



Australian
Human Rights
Commission

The impact temporary migration has on the Australian economy, wages and jobs, social cohesion and workplace rights and conditions

Submission to the Select Committee on Temporary Migration

5 March 2020

ABN 47 996 232 602
Level 3, 175 Pitt Street, Sydney NSW 2000
GPO Box 5218, Sydney NSW 2001
General enquiries 1300 369 711
National Information Service 1300 656 419
TTY 1800 620 241

Australian Human Rights Commission
www.humanrights.gov.au

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

1	Introduction	3
2	Recommendations.....	4
3	Human rights and responsibilities.....	5
3.1	<i>The international human rights framework.....</i>	5
(a)	<i>Treaties and conventions ratified by Australia</i>	5
(b)	<i>Treaties and conventions not ratified by Australia.....</i>	7
(c)	<i>United Nations Guiding Principles on Business and Human Rights</i>	10
3.2	<i>The domestic human rights framework.....</i>	11
(a)	<i>Workplace exploitation and temporary workers.....</i>	12
(b)	<i>Temporary protection visas and bridging visas.....</i>	14
(c)	<i>Slavery and human trafficking</i>	15

1 Introduction

1. The Australian Human Rights Commission (the Commission) welcomes the opportunity to provide this submission to the Select Committee on Temporary Migration (the Committee) to inquire into and report on the impact temporary migration has on the Australian economy, wages and jobs, social cohesion and workplace rights and conditions (the Inquiry).
2. The Commission is Australia's National Human Rights Institution. The Commission provides independent and impartial services to promote and protect human rights and fundamental freedoms.
3. The Commission undertakes a range of policy development and research tasks that aim to promote compliance with Australia's human rights obligations, while also investigating and conciliating complaints of unlawful discrimination and breaches of human rights.
4. The Commission plays an important national role in the promotion of core human rights principles including those underpinning this Inquiry, namely non-discrimination, social cohesion and inclusion.
5. The Commission is uniquely placed to provide input regarding human rights to this Inquiry. This submission will focus on human rights as they relate to the rights of temporary migrant workers in Australia.
6. It is the Commission's view that a human rights-based approach to temporary migration—that is, an approach where human rights norms and principles are integrated into the national approach to temporary migration—is fundamental.
7. Reforms around temporary migration must respect, protect and fulfil human rights.
8. This submission provides: an overview of the relevant international and domestic human rights framework; a human rights perspective on some key issues relevant to the Inquiry's Terms of Reference; and recommendations that reflect human rights principles and standards.

2 Recommendations

9. Recommendation 1: The Committee ensure its recommendations align with Australia's obligations to temporary migrant workers under international human rights instruments.
10. Recommendation 2: The Committee recommend an audit of Australia's protection of the rights of temporary migrant workers, including domestic workers, against international labour standards to identify gaps in, and inconsistencies of, protection with a view to the Parliamentary Joint Standing Committee on Treaties conducting a National Interest Analysis on priority ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, and ILO Convention 189.
11. Recommendation 3: The Australian Government develop a National Action Plan on Business and Human Rights, which implements its obligations under the United Nations General Principles.
12. Recommendation 4: The Australian Government sufficiently fund the Australia Human Rights Commission's National Anti-Racism Partnership Strategy, including its *Racism. It Stops with Me Campaign*.
13. Recommendation 5: The Committee consider the effect of intersectional discrimination on temporary migrant workers including the findings and recommendations of the forthcoming *Respect@Work: Report of the National Inquiry into Sexual Harassment in Australian Workplaces* as they relate to the terms of reference of this Inquiry.
14. Recommendation 6: The Committee consider relevant recommendations included in the *Lives on hold: Refugees and asylum seekers in the 'Legacy caseload' (2019)* as they relate to the terms of reference of this Inquiry.
15. Recommendation 7: The Australian Government strengthen the *Modern Slavery Act 2018* (Cth) including by:
 - establishing an independent Anti-Slavery Commissioner whose functions include awareness raising, monitoring and oversight of the *Modern Slavery Act 2018* (Cth)
 - introducing financial penalties for entities that do not comply with reporting requirements
 - providing adequate funding for review and oversight of modern slavery statements.

