



Submission to Joint Standing Committee on Foreign Affairs, Defence and Trade - Foreign Affairs and Aid Sub-Committee

Regarding:

Inquiry into strengthening Australia's relationships with countries in the Pacific region

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Date: 28 April 2020

Executive Summary

1. This submission responds to one aspect of the invitation for submissions in respect to the Pacific Labour Mobility Scheme as part of the Stepping Up in the Pacific announcement by Prime Minister Morrison on 8 November 2018. A key component of the Pacific Step Up is the Labour Mobility initiatives of the Australian Government. There are two schemes, The Pacific Labour Scheme and the Seasonal Worker Programme that operate within the Pacific Island Countries.
2. The intent of this submission is to provide an authentic perspective of those from a Pacific Country and presents the views of leaders of the key worker representatives in Samoa who are engaged in the impact of labour migration programmes in their country. Two supporting statements are provided from these local leaders. Each refers to an assessment of Australia's Seasonal Worker Programme (SWP) which is supported by the Pacific Labour Facility. The SWP is a well-known Australian Government initiative in Samoa and is a means to understand how Samoan people define the relationship between their country and Australia. The experience of working as part of this programme and the experience of the workers, their families and their community is critical to the understanding of Australia in Samoa. It is a relationship defining programme that we argue needs to be understood not only from the perspective of Australia but also from the perspective of Samoa.
3. The intent of the SWP is clear however it is the impacts of the programme and how it affects those in Samoa that are the focus of this submission. A relationship is not based solely on intent but also on realities. Our submission challenges the efficacy and efficiency of the communications within this programme as the source of confusion and concern and in some cases hardship.
4. It is clear from feedback that there is a need for a primary review of the predeparture training that is provided to the workers. The existing training is not adequate to address the needs of individuals to orientate them to living and working in Australia. This is a fundamental shortcoming and requires a proactive and strategic response from the Australian Government to support the Pacific Island Countries to enable them to provide quality pre departure programmes.
5. **Recommendations -**
 - a. **a comprehensive review of the pre departure training**
 - b. **a needs assessment of workers drives the new content and design of training**
 - c. **the goals of the training is to enable workers to understand and work within the Australian culture and employment practices**
 - d. **a familiar language is used rather than assuming that English skills are common. In particular, contracts need to be provided in both Samoan and English to ensure that both parties have equal capacity to understand the content.**
 - e. **the review is undertaken in close consultation with engaged organisations such as national union centres and worker education specialists to produce content and resources that address the lack of essential information and resources.**
6. The rationale for these recommendations are aligned to achieve outcomes to:
 - a. reduce the confusion experienced by workers who are ill prepared to work in a foreign culture with different laws,
 - b. uphold the rights of workers and reduce the likelihood of exploitation,
 - c. reduce in the risk of hardship due to the lack of developed English literacy skills,
 - d. enhance the experience of working in Australia and enable a greater understanding of Australian employment practices and culture,

- e. provide for a realistic understanding of the costs of living in Australia,
- f. support the learning of workers in relation to what we generally regard as "life skills" i.e. budgeting, preparation of food and money management.
- g. Provide the basis for workers and community leaders to adopt more realistic expectation of the amount of money that will be remitted based on the cost of living and avoid financial duress
- h. Reduce industrial grievances as contracts will be bilingual to meet the needs of the workers to understand their rights and obligations as well as the rights and obligations of the employer.

Context

- 7. The examination of Australia's relationship with the Pacific Island Countries cannot be undertaken without acknowledging the perspectives of those who live in those nations. As there is diversity in the cultures within the Pacific so too is there a range of different organisational capacities and values which underpin the perspectives of worker representatives within the region. The trade union movement across the Pacific is distinct from the Australian trade union movement and similarly, the industrial relations systems are also distinct from our highly codified system. Those workers who come to Australia to work as part of the Pacific Labour Scheme or the Seasonal Worker Programme are not only entering a foreign country, work space and culture but few have had any experience of working in any highly codified industrial relations setting anywhere in the world. In addition to the challenges of navigating the issues of work and foreign culture, many seasonal workers are challenged by the differences in Australian culture and use of leisure time.
- 8. It is not argued that this submission is able to represent the views of trade union or workers representatives of the whole Pacific but rather that there is a need for those charged with reviewing or designing programmes need to acknowledge the differences within the region and especially to reflect on how foreign our country is to our neighbours in the Pacific. We must improve our understanding of our neighbours in the Pacific by listening to them and their appraisal of how Australia may better engage with them in our programmes.
- 9. The representation of the experience of workers in Samoa have been provided in the attached statements by Ms Tili Afamasaga President Samoa Workers Congress and Ms Saina Setu Tomi, Senior Organiser Samoa First Union. These statements have been provided as they are the authentic voice of the representatives of Samoan workers who have experienced working in the Seasonal Worker Programme here in Australia. As partners with these organisations, Union Aid Abroad – APHEDA acknowledges their enduring support for their Samoan community and the advancement of working rights and conditions of workers.
- 10. Each statement references the need for some changes to mitigate against the negative impacts of the labour migration programmes. These are summarised as:

