

**Submission  
No 19**

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

**Organisation:** Redfern Legal Centre

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**Redfern  
Legal  
Centre**

**Inquiry into modern slavery risks faced by temporary migrant workers in  
rural and regional New South Wales**

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Date: 26 February 2025

## Acknowledgment

We acknowledge the Gadigal and Bidjigal Clans, the traditional custodians of the Sydney Coast. We pay respect to Elders, past and present, and express gratitude for the opportunity to work and learn on their lands.

## Endorsements



**Central Coast Community Legal Centre**



**Employment Rights Legal Service**



**Hunter Community Legal Centre**



**Inner City Legal Centre**



**Mid North Coast Legal Centre**



**University of Technology Sydney Student Legal Service**



**Western Sydney University Justice Clinic**



**Women's Legal Service NSW**



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## 1. Introduction

### 1.1 Redfern Legal Centre

Redfern Legal Centre (**RLC**) is a non-profit community legal centre that provides access to justice. Established in 1977, RLC was the first community legal centre in New South Wales (**NSW**) and the second in Australia. We provide free legal advice, legal services and education to people experiencing disadvantage in our local area and statewide. We work to create positive change through policy and law reform work to address inequalities in the legal system, policies and social practices that cause disadvantage.

We provide effective and integrated free legal services that are client-focused, collaborative, non-discriminatory and responsive to changing community needs - to our local community as well as state-wide. Our specialist legal services focus on international students, employment law, tenancy, credit, debt and consumer law, financial abuse. First Nations justice, police accountability, and we provide outreach services including through our health justice partnership.

### 1.2 RLC's Employment Law Practice

RLC's Employment Practice provides clients across NSW with free employment law advice and representation.

We are part of the Employment Rights Legal Service (**ERLS**), which is a joint initiative of RLC, Inner City Legal Centre and Kingsford Legal Centre. ERLS provides clients, particularly migrant workers, across New South Wales with free employment law advice and representation. ERLS aims to address and remove the systemic barriers that prevent access to justice and allow for the exploitation of workers across New South Wales.

RLC's Employment Practice provides dedicated advice to workers across NSW who have been subjected to sex discrimination and sexual harassment at work. We also provide advice and representation to international students across NSW who are referred internally by RLC's International Student Legal Service NSW (**ISLS**).

We assist migrant workers, First Nations people, people with disabilities, and low-income workers, with a particular focus on ensuring that people living in regional, remote, and rural communities have access to legal resources and assistance. Through our policy, reform and advocacy work, we aim to address and remove systemic barriers that prevent access to justice and allow for the exploitation of workers across NSW.

### 1.3 RLC's International Student Legal Service

ISLS was established to address the unique and complex legal challenges faced by international students. It is the only independent service of its kind in NSW. Supporting a



# Redfern Legal Centre

community of over 269,000 international students enrolled to study in NSW, ISLS provides free legal advice and advocacy across issues such as workplace exploitation, housing disputes, consumer protection, education provider disputes, visa challenges, and coercion.

ISLS adopts a culturally informed, trauma-sensitive approach, recognising the diverse pressures faced by international students. Alongside individual casework, the service engages in systemic advocacy to drive policy and law reform and offers tailored legal education programs to empower students with knowledge of their rights.

Committed to equity and justice, ISLS ensures that international students are supported to navigate their rights, thrive in their environments, and feel welcome in NSW.



## **2. Summary**

Exploitation of migrant workers in rural and regional NSW, as well as across Australia, is endemic. However, there are clear steps the NSW Government can take to tackle the complex and multifaceted nature of migrant exploitation.

State-based interventions ensure an immediate, local and appropriate response to exploitation, particularly in regions where federal enforcement may be less robust. By funding and supporting local programs, the NSW Government can empower communities to protect temporary migrant workers, fostering a safer and more equitable work environment. Effective state-based programs could lead to stronger cooperation with federal agencies, creating a comprehensive support system that protects migrant workers' rights at every level.

Implementation of the recommendations made in our submission will ensure a culture in NSW where exploitation of migrant workers is not tolerated. The NSW Government must take decisive action to curb and eventually eliminate the exploitation of migrant workers in NSW. Along with national reform, this will ultimately lead to an Australian labour market which is fair, equal and protects all workers.