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

16. Recommendation 8: The Australian Government's National Action Plan on Modern Slavery 2020-2024 should implement the 12 proposed goals, and should include the following (developed with civil society input):
- a monitoring and evaluation framework with timelines
 - a data collection framework, which draws on international best practice to inform an evidence-based approach to modern slavery responses
 - the provision of training and policy direction to ensure that a victim-centred, trauma-informed and human rights-based approach to responding to modern slavery is employed consistently by public sector agencies
 - the development of localised strategies for identifying and responding to modern slavery, which promote strategic collaboration with local stakeholders including state-based agencies, civil society and frontline services such as health, education or labour inspection
 - the establishment of an anti-slavery hotline based on international best practice, to identify and support victims and reveal modern slavery hotspots.

3 Human rights and responsibilities

17. Central to a human rights-based approach to temporary migration is an understanding of relevant human rights and the associated requirements to respect, protect and fulfil these rights.

3.1 The international human rights framework

18. Human rights are basic rights and freedoms that belong to every person and are set out in international treaties and conventions.
- (a) Treaties and conventions ratified by Australia
19. Australia has ratified a range of international human rights instruments that contain important provisions relevant to temporary migration. These include:

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

- the International Covenant on Economic, Social and Cultural Rights (ICESCR)¹
 - the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)²
 - the International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD)³
 - the Convention relating to the Status of Refugees⁴
 - the International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention (No. 111)⁵
20. The rights set out in the abovementioned international instruments include:
- the right of everyone to the enjoyment of the right to work and the right to an adequate standard of living—Articles 7 & 11 ICESCR
 - the right to freedom from discrimination on the basis of sex, including in relation to employment —Articles 11 CEDAW
 - the right to freedom from discrimination on the ground of race, colour, descent, or national or ethnic origin, including civil and political rights including in relation to employment—Article 5 ICERD
 - the right to freedom from discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin in relation to employment or occupation—Article 1 ILO Convention No. 111
21. Australia has also agreed to be subject to United Nations complaint mechanisms associated with several ratified treaties relevant to this Inquiry, namely the ICERD and CEDAW. These complaint mechanisms are distinct from the complaint mechanisms under national human rights and anti-discrimination laws.
22. The international human rights instruments referenced above require that States:
- respect the relevant human rights—that is, not interfere directly or indirectly in the enjoyment of the rights

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

- protect the relevant human rights—that is, prevent third parties (including business enterprises) from interfering or breaching human rights
 - fulfil the relevant human rights by adopting appropriate measures to fully realise rights.
23. Temporary migrant workers and members of their families are protected by these core international human rights instruments, which apply to all persons irrespective of their nationality.
- 24. Recommendation 1: The Committee ensure its recommendations align with Australia's obligations to temporary migrant workers under international human rights instruments.**
- (b) Treaties and conventions not ratified by Australia
25. Australia has not ratified a range of international human rights instruments that contain important provisions relevant to temporary migration. These include:
- The International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families⁶ (ICRMW)—applies to all persons irrespective of their nationality and imposes a series of obligations on governments to promote "sound, equitable, humane and lawful conditions" for the international migration of workers and members of their families. Fundamental human rights are extended to all migrant workers, both documented and undocumented, with additional rights being recognised for documented migrant workers and members of their families, notably equality of treatment with nationals in employment and in a number of legal, political, economic, social and cultural areas. The Convention also sets up the Committee on Migrant Workers which is responsible for monitoring the Convention's application by States Parties.
 - The ILO Migration for Employment Convention (Revised), 1949 (No. 97)⁷—requires ratifying states to facilitate international migration for employment by establishing and maintaining a free assistance and information service for migrant workers and taking measures against misleading propaganda relating to emigration and immigration. It includes provisions on appropriate medical services for migrant workers and the transfer of earnings and savings.

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

States must apply treatment no less favourable than that which applies to their own nationals in respect to a number of matters, including conditions of employment, freedom of association and social security.