Predeparture Training for accepted participants

- 11. A comprehensive review is required to ensure that the information that supports the orientation and successful participation of workers. Particularly attention to the appropriate description of Australian culture and community resources is necessary and must be detailed to include the appropriate behaviours of interactions in the workplace and the community.
- 12. The content of the predeparture training must address the key skills, knowledge and behaviours that are used in Australia. This must include both industrial skills as well as lifestyle skills.

Employment Law

- 13. The use of standard English contracts of employment for seasonal workers is inappropriate for the majority who are often not functionally literate in English. Contracts of Employment are essential and important. The particular issue is the nature of the English used and we acknowledge that most Australian based workers with English as a first language struggle to

understand employment contracts and agreements. This is one aspect of the programme which is not transparent or accessible for overseas workers. Literacy and lack of familiarity with our laws and regulation are significant obstacles. Given the lack of transparency and effort to communicate in a shared language, we assert this is not a fair and just process. This is further impacted as workers do not have the supports in Australia who can assist them with translation and explanation of the terms contained in the contracts. This places workers at a distinct disadvantage and exposure to exploitation. Our recommendation encompasses the need for close consultation with the relevant Australian and Pacific Trade Unions and who can best represent the needs of workers and plain English.

Health and well being

14. Both supporting statements refer to a range of issues that have an impact in Samoa regarding the loss of local workers and also the impact of separation from family. Greater consideration is required to support the well-being, health and pastoral care of workers whilst in Australia. This aspect is greater than the employment relationship but is relevant to the capacity of workers to work and return to their country unharmed and in good health. Union Aid Abroad holds serious concerns about the lack of sick leave and health insurance for workers that are resulting in workers losing pay for work related injuries as well as having to pay for medical costs. This would appear to be at odds with the spirit of attending to the issue of pastoral care that is often spoken of by Pacific leaders in relation to Australia's duty in relation to Pacific workers.
15. Additionally, we acknowledge the social and family pressure on workers to remit money home and without basic skills of budgeting and handling money, that the result is that workers may not have retained enough money to pay for nutritious food to sustain their work and health.

Step up the Seasonal Worker Programme

16. We acknowledge that the Seasonal Worker Programme is administered by the Department of Education, Skills and Employment receiving targeted support from the Pacific Labour Facility (PLF) under the Department of Foreign Affairs and Trade. The distinction between the programmes appears to be distinguished by more than differing departmental management. Whilst the PLS provides transparent undertakings for the responsibility for predeparture training which encompasses a range of skill sets including financial management, there is not a similar investment within the SWP. In seeking just and equitable arrangements for workers, and acknowledging the concerns raised by our partners, Union Aid Abroad – APHEDA supports a consistent approach to preparation and debriefing of workers as many return to Australia on consecutive contracts. It is also illogical that the preparation of workers should be so different as to place one group at a distinct disadvantage in orientation. This reflects poorly on the Australian respect for seasonal workers. The Samoan culture has a strong oral tradition. As such the conversations within families and communities are critical to ensuring that Australia's contribution affords all the opportunity to understand our foreign practices and culture and will enhance the relationship between our people.
17. As a global solidarity organisation, our work is focussed on working in partnership for improvements and not to change the local culture. Although we acknowledge the labour migration programmes in the Pacific are contractual in nature, Union Aid Abroad – APHEDA argues that it is a valid vehicle for improving Australia's relationship by making improvements that do not disturb cultures, result in improvements for the sending countries and their work force and aspire to do no harm.
18. One aspect of Ms Afamasaga's statement resonated strongly with the design of labour migrant programmes and that is the following, *"The only sadness is that we miss our people when they leave us and go overseas to work. We are assured that they will return and come home and that is very important to us because we need that. We know that they are learning to work differently and experience life in a foreign country and they can bring that learning back to Samoa and teach others."* Whilst SWP is not a formal education of workers it contributes in the most fundamental knowledge of Australia to a broad cohort of the Samoan community. Although this

submission is purposefully targeted at this one dimension of the Australian contribution to the Pacific, it has a value greater than money to those who participate. The actions of our Government in designing and administering programmes are the actions by which we are known in our region. As an advocate for protections for Labour Migrants, Union Aid Abroad – APHEDA advocates for: universal access to industrial laws regardless of citizenship, access to community language resources and guidance for all groups engaged in formal programmes of labour migration, and protection from exploitation. The recommendations of Ms Afamasaga and Ms Tomi are consistent with an approach which is focussed on improving the relationship between Australia and Samoa by removing the source of concerns and confusion and replacing them with greater certainty and confidence in how their people will be treated here..