### **3. Key Issues**

#### **3.1 Exploitation of migrant workers**

Exploitation of migrant workers remains a persistent and systemic issue in Australian labour markets, entrenched across diverse industries. Most instances of unlawful employer conduct continue to evade accountability, primarily due to barriers that deter migrant workers from reporting abuses or asserting their labour rights, and the lack of awareness of minimum employment standards and entitlements across migrant cohorts. Through our work, it has become apparent that many employer business models rely on the exploitation and silence of migrant workers. Three main factors enable and create the conditions for exploitation, which are outlined in paragraphs 3.1.1-3.1.3.

##### **3.1.1. Lack of awareness of legal rights**

Many migrant workers are unaware of the minimum standards which apply to employment in Australia, including the National Employment Standards, modern awards, discrimination legislation, and employers' health and safety obligations. Migrant workers frequently face linguistic and cultural barriers, hindering their ability to understand and navigate Australia's complex legal and support systems. Limited familiarity with, or access to, relevant resources and reporting channels means that many migrant workers remain unaware of their rights or how to seek recourse when violations occur. Employers often exploit this nescience by misrepresenting entitlements or instilling fear about repercussions for raising complaints.

##### *Case study*

We recently assisted a temporary migrant worker whose rights were significantly misrepresented, and who was grossly underpaid, throughout his employment. For the first three months of the client's employment he was not paid, with his employer promising him paid work after he completed a 'training period'. After the 'training period', our client was required to work up to 14 hours each day, regularly finishing work around midnight, five days per week. Our client was not provided any annual leave. The client's employer paid him varying sporadic amounts via bank transfer and did not pay him superannuation or provide him pay slips. RLC calculated that throughout his employment the client was paid less than half of his lawful entitlements, exceeding \$40,000 in underpayments. Throughout his employment, our client trusted that his employer was doing the right thing; it was not until he obtained legal advice from RLC that he became aware of his proper entitlements.



### *Recommendations*

1. That the NSW Government provide more funding to community legal centres and unions to develop translated information for migrant workers, focusing on workplace rights and entitlements, and to deliver culturally appropriate and accessible services to assist migrant workers enforce their rights.
2. That SafeWork NSW update its webinars to ensure all content is available in multiple languages.
3. That the NSW Government, in partnership with community organisations, launch targeted public awareness campaigns that use multilingual media platforms (radio, television, and social media) to educate migrant workers about their rights under Australian employment law.
4. That the NSW Government partner with English language colleges, TAFEs and universities to deliver workshops on employment rights tailored for international students and temporary visa holders.

#### **3.1.2. Fear of loss of visa**

Many migrant workers are hesitant to address mistreatment while in Australia, as doing so may jeopardise their visa status or prospects for future residency. Employers often exploit migrant workers' concerns for their visa status, perpetuating a culture of silence, where workers are expected to endure exploitative conditions to preserve their residency and livelihood.

Visa conditions for migrants often create an additional barrier to accessing stable and fair employment, and foster an environment where workers are hesitant to report exploitation. Student visa holders are typically limited to part-time work hours, which can leave them financially vulnerable and reliant on any work they can secure, even under suboptimal conditions. These restrictive conditions, coupled with the cost of living and the prevalence of underpayments for migrant workers, often results in migrant workers breaching their visas.

Sponsored visa holders are dependent on their employers both financially and for their visa status. Workers who cease working for their sponsor or commence working for another employer risk breaching their visa, and ultimately, visa cancellation. This creates a power imbalance is often exploited by opportunistic employers to maintain exploitative work conditions.

For many migrant workers, the threat of losing their job or facing deportation frequently outweighs their desire to assert their rights. The fear of breaching visa requirements or jeopardising future visa opportunities means that many choose to endure exploitative conditions rather than risk visa complications or potential deportation. This fear is especially prevalent among student visa holders, who often perceive any interaction with authorities as a threat to their visa status.