- The ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)⁸—provides for measures to combat clandestine and illegal migration while at the same time setting forth the general obligation to respect the basic human rights of all migrant workers. It also extends the scope of equality between legally resident migrant workers and national workers beyond the provisions of the 1949 Convention (No. 97) to ensure equality of opportunity and treatment in respect of employment and occupation, social security, trade union and cultural rights, and individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within a ratifying state's territory. It calls upon ratifying states to facilitate the reunification of families of migrant workers legally residing in their territory.
- The ILO Private Employment Agencies Convention, 1997 (No. 181)⁹—establishes the general parameters for regulation of recruitment, placement and employment of workers engaged by private employment agencies. It includes requirements that ratifying states ensure measures to provide adequate protections for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies as well as regulatory mechanisms to investigate complaints, alleged abuses and fraudulent practices. The Convention also requires states to ensure adequate protection of migrant workers employed by private employment agencies with respect to terms and conditions of employment including minimum wages and working time
- The ILO Domestic Workers Convention, 2011 (No. 189)¹⁰—offers specific protection to domestic workers. The Convention provides domestic workers are entitled to the same basic rights as those available to other workers, including weekly days off, limits to hours of work, minimum wage coverage, overtime compensation, social security, and clear information on the terms and conditions of employment. Ratifying states are required to protect domestic workers from violence and abuse, to regulate private employment agencies that recruit and employ domestic workers, and to prevent child labour in domestic work.

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

26. Migrant workers contribute to the economies of their host countries, and the remittances they send home help boost the economies of their countries of origin. However, migrant workers often have inadequate social protection and are vulnerable to exploitation and human trafficking.¹¹
27. The Human Rights Council Report of the Working Group on the Universal Periodic Review (UPR)—Australia recommended that Australia consider the ratification of the ICRMW.¹²
28. In Australia’s statement to the Human Rights Council at the adoption of the report of the UPR Working Group on Australia’s UPR response, the Australian Government noted it did not propose to ratify the Migrant Workers Convention and considered that Australia’s laws and policies are generally consistent with the obligations in the Convention.¹³
29. On its UPR monitoring page the Australian Government states it will not ratify the ICRMW as it “regards the combination of strong domestic and international protections already in place to be sufficient” and “is not considering acceding to additional treaties where there would be little practical impact on the already existing strong protections in Australia”.¹⁴
30. The Commission is disappointed at the lack of active consideration of ratification of the ICRMW, given the significant breaches of workplace rights and conditions including underpayments of temporary workers in Australian workplaces.
31. Temporary visa holders make up approximately 7% of Australia’s total workforce.¹⁵ Labour exploitation in Australia and international supply chains have attracted significant media attention in recent years, including high-profile investigations of 7-Eleven, the fast food, restaurant and café sector and labour hire contractors in the agricultural sector.¹⁶
32. Discrimination, gaps in legal protections, and the hidden nature of their work, place domestic workers at risk of a wide range of abuses and labour exploitation.
33. Most of the domestic workers employed in private homes are women and girls.¹⁷ They carry out essential tasks for the household, including cooking, cleaning, laundry, shopping, and caring for children and elderly members of the employer’s family.
34. The Commission commends the Salvation Army’s report [*Service or Servitude: A Study of Trafficking for Domestic Work in Australia*](#) to the Committee.¹⁸ This study found many parallels with the international

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

literature on domestic servitude particularly around patterns of recruitment, the nature and forms of exploitation, and methods of coercion and control to maintain migrant domestic workers in exploitation.¹⁹

35. This report examines the current regulatory framework for domestic work provided in the private homes of diplomats and explores international examples of regulatory frameworks for private domestic work that may be adopted in Australia.
 36. This study found many parallels with the international literature on domestic servitude particularly around patterns of recruitment, the nature and forms of exploitation, and methods of coercion and control to maintain migrant domestic workers in exploitation.²⁰
 37. This report examines the current regulatory framework for domestic work provided in the private homes of diplomats and explores international examples of regulatory frameworks for private domestic work that may be adopted in Australia.
 38. The ICRMW and the related migrant worker ILO Conventions set out above provide a normative framework designed to protect and promote the human rights of temporary migrant workers. As such the Australian Government should consider ratification of these instruments.
 39. Ratification would give the Australian Government a comprehensive, integrated rights framework against which it could review its current regulations and practices with the objective of extending adequate protection to temporary migrant workers in Australian workplaces.
 40. **Recommendation 2: The Committee recommend an audit of Australia's protection of the rights of temporary migrant workers, including domestic workers, against international labour standards to identify gaps in, and inconsistencies of, protection with a view to the Parliamentary Joint Standing Committee on Treaties conducting a National Interest Analysis on priority ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, and ILO Convention 189.**
- (c) United Nations Guiding Principles on Business and Human Rights
41. The 2011 United Nations Guiding Principles on Business and Human Rights (UNGPs)²¹ are a set of globally recognised standards for preventing, addressing and remediating business-related human rights harms.