About Union Aid Abroad – APHEDA

19. Union Aid Abroad – APHEDA was founded in 1984 and **APHEDA** Works globally in partnership for the achievement of dignity at work, social justice, economic equality and the realisation of human rights. We work to achieve this through strong unions and social movements, sustainable development programs, global solidarity and support in times of crisis.

Union Aid Abroad - APHEDA is fully accredited with the Australian Government and is a member of ACFID and a signatory to the ACFID Code of Conduct.

20. Union Aid Abroad – APHEDA has worked in the Pacific for more than 20 years. Our current Project in the Pacific supports the development of worker rights and education in the private sector in Samoa via the Samoa First Union. It is the only private sector union in Samoa and represents all formal and informal workers in the private sector seeking to bring a balance of equity in employment in this country. In the event that our recommendations are accepted, Union Aid Abroad, together with our partners will seek opportunities to contribute to improving the knowledge of potential workers via expanded programmes. Union Aid Abroad-APHEDA recognises the strategic importance of the Pacific for the enduring cultures of First Nation people, the precious environment as well as the challenges caused by the increasing threat of rising sea levels and climate disasters. .
21. This project is funded by the contributions of Union Aid Abroad –APHEDA members and does not receive funding from DFAT.

About Samoa First Union and Samoa Workers Congress

22. Samoa First Union is funded by Union Aid Abroad APHEDA to strengthen the civil society structures in Samoa as well as the broad national union movement. The other registered worker associations or trade unions are affiliated to the Samoan Workers Congress and our work is guided by their leadership both in terms of developing a strong worker education and organising approach to work as well as a culturally appropriate model of trade unionism in Samoa.

Statement by Gatoloai Tili Afamasaga

I, Galtoloai Tili Afamasaga am pleased to make this statement in support of the Union Aid Abroad – APHEDA submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade in relation to the relationship between Australia and the Pacific

I make this statement based on my experience in a range of capacities in Samoa being:

President, Samoan Workers Congress (2014-current) (SWC, the peak council of trade unions in Samoa), of which Samoa First Union is an affiliate and the only union which works with private sector employees in both the formal and informal sector.

President, Samoa Teachers Association, (1995-2014)

Samoan National Tripartite Forum (SNTF) member. The SNTF receives reports from the responsible unit from within the Samoan Ministry of Commerce, Industry and Labour (MCIL) which reports to the SNTF. Also consist of four (4) members from workers organisations, four (4) members from employers and four (4) members from Government.

Chairperson, Board of Directors Samoa Qualifications Authority (2017-current)

As well as through my extensive social connections. These roles provide me with very broad perspectives of the social and work challenges of those who leave Samoa to work overseas.

Background

For context, it is important to understand that the experience of sending workers abroad to work in agriculture and horticulture commenced prior to Australia's programmes with the Registered Seasonal Employee (RSE) scheme in New Zealand. At that time, the SNTF heard from a wide range of private sector employers who expressed concern that they would lose their best workers to this programme as they were unable to compete with the New Zealand wages. Local employers felt that they had invested in development of workers who were not unskilled or low skilled. I concur that since the commencement of the RSE programme and the SWP programme that this has occurred as our skilled and sometimes our professional employees, such as teachers, leave their positions to work abroad as our pay levels cannot compete for the wages paid in Australia and New Zealand.

At the outset I acknowledge that over the duration and after reviews and improved dialogue there have been improvements in the programmes particularly in the management and reporting of issues and impacts at the macro and micro levels in Samoa. I am hopeful that this review by this Inquiry will result in further consideration of issues that are in need of quality improvement.

Key challenges for workers participating in Australian programmes.

The key challenges for workers are relevant to both the Australian and Samoan Governments. This relates to the design, and content of the predeparture programme for workers and the importance of follow up. Locally, we have had good dialogue with those at MCIL with whom we will work with to improve the quality of the content. This is based on the feedback from returned workers who have found the predeparture training to be inadequate in preparing them for their lives in Australia.