*Case study*

We recently assisted a migrant worker who was repeatedly sexually harassed in the course of her employment. After the first incident of harassment, the client spoke to her manager about seeing her doctor and possibly making a workers' compensation claim. The next day, our client's manager dissuaded her from seeing her doctor or making a workers' compensation claim, citing the complexity involved with the process. The employer did not advise our client she was entitled to any personal leave, and also took no steps to address the sexual harassment. After several subsequent incidents of sexual harassment at work, our client made a workers' compensation claim in relation to a psychological injury sustained as a result of the harassment. Prior to making the workers' compensation claim, the client's employer had promised it would sponsor her for a visa, and was taking the necessary steps to do so. After our client lodged the claim, her employer advised her that it was reconsidering its decision to sponsor her. We provided the client with advice about possible next steps and legal claims she could commence. Despite having strong prospects for various legal claims, our client decided not to pursue any claims, so as not to jeopardise her prospects for visa sponsorship.

### **3.1.3. Practical impediments to addressing exploitation**

By the time migrant workers reach the end of their visas - when they could, theoretically, pursue redress without fear of retaliation - most quickly return to their home countries. While some foreign jurisdictions allow their citizens to take part in foreign legal proceedings, many do not. Additionally, practical limitations often deter migrants from pursuing matters offshore. Consequently, vital information regarding non-compliant employers is lost, unpaid wages remain unrecovered and exploitative employers continue engaging in harmful and exploitative practices. We address this practical impediment below in section 3.9.

### **3.2 Exploitation of migrant workers in rural and regional NSW**

Migrant workers are particularly vulnerable to exploitation and unsafe working conditions. These vulnerabilities are significantly exacerbated in rural and regional settings. While international students predominantly study in metropolitan areas, NSW hosts numerous regional and rural universities, drawing international students into these locales as well. We have identified three key factors which exacerbate the exploitation of migrant workers in rural



and regional NSW.

### **3.2.1 Lack of services in rural and regional areas**

Temporary migrants, including international students, face unique employment challenges in rural areas, due to limited access to legal information and support, language barriers and social isolation. This makes it easier for exploitative practices, like wage theft, underpayment, and unsafe work conditions, to persist.

Rural areas often lack the resources and specialised legal services available in metropolitan centres, meaning that migrants have fewer options for recourse if they experience exploitation. Further, limited community education about minimum entitlements at work mean that migrant workers in rural areas are often unaware they have been/are being exploited.

Additionally, migrant workers, particularly international students, often lack robust support networks in Australia. Isolated from family and home-country resources, they have minimal access to informal safety nets that might otherwise aid them in challenging exploitative practices. The isolation is particularly acute in rural and regional areas. This structural lack of accessible, culturally appropriate support networks exacerbates migrant workers' vulnerability to exploitation and limits their options for addressing mistreatment.

These intersecting issues create a precarious environment in which temporary migrant workers struggle to assert their rights, making them easy targets for exploitative employers.

While some community legal centres, such as RLC, are currently funded to provide statewide advice to migrant workers, demand significantly outweighs capacity. Further funding is required to address prevention and respond to workplace exploitation.

#### *Recommendations*

5. That the NSW Government provide further funding to community legal centres to provide culturally appropriate educational workshops on workplace rights and entitlements for migrant workers in regional and rural NSW.
6. That the NSW Government increase funding to community legal centres to better meet the demand for legal services for migrant workers in rural and regional NSW.

### **3.2.2 Lack of enforcement and monitoring of laws in regional and rural areas**

To enhance the protection of international students and other migrant workers, a more proactive regulatory approach is essential.

While state-level workplace laws are designed to protect all workers, the enforcement and monitoring of these laws in rural NSW is often challenging due to limited resources and geographic dispersal.

The Fair Work Ombudsman and other government bodies have raised concerns that



temporary migrant workers in rural areas are less likely to report unfair practices due to limited local support and fear of impacting their visa status.

A targeted response to workplace exploitation in rural and regional NSW requires better data. Data should be collected and published to track trends and identify high-risk sectors and repeat offenders. Such data collection could inform future policy decisions and resource allocation, allowing NSW to respond proactively to emerging exploitation practices.

Further steps must be taken to ensure employers, particularly those operating in rural and regional NSW and employing migrant workers, have relevant and up-to-date policies and procedures in place.

It is very difficult for migrant workers to assess whether prospective employers are fair or compliant. To enable workers to identify reputable and fair employers, information regarding compliant employers should be made accessible by workers in NSW.