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

42. The UNGPs were unanimously endorsed by the United Nations Human Rights Council in 2011.²²
43. The expectations on states and businesses, set out in the three Pillars of the UNGPs, are summarised below.
 - Pillar 1—The state has a duty to protect against human rights violations by business, both within their territory and *jurisdiction*. States do this through clearly setting out the expectations on Australian businesses to respect human rights, including when operating abroad, through measures such as policy, legislation, regulations and adjudication.
 - Pillar 2—Business has a responsibility to respect human rights.
 - Pillar 3—Victims have a right to remedy and states and businesses should enable access to effective remedy for victim.²³
44. In 2016 Australia committed to implementing the UNGPs.²⁴
45. Following its second cycle UPR, the Australian Government commenced consultations to develop a National Action Plan on Business and Human Rights but withdrew its support in 2017. Some proposed measures raised during the consultations were subsequently implemented, for example the enactment of the *Modern Slavery Act 2018* (Cth).
46. The Commission encourages the Australian Government to develop a National Action Plan on Business and Human Rights, which implements its obligations under the UNGPs.
47. **Recommendation 3: The Australian Government develop a National Action Plan on Business and Human Rights, which implements its obligations under the UNGPs.**

3.2 The domestic human rights framework

48. Australia's ratification of international instruments is reflected in a framework of legislation at the national level to protect human rights. This legislation includes the following:
 - the *Racial Discrimination Act, 1975* (Cth) which deals with discrimination on the ground of race, colour, descent, or national or ethnic origin and racial hatred
 - the *Sex Discrimination Act, 1984* (Cth) which deals with discrimination on the grounds of pregnancy, marital or relationship status

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

(including same-sex de facto couples), breastfeeding, family responsibilities, gender identity, intersex status, sexual orientation and sexual harassment

- the *Disability Discrimination Act, 1992* (Cth) which deals with discrimination on the grounds of disability
- the *Age Discrimination Act 2004* (Cth) which deals with discrimination on the grounds of age
- the *Australian Human Rights Commission Act 1986* (Cth) which provides limited rights in relation to specific international instruments such as the International Convention on Civil and Political Rights.²⁵
- the *Fair Work Act 2009* (Cth) which deals with the employee / employer relationship in Australia, provides a safety net of minimum entitlements, makes discrimination against employees unlawful and outlines a framework for the regulation of Australian workplaces.
- the *Human Slavery Act 2018* (Cth) which provides a national Modern Slavery Reporting Requirement for the Australian business community to identify and address modern slavery risk and maintain responsible and transparent supply chains.

(a) Workplace exploitation and temporary workers

49. Significant detailed research has been undertaken about the impact of underpayments, breaches of workplace rights and conditions, modern slavery and human trafficking on temporary migrants.
50. Chapter 9 of *Hidden in Plain Sight*, the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry into Establishing a Modern Slavery Act in Australia²⁶ provides the Committee with a comprehensive overview of this impact and of the relevant policy settings driving the exploitation of temporary workers in Australia.
51. The report also reveals the isolation of some temporary migrant workers in Australia. In situations of workplace exploitation this isolation is compounded by these workers' lack of knowledge of their workplace rights and how to protect them.²⁷
52. Temporary migrant workers in Australia also face discriminatory treatment from Australian workers who adopt a view that they are 'taking Australian

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

jobs' and as a result they are sometimes not welcomed in Australian workplaces and communities.