The challenges most often mentioned by workers who have returned from Australia include:

1. The experience of living and working in a foreign country with a very different culture, laws and regulations.

2. Feeling stressed and confused by many aspects both social and work related as they felt the predeparture training did not equip them or prepare them to understand their situation in Australia.
3. Social isolation relating to the unfamiliar and foreign living conditions in a hostel situation. This is more acute for those who are not part of a crew which is based on their home village and they find themselves living with strangers.
4. Lack of understanding about practical concepts such as renting as this is a foreign concept and is of a contractual nature.
5. The capacity of employers to make deductions from wages for costs such as transport and other deductions which may be commonplace in Australia but are not understood and are felt to be very expensive for what is provided.
6. Payment arrangements such as frequency, how calculated and the basis for agreement
7. Superannuation deductions and what is provided as a benefit for workers.
8. Lack of understanding of Samoan culture and values by managers which at times contributes to misunderstanding.
9. Lack of understanding of contract law that underpins the employment contracts in Australia as well as the language used which is incomprehensible for our people.

The above could be mitigated by a thorough and detailed review of the pre-departure training.

It is recommended that resources are needed to support the learning about Australia and its culture and laws as well as how society works so that they can be easily used by our own MCIL staff here and translated into our own language. While we can work on these materials in Samoa the more effective outcome would be for the resources to be prepared about Australia, in Australia and then provided to countries for translation. It may also be the case that there is a need for Australia's own Government maintains a closer review of the information for quality control.

I have personally reviewed the materials and agree with the workers that the current content is very general and not of the needed detail to support orientation for a foreign country.

Impacts in Samoa

There are non-financial and non-economic impacts of the loss of workers from our communities. We have had many incidents of families breaking up as a result of the young men starting relationships whilst in Australia and not returning to their family. This is not surprising or perhaps even avoidable given the length of the duration of absence. Our Samoan Government has suggested likely that perhaps it would be required to return workers to Samoa if this happens. This is not confined to the Australian programmes as it happens with RSE workers as well. Regardless this results in the breakdown of families that would not happen except for the separation of families due to the need for work.

Another issue is the reliance of the families on remittances and this has become more acute recently as the CoVid19 lock down has caused a huge delay of monetary transfers due to the lack of travel permissions in Australia. This results in hardship for families. The worse affected are those workers who have left their villages and live in a nuclear family setting that are usual for Australians as they lack the support of their village.

This situation suggests that the Australian Government might also consider the arrangements that are important for seasonal workers to organise alternative methods of making the remittance payments by electronic transfers and ensure that this is included in the predeparture training as a skills based session.

The health physical and mental health to us of our workers is paramount as we want our people to return to us as well as they left. Medical benefits and health checks are very important and must not be left to the workers to manage in a foreign country without support and guidance.

Our workers are not familiar with Australia contracts or language and often say they do not understand what they are signing. This is especially important for the matter of deductions and the standard of service offered for the deduction.

Accommodation appears to vary considerably in terms of quality and cleanliness and maintenance. This is surely an aspect that the Government can regulate and ensure that poor accommodation does not have a negative impact on the health of our workers.

Our response in Samoa is for our local union Samoa First Union to work with the SWC to ensure that we are actively representing them in terms of our local structures such as the SNTF, with MCIL and to provide support.

Further, the Samoan Workers Congress will be making a submission to our Government that a new unit be created within MCIL and to charge it with the responsibility of reviewing all contracts with workers prior to departure. A provision to protect the contract from unilateral amendments or duress will need to be inserted into all agreements.

In this way, I am acknowledging that the impacts of the Australian programmes need to be mitigated by our union as well as our own Government as protector of our people. This does add a burden for our small union but there is no other organisation with the capacity to provide this support.

Additionally I also pay tribute to our local village and community leaders who are trying to provide important training and development to their young men by being proactive. In some villages this means that they take on the responsibility of organising a crew based from the village which assists in overcoming some of the worst aspects of isolation in a foreign country as well as protection for each other.

The individual who I believe has established the best programme is a local Matai, Tuatagaloa Joe Annandale, a businessman and a Village chief of Poutasi, Falealili. Mr Annandale has created a comprehensive programme and also provided an important role model for other village chiefs and community leaders for his work in preparing people to participate in seasonal worker programmes overseas. This is important to show that the community cares for our people who go abroad and demonstrates the care that we show for our people. His programme is the most comprehensive here in Samoa and has provided the most tangible results such as improved housing, the establishment of small

shops. He is aware of the needs of the workers to have the skills to be good workers and to manage their affairs overseas. This is important not just for the short term of the contract but for the future of the village as these young people will one day be the leaders and this experience and development is something they will share with others for the good of the whole village.