Employers of migrant workers should be given the option to 'opt' into a program whereby their policies, procedures and practices regarding pay and safety are audited and monitored for compliance. Employers that satisfy all relevant criteria, which would include for example, ensuring minimum rates and entitlements under applicable awards are paid, and that relevant procedures for workplace injuries or making complaints are implemented and correctly followed, should be granted certification and have their details published. The publication of such material will enable migrant workers to make informed decisions about applying for employment, and may empower migrant workers who are being exploited to find alternative employment. Additionally, such a program will incentivise employers to regularly update and maintain their policies, practices and procedures to maintain certification, fostering a proactively complaint employment landscape, rather than one which merely responds to punishment.

### *Recommendations*

7. That SafeWork NSW establish a specialist unit with the purpose of disseminating information to, and conducting regular workplace inspections of, employers of migrant workers in rural and regional NSW.
8. That SafeWork NSW conduct periodic surveys among workers in rural and regional NSW to gather information about exploitative practices.
9. That the SafeWork NSW update its 'Speak Up' reporting system to ensure it is available in multiple languages.
10. That the NSW Government introduce a voluntary "Fair Work Certification" program for employers across NSW, involving periodic reporting on compliance with relevant industrial laws to an appropriate authority and the yearly publication of a list of certified employers.



### **3.2.3 Labour shortages**

Labor shortages in regional and rural areas mean that many industries, such as agriculture, hospitality and aged care, rely heavily on migrant workers. Employers in these industries commonly:

- engage in sham contracting as means of avoiding compliance with the National Employment Standards;
- rely on labour hire arrangements which operate with limited accountability, exploiting legal grey areas that enable unscrupulous practices to persist with minimal oversight; and/or
- underpay or misclassify workers, deny entitlements such as overtime pay and leave, and impose unsafe or excessive work hours.

Labour shortages also often result in migrant workers being pressured to work excessive hours, performing tasks they are not duly trained to undertake, in environments without rigorous monitoring for compliance with health and safety laws, ultimately leading to greater risks to migrant workers' health and safety.

#### *Case study*

We assisted a migrant worker in regional NSW who sustained a back injury at work as a result of being required to operate the same machine and perform the same repeated task for a prolonged period of time. After informing his employer about his injury and his requirement to perform light duties he was summarily dismissed.

#### *Recommendations*

11. That SafeWork NSW increase the frequency and scope of workplace inspections in sectors with high numbers of temporary migrant workers, such as hospitality, care services, agriculture and construction.
12. That the NSW Government fund the creation and publication of materials regarding the liability of labour hire companies for workplace exploitation engaged in by host employers.

### **3.3 Incidence, causes, and extent of forced labour, deceptive recruitment, gender-based violence, sexual servitude, and labour trafficking**

Through our work, we have observed a troubling rise in the incidence of these forms of workplace exploitation among international students and other migrant workers, whose entry into Australia is predicated on promises of quality education and employment opportunities.



These structural challenges are compounded by deceptive recruitment practices that offer inflated promises of work opportunities, especially within regional and rural economies where labour shortages often exist. Migrant workers face additional barriers in reporting abuses due to fears of visa cancellation or negative repercussions on their future residency prospects. This fear is particularly acute for migrants in regional areas, where social isolation and limited access to support networks (including legal advice) further heightens their vulnerability to exploitation. Many migrant workers experience high levels of stress, anxiety and other mental health issues as a result of workplace exploitation, but are not eligible for Medicare rebates, do not have private insurance which covers mental health, or are unaware of their entitlement to workers' compensation.

Addressing these issues requires a nuanced understanding of the intersecting vulnerabilities faced by international students and migrant workers, particularly in non-metropolitan contexts. Given the shift in migration policy encouraging international students and workers to live in regional areas, tailored frameworks for service provision are essential. Many migrant workers subject to labour trafficking, sexual harassment and/or coercive control are faced with the options of either remaining in the exploitative, unsafe situation or fleeing and facing significant financial/food/housing insecurity and jeopardising their visa status.

