⁵ Ibid

²⁶ [Preventing Migrant Worker Exploitation in Australia: IARC report for the UN Special Rapporteur on contemporary forms of slavery](#).