53. Adequate funding for research and analysis about the status of temporary migrant workers in Australia and outreach programmes to assist them in situations of vulnerability, as well as broader community advocacy and education around anti-racism is vital to promote and protect social cohesion.
54. The Commission commends its successful²⁸ National Anti-Racism Partnership Strategy, for which funding ceased in 2018, to the Committee as an example of the type of programme of work required to promote anti-racism and to build and protect social cohesion.
55. **Recommendation 4: The Australian Government sufficiently fund the Australian Human Rights Commission's National Anti-Racism Partnership Strategy, including its *Racism. It Stops with Me* Campaign.**
56. The Australian Government's response is also included in the report. The Commission urges the Committee to consider the findings and outstanding recommendations of, and responses to, the *Hidden in Plain Sight* report as they relate to the terms of reference of this Inquiry.
57. Federal anti-discrimination law provides people with the right to make a complaint to the Commission about unlawful discrimination, and where that complaint cannot be resolved by conciliation, the possibility of pursuing the matter to the Federal Court of Australia or the Federal Circuit Court for an enforceable remedy.
58. Temporary migrant workers can seek redress for discrimination based on race, colour, descent, or national or ethnic origin in employment under the *Racial Discrimination Act 1975* (Cth), relevant State and Territory human rights and anti-discrimination legislation, and the *Fair Work Act 2009* (Cth).
59. The Commission notes some temporary migrant workers are subjected to discrimination in Australian workplaces arising from the intersection of their race, colour, descent or national or ethnic origin with another attribute such as gender, age or religion.
60. This intersectionality makes these workers very vulnerable and affects the impact of discriminatory workplace practices. For example, young, temporary women migrant workers are particularly vulnerable to exploitative treatment at work in Australian workplaces.

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

61. The Commission commends its forthcoming findings and recommendations in the *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*²⁹ report as they relate to temporary migrant women workers including young women, to the Committee.
62. Consultations for the National Inquiry heard about the experiences of sexual harassment of temporary migrant women workers in Australia and the important role policy settings and responses have as drivers of their exploitation.
63. **Recommendation 5: The Committee consider the effect of intersectional discrimination on temporary migrant workers including the findings and recommendations of the forthcoming *Respect@Work: Report of the National Inquiry into Sexual Harassment in Australian Workplaces* as they relate to the terms of reference of this Inquiry.**
- (b) Temporary protection visas and bridging visas
64. The Commission's report [*Lives on hold: Refugees and asylum seekers in the 'Legacy caseload' \(2019\)*](#) provides an overview of the human rights implications for refugees and asylum seekers in the 'Legacy Caseload'.³⁰
65. Refugees and asylum seekers in this group have been living in the Australian community for many years, with no prospect of permanent protection. In most cases they are on bridging visas while awaiting the outcome of their substantive visa applications, or on temporary protection visas that are valid for up to three or five years, where they have been found to be owed protection.
66. Their legal status in Australia is temporary, and they do not have access to the same supports or entitlements as other members of the community. They are among the most vulnerable people in our community. The report considers relevant policy settings and their effect on employment prospects and on social cohesion.
67. For example, due to their visa insecurity people on bridging visas may be at risk of exploitation as they are compelled to accept precarious or unsafe conditions of employment due to their lack of access to more stable employment options.³¹
68. While refugees on temporary protection visas have access to a number of additional entitlements as compared to bridging visa holders, they have

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

limited access to support services such as study support and settlement services, which has a significant negative impact on their settlement outcomes, including their employment prospects.³²

69. The report also discusses the implications for social cohesion in communities where community members in these visa categories are reliant on already stretched community support and service provision.³³

70. Recommendation 6: The Committee consider relevant recommendations included in the *Lives on hold: Refugees and asylum seekers in the 'Legacy caseload' (2019)* as they relate to the terms of reference of this Inquiry.

- (c) Slavery and human trafficking

71. The Commission commends Australia for the enactment of the *Modern Slavery Act 2018* (Cth), in particular for including the Australian Government as a reporting entity.

72. The Commission notes that the *Modern Slavery Act 2018* does not establish an independent oversight mechanism, financial penalties for entities that do not comply with reporting requirements, or a national victims compensation scheme for victims of slavery and human trafficking. It is essential that the Australian Government address these gaps in order to ensure the effectiveness of the *Modern Slavery Act 2018* (Cth).³⁴

73. Recommendation 7: The Australian Government strengthen the *Modern Slavery Act 2018* (Cth) including by:

- **establishing an independent Anti-Slavery Commissioner whose functions include awareness raising, monitoring and oversight of the *Modern Slavery Act 2018* (Cth)**
- **introducing financial penalties for entities that do not comply with reporting requirements**
- **providing adequate funding for review and oversight of modern slavery statements.**

74. The Commission commends the Australian Government for the development of its initial *National Action Plan to Combat Human Trafficking and Slavery 2015-19*.

75. The Australian Government is currently developing its *National Action Plan to Combat Modern Slavery 2020-24* (the 2020-24 Plan) and has recently undertaken a public consultation process.