Given the prevalence of labour trafficking, sexual harassment and coercive control amongst migrant workers, expanding support services to address the serious effects of these forms of exploitation is essential. The availability of affordable health services often varies by region, and cross-government collaboration is necessary to ensure that temporary migrants can access these resources from rural and regional areas. Expanded support services including emergency or transitional housing, legal services, financial counselling, food and medical services are required.



*Case study*

We recently assisted a temporary migrant worker who was trafficked to Australia under the pretense of pursuing higher education. The other party enrolled our client in a university, however retained control over our client's university account, preventing them from attending. Despite not attending, our client was forced to pay substantial upfront fees for their education. Instead of attending university, our client was forced to work a minimum of 84 hours per week in the other party's business to repay a purported debt of \$50,000, allegedly related to study costs and associated fees. To satisfy the purported debt, our client's wages were largely withheld, leaving them with minimal means of supporting themselves and paying for basic necessities. In addition to forced labour, our client was required to reside in a small room located directly above the factory where they were made to work, which lacked basic living facilities. Our client was charged exorbitant rent to live in the room, increasing their debt to and financial dependence on the other party. The other party also compelled our client to pay approximately \$10,000 for their wife's Australian visa application, which never materialised. We assisted the client by providing comprehensive and multi-faceted legal advice and assistance. We assisted the client with a victim's compensation claim and have engaged with the education provider to obtain a deferral of the client's studies. We have also assisted the client to access assistance from the Support for Trafficked People Program, and have engaged with the Australian Federal Police about the other party's likely criminal conduct. In relation to the serious underpayment, we successfully referred the client to receive ongoing pro bono representation to pursue an underpayment claim.





*Case study*

A female worker on a temporary visa, working in a male-dominated industry in rural NSW, was repeatedly sexually harassed by her boss and consistently underpaid throughout her employment. Due to barriers finding work as a female worker in a male-dominated industry, the enhanced prospects of being granted permanent residency if she remained in rural NSW, and the lack of relevant opportunities in the rural area, our client remained in employment, enduring daily sexual harassment, for a period far greater than she otherwise would have. Eventually, the underpayment was so extreme she could not afford necessities and had to quit.

*Recommendations*

13. That a dedicated fund be established to support workers who have experienced severe employment related exploitation or abuse to address immediate needs and pay medical costs.
14. That the NSW Government create and promote resources in multiple languages regarding workers' compensation for migrant workers in rural and regional NSW.
15. That the NSW Government provide access to mental health services for workers who have experienced severe employment related exploitation or abuse.

**3.4 Violations relating to wages, allowances, superannuation, leave entitlements, workers' compensation, piecework payments, underpayment, excessive deductions, and debt bondage arrangements**

A significant portion of wage-related abuses involves the systematic underpayment of wages, where international students and migrant workers are offered below-award rates in circumstances where migrants are unaware of the existence of modern awards. Additionally, unlawful deductions are commonly imposed for accommodation, training or equipment. This practice disproportionately affects migrant workers, as employers capitalise on their limited knowledge of local employment laws and their hesitancy to report infringements due to visa-related fears.

For migrant workers in seasonal or casual work arrangements - such as piecework in agriculture - these issues are exacerbated, as pay structures are often less transparent, with workers being underpaid through manipulated piece rates and excessive deductions. Casual employment contracts are common among migrant workers. While casual work arrangements are appropriate and suitable in many situations, at its core, casual employment is not



guaranteed or secure. The misclassification of permanent employees as casual is used as a means by exploitative employers to disentitle otherwise entitled employees to paid leave and dismissal-related protections. While casual employees are entitled to a 25% loading in lieu of certain benefits that permanent employees receive, migrant workers are often underpaid and so lose out on both the loading and the benefits.

Sham contracting is particularly prevalent among immigrant cohorts. Because contractors are not entitled to a minimum wage, exploitative employers will often misclassify employees to avoid complying with relevant industrial instruments, such as awards which set minimum rates and other conditions for employment, like breaks and rostering arrangements.

Debt bondage arrangements further compound the exploitation of migrant workers. Some migrants arrive already burdened by large debts incurred to migration intermediaries, educational institutions or exploitative recruiters. Once in Australia, they are often coerced into exploitative work arrangements to repay these debts, leaving them without adequate recourse to recover withheld wages or challenge unfair deductions.

