

Senate Select Committee on Temporary Migration
Fair Work Ombudsman responses to Questions on Notice

Hearing date: 30 June 2021

Question No: 01

Subject: Promotion of resources to migrant communities

Asked by: Senator Raff Ciccone (Page 12 of Hansard)

CHAIR: That's great. But some of the evidence that we've had before this inquiry is that a lot of the migrants just don't have access to the internet. When they come to this country to work, is the onus on the employer to provide them with printed versions of this material? Do you require them to do so?

Mr Scully: Not in all instances, but we have a range of activities that we undertake in order to connect with the migrant community. That includes, obviously, some enforcement action, which I can provide you with some statistics on in a little while. But also we have a range of communication activities and education resources on the web that are available and specifically directed to the migrant worker community, which Ms Peters can provide more details on if you would like.

CHAIR: Please take that on notice. I'm just curious about the promotion of these services to migrant communities—not just a community but communities—and whether you engage with the settlement services and other services that support migrants while they're here in Australia working.

Answer:

All employers are required to provide all employees, including migrant workers, with a Fair Work Information Statement (FWIS) before, or as soon as practicable after, the employee first commences employment. The FWIS sets out information about basic entitlements (including the National Employment Standards), modern awards, and the role of the Fair Work Ombudsman (FWO) and the Fair Work Commission. The FWO makes the FWIS available in 38 languages.

The FWIS can be given to employees in a number of ways, including in person, by mail, by email to the employee's work email address or another email address nominated by the employee, or by fax.

In addition, the FWO undertakes a range of engagement activities to increase awareness amongst migrant workers about the agency and to assist them to understand their workplace rights. The FWO focusses heavily on collaboration and engagement with stakeholders and intermediaries to maximise the effectiveness and reach of our migrant worker engagement activities, including:

- providing relevant intermediaries (community organisations, community leaders, university coordinators and international student leaders) with information about the FWO's free resources and services, and encouraging them to further disseminate the information in their network;
- publishing a community presentation package about working in Australia on our website that intermediaries can use to educate migrant workers about Australian workplace laws, and providing training on its use for those that require it - for example, recent training workshops were provided to culturally and linguistically diverse community leaders through the NSW Migrant Employment Legal Services and the Multicultural Community Liaison Officers at NSW Police;

- delivering targeted engagement strategies that have provided tailored information and activities to specific migrant cohorts or multicultural communities;
- providing funding to five (5) not-for-profit organisations who assist vulnerable groups through the Community Engagement Grants Program;
- hosting the Community Legal Centres (CLC) Forum bi-annually, which is regularly attended by close to 20 CLCs and organisations from across Australia that offer employment assistance to vulnerable workers, including Redfern Legal Centre, JobWatch, Youth Law Australia, Legal Aid Queensland, WEstJustice and Working Women's Centres; and
- direct engagement with migrant workers and employers at community events to support them in understanding their workplace rights and obligations, including:
 - exhibiting at multicultural and career expos and distributing FWO resources such as the FWIS and the Starting a new job guide in-language;
 - delivering presentations in English and languages other than English, facilitated by multi-lingual FWO staff and/or interpreters, and
 - hosting virtual engagements (webinars).

The FWO also develops and promotes in-language communications campaigns and provides translated media releases that contain information about FWO's services to relevant culturally and linguistically diverse media outlets.

Senate Select Committee on Temporary Migration
Fair Work Ombudsman responses to Questions on Notice

Hearing date: 30 June 2021

Question No: 02

Subject: Community engagement

Asked by: Senator Raff Ciccone (Page 13 of Hansard)

CHAIR: I appreciate that. AIMS Australia appeared before this inquiry and we asked them a number of questions on this topic. They said:

There are a lot of resources on the Fair Work Australia website, which are in language; however, I think those resources are not very accessible ... I think a greater educational role could be played by organisations like ourselves and other settlement agencies.

I guess this is one of many examples where there's this frustration. Yes, there's a lot of great information on the website, but it's not being used, not being tapped into by migrants. This is because, rightly or wrongly, they don't have adequate access to the internet, they don't understand what the ombudsman is or they have a fear of government authorities, given the other countries they're coming from. Does this concern you and what are you doing to address it?

Mr Scully: It concerns us because visa holders and migrant workers are an enduring priority of the FWO. One of our priorities is to continue to assist vulnerable workers, which visa holders and migrant workers are part of. It's important that all workers in Australia have the same workplace rights, regardless of citizenship or visa status. As I mentioned earlier, we have a three-pronged approach to engage with the visa holder and migrant worker communities, and that is in responding to requests for assistance and intelligence we receive that may require us to do some investigations. We also have a wide-ranging communications campaign specifically targeting migrant workers. As Ms Peters has already set out, we have significant resources on our website that are targeted also for the migrant working communities.