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

76. The Commission welcomes the 12 proposed goals for the 2020-24 Plan set out in the National Action Plan Consultation Paper (12 proposed goals) being:³⁵
1. maintain and promote compliance with international standards on modern slavery
 2. engage the Australian community to understand and combat modern slavery
 3. promote an evidence-based response to modern slavery
 4. maintain a robust and comprehensive legislative framework to combat modern slavery
 5. train frontline officials to support the identification of victims and effective investigations of modern slavery
 6. progress effective prosecutions to secure convictions against offenders
 7. enhance our response to combat forced marriage
 8. enhance our response to combating serious forms of labour exploitation, including forced labour and deceptive recruiting
 9. promote transparency and accountability for combating modern slavery risks in global supply chains, including in Government procurement
 10. provide appropriate support, protections and remedies to empower victims of modern slavery
 11. enhance our leadership and partnerships to promote regional and international cooperation on combating modern slavery, and
 12. work collaboratively across government, along with non-government stakeholders, to combat modern slavery.
77. However, in the Commission's view the 2020-24 Plan could be strengthened in a number of ways.
78. **Recommendation 8: The Australian Government's National Action Plan on Modern Slavery 2020-2024 should implement the 12 proposed goals, and should include the following (developed with civil society input):**
- **a monitoring and evaluation framework with timelines**

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

- **a data collection framework, which draws on international best practice to inform an evidence-based approach to modern slavery responses**
- **the provision of training and policy direction to ensure that a victim-centred, trauma-informed and human rights-based approach to responding to modern slavery is employed consistently by public sector agencies**
- **the development of localised strategies for identifying and responding to modern slavery, which promote strategic collaboration with local stakeholders including state-based agencies, civil society and frontline services such as health, education or labour inspection**
- **the establishment of an anti-slavery hotline based on international best practice, to identify and support victims and reveal modern slavery hotspots.**

¹ *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976).

² *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature, 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981).

³ *International Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature 21 December 1965, 660 UNTS 195 (entered into force 4 January 1969).

⁴ *Convention relating to the Status of Refugees*, adopted on 28 July 1951, (entered into force on 22 April 1954).

⁵ Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

⁶ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>, adopted on 18 December 1990, (entered into force in 2003).

⁷ Adopted 1 July 1949 (entered into force 22 January 1952)

⁸ Adopted 24 June 1975, (entered into force 9 December 1978)

⁹ Adopted 19 June 1997, (entered into force 10 May 2000).

¹⁰ Adopted 16 June 2011, (entered into force 5 September 2013).

¹¹ <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/migrant-workers/lang--en/index.htm> (viewed 21 February 2020).

¹² Available at <https://www.ag.gov.au/RightsAndProtections/HumanRights/United-Nations-Human-Rights-Reporting/Documents/UPR-Report-of-the-Working-Group.pdf>, pp. 14-15, (viewed 19 February 2020).

¹³ Ambassador Quinn, 'Universal Periodic Review – Australia's statement to the Human Rights Council at the adoption of the Report of the UPR Working Group on Australia's UPR - Adoption Statement', 17 March 2016, <https://www.ag.gov.au/RightsAndProtections/HumanRights/United-Nations-Human-Rights-Reporting/Documents/UPR-Adoption-Statement.pdf> (viewed 21 February 2020).