The compounding effect of being paid below minimum wage and the ever-increasing cost of living often results in migrant workers working hours in excess of visa conditions. Cognisant of working in breach of their visa conditions, migrant workers are often then coerced into accepting further exploitative work conditions. For example, if an international student is paid \$15 per hour, working 20 hours per week, they would be expected to live off \$300 per week. If this hypothetical student requests to work 30 hours one week to ensure they can pay an electricity bill, their employer could leverage a threat of reporting them to the Department of Home Affairs to coerce the worker to accept a lower hourly rate moving forward.

Superannuation violations are also prevalent among employers of migrant workers, with many employers either failing to properly contribute or withholding superannuation entitlements entirely. Many migrant workers are unaware of their entitlement to superannuation, with exploitative employers capitalising on their lack of awareness. Additionally, because of the pervasive and incorrect notion that personal contractors are not entitled to superannuation, and the prevalence of sham contracting amongst migrant workers, many migrant workers who are entitled to superannuation (both employees, and those who are genuine contractors) do not receive superannuation. This results in considerable long-term financial harm, as migrant workers miss out on critical benefits due to inadequate employer compliance.

In some cases, workers' compensation rights are misrepresented and leave entitlements are withheld, leaving students vulnerable and unprotected in instances of workplace injury or illness.



### *Case study*

RLC recently provided advice to a migrant worker who was subject to slavery-like conditions by his employer. The employer hired exclusively migrant workers, and provided them all accommodation, free of charge, in a farmhouse. The client was working as a chef in a restaurant, and was entirely reliant on his employer for his income and housing. The client was required to work between 55 and 60 hours per week, and was being paid well below Award rate, and also not receiving superannuation. After about 6 weeks of receiving intermittent pay, the employer stopped paying our client entirely. Our client kept working 55-60 hours per week for approximately 6 further weeks, consistently asking his employer to be paid. The employer cited 'financial issues' as the reason our client was not paid. Eventually our client quit because he had no income. Resultantly, our client was kicked out of his accommodation, and threatened with a \$100 per day fee if he remained onsite. Our client is now homeless and without any savings or income. While the client was located in Greater Western Sydney, this sort of arrangement no doubt exists in rural and regional NSW, where the effects would be greatly compounded by the lack of resources and support services available in those areas.

### **3.5 Worker conditions and labour practices of direct employers and labour hire companies, including the adequacy of regulations governing both**

Labour hire companies often mediate employment for temporary migrants in sectors with limited oversight, creating layers of accountability that obscure direct responsibility for worker conditions. This layering complicates the enforcement of basic employment standards, allowing labour hire firms to transfer workers between worksites with few protections and little transparency. Migrant workers employed under these conditions are frequently underpaid, denied entitlements and required to work under substandard conditions, with little recourse for addressing grievances. Labour hire practices also present challenges for regulatory agencies, as companies may shift operations or rebrand to evade accountability, further complicating regulatory enforcement.

The current regulatory framework for labour hire companies and direct employers is



inadequate to address these systemic issues effectively. Victoria, Queensland and South Australia have all implemented specific legislation and schemes targeting labour hire practices, which require businesses that provide labour hire services to obtain a licence, meet certain standards, and comply with relevant laws.

NSW has not implemented legislation or a scheme which regulates labour hire practices. To safeguard workers from exploitation by labour hire service providers and host employers, the NSW Government must take proactive steps to enhance transparency and integrity within the labour hire industry.

### *Recommendations*

16. That the NSW Government introduce legislation to mandate licensing and compliance requirements for labour hire companies.
17. That the NSW Government establish a dedicated government authority to enforce labour hire legislation.

### **3.6 Adequacy of monitoring, compliance, and enforcement of workplace laws, Including health and safety laws**

The monitoring, compliance and enforcement mechanisms governing workplace laws, including health and safety regulations, are currently inadequate to protect temporary migrant workers, such as international students, from exploitation and unsafe working conditions. While a robust framework exists on paper, gaps in enforcement and oversight often render these protections ineffective, especially in industries where migrant workers are heavily represented.