There is always additional work we can do to liaise with other bodies and work with them. We certainly take the approach of working collaboratively with other parties in the sector. We are always looking for opportunities to engage with other parties who can assist us in reaching this vulnerable community cohort.

CHAIR: I don't know if I've already asked this, but you may want to take it on notice. Are you able to provide a list of those organisations that you engage with?

Answer:

The FWO regularly participates in cross agency forums and multicultural network meetings nationally to provide up-to-date information about the FWO, its resources and Australian workplace laws. These forums have long term memberships of settlement services and other migrant support organisations, including:

Victoria

- Migrant Information Centre Eastern Melbourne
- Southern Migrant and Refugee Centre
- Arabic Welfare

- Centre for Multicultural Youth
- MiCare Settlement Services
- South East Community Link

South Australia

- Australian Refugee Association
- Welcoming Centre
- AMES Australia

New South Wales

- Australian Red Cross
- Settlement Services International
- Sydney Multicultural Community Services
- Western Sydney Migrant Resource Centre
- Mount Druitt Ethnic Communities Agency

Tasmania

- Multicultural Council of Tasmania
- Migrant Resource Centre

The FWO also actively engages with well over 100 organisations that connect with and support migrant workers, including:

- Federal and state government agencies, such as Services Australia, Department of Home Affairs, Austrade, the Department of Education, Skills and Employment, Study NSW, Study QLD, Anti-Discrimination NSW and Department of Jobs, Precincts and Regions Victoria;
- Unions representing workers in sectors that have a high proportion of migrant and visa workers, such as fast food, restaurants and cafes, and horticulture;
- Community organisations, including Dress for Success, CORE community service in NSW, Multicultural Centre for Women's health in Victoria and Ignite Potential Inc in NT;
- Local councils, including City of Sydney, City of Adelaide and City of Monash;
- Community Legal Centres and employment assistance organisations, such as JobWatch, Youth Law Australia, Working Women's Centres, Redfern Legal Centre, WEstJustice and Springvale Monash Legal Service;
- Consulates and embassies, including the Chinese Consulate in Sydney, the Indian Consulate in Sydney, the Philippine Embassy and the Korean Embassy;
- Education providers, including major universities such as University of Melbourne and University of Sydney, TAFEs and colleges such as NSW TAFE and Melbourne Polytechnic, and English schools such as Navitas and AMEP programs;
- Peak bodies and associations such as the Council of International Students, English Australia and Universities Australia;
- Migration and/or education agents such as the Migration Institute of Australia, IDP and Australian Education Consultant's Alliance; and
- Migrant support services, including accommodation providers such as Iglu and Insider Guides (which provides free guides and online information for international students).

The FWO also provides funding to five not-for-profit organisations to support people who have difficulties understanding and exercising their rights under the federal workplace relations system, including migrant workers. The five organisations in receipt of funding from 1 January 2021 to 31 December 2024 are:

- JobWatch Inc
- Circle Green Community Legal
- Youth Law Australia
- Working Women's Centre SA
- Cleaning Accountability Framework Inc.

Senate Select Committee on Temporary Migration

Fair Work Ombudsman responses to Questions on Notice

Hearing date: 30 June 2021

Question No: 03

Subject: Break-down of small claims recoveries

Asked by: Senator Raff Ciccone (Page 16 of Hansard)

CHAIR: You may want to take this on notice—are you able to provide a breakdown in terms of the small claims that you might receive? It's not the amount—I don't know if you can do it in \$1,000 or \$10,000 lots—but can you provide a breakdown of the dollar amounts of claims that you receive? You may want to put it into categories so the committee can have a look. I think it's up to \$20,000, is that right?

Mr Scully: Correct.

CHAIR: So it's between zero and 20,000 and how you provide that. If you could provide a breakdown for the committee of how many claims between zero dollars and, I don't know, a hundred or a thousand, that would be great.

Mr Scully: We will, Senator.

Answer:

In 2019-20, the FWO completed 6,395 requests for assistance with recoveries of less than \$20,000. The majority of these requests are resolved for workers through direct assistance from the FWO.

An alternative option for workers is to make a small claims application in the Federal Circuit Court of Australia or a state or territory Magistrate's or District Court.

The table below sets out the number of enquiries during 2019-20 where the FWO provided information and guidance to assist people with small claims applications. The table is broken down by monies recovered where known (full year data is not yet available for 2020-21). These recoveries include some matters that were resolved before the small claims court process commenced and do not include matters where the amount ultimately recovered through a small claims application has not been provided to the FWO.

	Small claims recoveries	Number of claims
2019-2020	\$0 - \$5,000	50
	\$5,001 - \$10,000	10
	\$10,001 - \$15,000	3
	\$15,001 - \$20,000	1