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

-
- ¹⁴ Australian Government, Attorney-General's Department, *Universal Periodic Review monitoring*. At <https://www.ag.gov.au/RightsAndProtections/HumanRights/United-Nations-Human-Rights-Reporting/upr-recommendations/Pages/default.aspx> (viewed 4 February 2020).
- ¹⁵ Australian Government Fair Work Ombudsman, *Inquiry into the wages and conditions of people working under the 417 Working Holiday Visa Program*, October 2016. At <https://www.fairwork.gov.au/about-us/access-accountability-and-reporting/inquiry-reports> (viewed 1 December 2017).
- ¹⁶ Jodie Gunders 'Fair Work Ombudsman report reveals widespread exploitation, underpayment of 417 visa holders' *ABC News (online)* 15 October 2016, At <http://www.abc.net.au/news/rural/2016-10-15/ombudsman-report-reveals-widespread-417-visa-exploitation/7934780> (viewed 1 December 2017)
- ¹⁷ International Labor Organization, *Domestic Workers Across the World: Global and regional statistics and the extent of legal protection* (Geneva, ILO, 2013), p. 19.
- ¹⁸ <https://www.salvationarmy.org.au/subscribe/sites/auesalvos/files/pdfs-news-and-media/2019/Service-or-Servitude-Domestic-Servitude-in-Australia-Report.pdf>
- ¹⁹ Ibid, p. 6.
- ²⁰ Ibid, p. 6.
- ²¹ United Nations Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework* (2011)
- ²² See Australia's statement to the UN Human Rights Council at the adoption of the Report of the UPR Working Group on 17 March 2016 at <https://www.ag.gov.au/RightsAndProtections/HumanRights/United-Nations-Human-Rights-Reporting/Documents/UPR-Adoption-Statement.pdf> access at <https://www.ag.gov.au/RightsAndProtections/HumanRights/United-Nations-Human-Rights-Reporting/Pages/Australias-Universal-Periodic-Review.aspx>
- ²³ Available at https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf (viewed 21 February 2020).
- ²⁴ Australian Government - Department of Foreign Affairs and Trade, *Business and Human Rights*. Available at <https://dfat.gov.au/international-relations/themes/human-rights/business/Pages/default.aspx> (viewed on 4 January 2020).
- ²⁵ Adopted 16 December 1966 (entered into force 23 March 1976)
- ²⁶ Available at https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery/Final_report/section?id=committees%2freportjnt%2f024102%2f25425 (viewed 21 February 2020).
- ²⁷ Ibid, paragraphs 9.96-9.107.
- ²⁸ The NARPS including the *Racism. It Stops with Me* campaign has been evaluated twice. See <https://www.humanrights.gov.au/our-work/race-discrimination/publications/national-anti-racism-strategy-and-racism-it-stops-me>
<https://www.humanrights.gov.au/our-work/race-discrimination/publications/anti-racism-2018-and-beyond-2018>
- ²⁹ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*, 2020. Information about the report release can be found at [here](#).
- ³⁰ Australian Human Rights Commission, *Refugees and asylum seekers in the 'Legacy caseload'* (2019). Available at <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/lives-hold-refugees-and-asylum-seekers-legacy> (viewed 21 February 2020)

Australian Human Rights Commission
**The impact temporary migration has on the Australian economy,
wages and jobs, social cohesion and workplace rights and conditions**
2 March 2020

2020). The Legacy Caseload is a group of approximately 30,000 asylum seekers and refugees who arrived in Australia by boat prior to 1 January 2014 and were permitted to remain in Australia to lodge applications for protection visas.

³¹ Ibid p.58-60.

³² Ibid p. 72-79.

³³ Ibid p. 52, 72-78.

³⁴ Australian Human Rights Commission, *Submission to the Attorney-General's Department, Modern Slavery in Supply Chains Reporting Requirement Consultation* (20 October 2017). At <https://www.aph.gov.au/DocumentStore.ashx?id=2991f98f-df3a-4515-b3ec-70a9c7ddb4f6&subId=657841> (viewed 4 February 2020); Australian Human Rights Commission, *Statement of Support for an Australian Modern Slavery Act (2017)*. Available at: <https://www.humanrights.gov.au/our-work/rights-and-freedoms/publications/statement-support-australian-modern-slavery-act-2017> (viewed on 14 January 2020); Australian Human Rights Commission, *Submission to the Senate Legal and Constitutional Affairs Legislation Committee, Inquiry into the Modern Slavery Bill 2018*. At <https://www.aph.gov.au/DocumentStore.ashx?id=147d8979-5592-4eba-b17e-43d12916741c&subId=613538> (viewed 14 January 2020); Joy Ngozi Ezeilo, *Report of the Special Rapporteur on trafficking in persons, especially women and children, on her mission to Australia*, UN Doc A/HRC/20/18/Add.1 (18 May 2012), 16. At <https://undocs.org/A/HRC/20/18/Add.1> (viewed 14 January 2020); and Joint Standing Committee on Foreign Affairs, Defence and Trade, Parliament of Australia, *Hidden in Plain Sight: An inquiry into establishing a Modern Slavery Act in Australia* (2017), pp. 164-179.

³⁵ <https://www.homeaffairs.gov.au/reports-and-pubs/files/combat-modern-slavery-2020-24-consultation-paper.pdf>