The current monitoring framework relies heavily on complaints-driven enforcement, which disadvantages migrant workers who may fear repercussions or lack awareness of reporting channels. Health and safety violations often go unreported due to language barriers, visa insecurities and mistrust in enforcement agencies. Without proactive and routine inspections, especially in industries known for high rates of exploitation, many workplaces remain unregulated, leaving international students exposed to unsafe and exploitative conditions.

### **3.7 Support and resources needed by local communities, NSW Government frontline agencies, and non-government service providers to support at-risk and vulnerable temporary migrant workers, including education, training, and cultural capability needs**

Local communities play a critical role in supporting international students and other migrant



workers, particularly in regional and rural areas where international student numbers are expected to grow under new visa changes. These communities require resources to educate migrant workers on workplace rights and protections, provide cultural orientation and facilitate connection to trusted support networks. Local councils, community centres and education providers would benefit from additional NSW Government funding and collaboration to develop targeted outreach programs that can effectively engage international students and temporary workers, ensuring they understand available resources and their rights in Australia.

### **3.8 Potential protections for temporary migrant workers through state-based interventions**

State-based interventions hold significant potential for enhancing protections for temporary migrant workers in NSW, addressing gaps in federal and state legislation and tailoring solutions to the specific challenges faced by migrant workers in the state. With recent shifts encouraging temporary migrants, including international students, to reside in regional and rural areas, NSW has an opportunity to lead in developing targeted, proactive approaches that address vulnerabilities unique to temporary migrants.

The provision of safe, affordable housing is a critical issue for temporary migrant workers. This is particularly the case for migrant workers in rural and regional areas who routinely depend on their employers for accommodation, which is often paid for by the migrant by way of a deduction from their salary, charged far above market rates. In some cases, migrants are not charged any amount for accommodation, leaving employees further vulnerable to exploitation as they are reliant on their employers for ongoing housing, however may not necessarily have rights as tenants under the applicable legislation.

Cross-government initiatives need to be strengthened to ensure that local councils and state bodies can respond promptly to cases of homelessness or substandard living conditions, which are prevalent among migrant workers in exploitative situations.

While employment law is primarily governed by federal legislation, there is significant scope to strengthen protections for temporary migrant workers through enhanced enforcement and refinement of state-based laws. The State should amend existing legislation to better address workplace exploitation and labour trafficking, ensuring it incorporates robust mechanisms for monitoring, reporting and enforcement. Relevant legislation should be amended to ensure compliance with the introduction of penalties for violations and direct remedies for victims.

By enhancing NSW's legislative framework and aligning it with existing federal protections, NSW could lead the way in reducing vulnerabilities for temporary migrant workers and setting a benchmark for proactive, targeted legal interventions.

#### *Recommendations*



18. That the *Modern Slavery Act 2018* (NSW) be amended to:
  - a. include penalty provisions for entities that do not comply with reporting requirements; and
  - b. enable victims of modern slavery to bring civil claims against perpetrators, to obtain compensation and penalties.
19. That Section 9 of the *Residential Tenancies Act 2010* (NSW) be amended to ensure protection for tenants in situations where their landlord and employer are the same or related entities.

### **3.9 Workplace Justice Visa Pilot**

The newly launched workplace justice visa (**WJV**) pilot seeks to address structural gaps by enabling temporary migrants to stay in Australia specifically to pursue employment claims against exploitative employers. The WJV pilot enables migrant workers who have been subjected to workplace exploitation and breached their visa conditions to receive a guarantee against visa cancellation to pursue their workplace exploitation claim/s. Where relevant, the WJV pilot enables migrant workers who have been subjected to workplace exploitation to obtain a six- or 12-month visa, to enable them remain in Australia to pursue their workplace exploitation claim/s.

Importantly, migrants do not rely on their employers or previous employers to obtain this visa, removing a power imbalance which effectively discourages workers from bringing claims during their employment. To obtain a WJV, a migrant worker must obtain certification from an 'accredited third party' (**ATP**).

Prior to certification, the migrant worker must ordinarily receive immigration advice. As a result of the WJV pilot, the Immigration Advice and Rights Centre has experienced a significant increase in time-sensitive requests for assistance.

RLC is currently the only non-union ATP in NSW. Certification requires an in-depth analysis of the migrant worker's case and evidence, the provision of employment law advice, further consideration of the WJV policy and the migrant's eligibility for certification (including whether the migrant has adequate resources to pursue the claim/s), and ultimately, the drafting of a statutory declaration including all required details. In many instances, ATPs must themselves provide the migrant worker adequate resourcing (such as representation or drafting assistance) to be satisfied that certification is appropriate.

Since the WJV pilot commenced in late September 2024, RLC has experienced a significant increase in requests for assistance, receiving over 50 requests for assistance, with more than 130 hours' work associated with those requests.



*Recommendations*

20. That the NSW Government urgently provide additional funding to RLC, as the only non-union 'accredited third party' able to provide certification for Workplace Justice Visa applicants, to deal with the significant increase in demand for assistance as a result of the Workplace Justice Visa pilot.
21. That the NSW Government urgently provide additional funding to community legal centres that provide immigration advice, such as the Immigration Advice and Rights Centre, to deal with the significant increase in demand for assistance as a result of the Workplace Justice Visa pilot.



#### **4. List of Recommendations**

1. That the NSW Government provide more funding to community legal centres and unions to develop translated information for migrant workers, focusing on workplace rights and entitlements, and to deliver culturally appropriate and accessible services to assist migrant workers enforce their rights.
2. That SafeWork NSW update its webinars to ensure all content is available in multiple languages.
3. That the NSW Government, in partnership with community organisations, launch targeted public awareness campaigns that use multilingual media platforms (radio, television, and social media) to educate migrant workers about their rights under Australian employment law.
4. That the NSW Government partner with English language colleges, TAFEs and universities to deliver workshops on employment rights tailored for international students and temporary visa holders.
5. That the NSW Government provide further funding to community legal centres to provide culturally appropriate educational workshops on workplace rights and entitlements for migrant workers in regional and rural NSW.
6. That the NSW Government increase funding to community legal centres to better meet the demand for legal services for migrant workers in rural and regional NSW.
7. That SafeWork NSW establish a specialist unit with the purpose of disseminating information to, and conducting regular workplace inspections of, employers of migrant workers in rural and regional NSW.
8. That SafeWork NSW conduct periodic surveys among workers in rural and regional NSW to gather information about exploitative practices.
9. That the SafeWork NSW update its 'Speak Up' reporting system to ensure it is available in multiple languages.
10. That the NSW Government introduce a voluntary "Fair Work Certification" program for employers across NSW, involving periodic reporting on compliance with relevant industrial laws to an appropriate authority and the yearly publication of a list of certified employers.
11. That SafeWork NSW increase the frequency and scope of workplace inspections in sectors with high numbers of temporary migrant workers, such as hospitality, care services, agriculture and construction.
12. That the NSW Government fund the creation and publication of materials regarding the liability of labour hire companies for workplace exploitation engaged in by host employers.





13. That a dedicated fund be established to support workers who have experienced severe employment related exploitation or abuse to address immediate needs and pay medical costs.
14. That the NSW Government create and promote resources in multiple languages regarding workers' compensation for migrant workers in rural and regional NSW.
15. That the NSW Government provide access to mental health services for workers who have experienced severe employment related exploitation or abuse.
16. That the NSW Government introduce legislation to mandate licensing and compliance requirements for labour hire companies.
17. That the NSW Government establish a dedicated government authority to enforce labour hire legislation.
18. That the *Modern Slavery Act 2018* (NSW) be amended to:
  - a. include penalty provisions for entities that do not comply with reporting requirements; and
  - b. enable victims of modern slavery to bring civil claims against perpetrators, to obtain compensation and penalties.
19. That Section 9 of the *Residential Tenancies Act 2010* (NSW) be amended to ensure protection for tenants in situations where their landlord and employer are the same or related entities.
20. That the NSW Government urgently provide additional funding to RLC, as the only non-union 'accredited third party' able to provide certification for Workplace Justice Visa applicants, to deal with the significant increase in demand for assistance as a result of the Workplace Justice Visa pilot.
21. That the NSW Government urgently provide additional funding to community legal centres that provide immigration advice, such as the Immigration Advice and Rights Centre, to deal with the significant increase in demand for assistance as a result of the Workplace Justice Visa pilot.