As the local leader of the unions in Samoa, I am positive that we can fix those aspects in need of attention with the effort by our community and our Government by working with the Australian Government. The SWC and our affiliate Samoa First Union will work to contribute as we can because we understand the work and the importance of work in our lives as well as the importance of our community. The only sadness is that we miss our people when they leave us and go overseas to work. We are assured that they will return and come home and that is very important to us because we need that. We know they are learning to work differently and experience life in a foreign country and they can bring that learning back to Samoa and teach others. This is an important benefit that will last longer than money. In this way the seasonal workers programmes are a good balance for our community. We cannot afford for all of our young people to leave Samoa and lose our brightest and strongest as we need them in Samoa for our own future.

Overall, I believe that the programmes are useful for our country and I am of the view that most returning workers are happy to do the work and do not speak of regret but only of confusion until they became familiar with how things are done in Australia. To my knowledge none have requested for an early end of a contract and are happy if they are in a position if their visa is extended.

Signed

A black rectangular box redacting the signature of the local leader.

Date

21 - 04 - 2020



**UNIT 15 SANALELE COMPLEX,
VAEA STREET,
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SAMOA**

Statement by Saina Tomi Setu from Samoa First Union

I provide this statement to Union Aid Abroad APHEDA in support of their submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade in relation to the relationship between Australia and the Pacific.

I have been asked to provide a statement as I am the main contact with Samoan Seasonal Workers and am responsible for supporting and teaching them about their rights as workers.

Samoa First Union – SFU

SFU is the only private sector worker association in Samoa. It was formed in 2015 to ensure that private sector workers and their families were represented in our Samoan legal and social systems as well as provide support to individuals who experienced injustice. SFU is a small union and is dependent on funding for the employment of three local people. The three people are based in APIA and are mainly engaged in explaining to workers their rights, working within the community so that they learn about the rights of working people and engaging the community in key issues such as the need to improve the minimum wage. Our members work across the entire private sector and are often low paid and work in hotels, breweries, banks, manufacturing, retail, warehousing. A small percentage of our members work in better paid jobs in the Port Authority or on Ferries.

About Samoa

The Samoan culture our common shared culture and we work in the ways that are appropriate to our culture. This means that we have very different ways of approaching grievances and disagreements. The Samoan way is to talk and listen with respect. It is sometimes difficult to understand the non Samoan employers who use western ways to deal with their employees and who talk about the law rather than the social good. This approach is not welcome but is being imported into Samoa by the numbers of non Samoan managers who are brought here and disregard our ways and our culture. This is the source of many grievances and at times serious injustices as there is only a legal avenue to settle grievances. This is beyond the capacity of the workers and their finances and it results in unresolved cases as the Government does not have a tribunal or non legal body to mediate and arbitrate matters as I understand exists in Australia.

Samoa has an underdeveloped economy where the majority of people still live a traditional life in villages and eat food grown from their farms. There is no shortage of food or housing as everyone has a family and a village where they can be supported. Only a few people are cast out of their villages and this would be for a serious transgression of village rules. Those who are cast out are limited to the adults only as the children will be raised by family within the village. This shows how very different our culture is from the Australian society and laws based approach of work and life.

The example above emphasises how confusing it is for our Seasonal Workers to go to live and work in Australia. It is an entirely foreign experience and the most challenging aspect for workers is that they arrive in Australia and are very confused about the Australian way of life. Everything is different. Our workers often do not have good English and they don't understand their rights or how to ask questions. I have had many meetings with groups and individuals who have worked in Australia and this is the key feedback. They feel unprepared and stressed. Sometimes they do not even understand the weather and are not prepared for cold seasons.

Assessment of the Programme

Prior to departure there is a one day "training programme" that is meant to prepare them for the working experience. Everyone talks about how working and living in Australia is nothing like they were told. It is not really a training programme but a lot of talking and it does not help with the practical issues that the workers encounter. They say that the key message is from the Government that they must be disciplined. They understand that the job is to work hard and follow the instructions but there are times when they deal with practical problems and lack the language and support to talk about them. Sometimes they need help to speak to their employer and other times they might need non work support. One problem that often comes up is that if workers is injured and needs medical attention, the worker must pay the full fee to the doctor and is told to give the receipt to the employer. Many complain that they never receive a reimbursement from the employer and they are ignored when asking for the money. Also if the injury is caused as work, and not illness, they are still not paid for their recovery time even though it was a work injury. This is widely spoken of amongst the workers and it seems that everyone knows of a case where someone was not reimbursed or lost pay due to a work accident.

Another challenge is that the employer sets the cost of transportation from the accommodation to the farm. Many speak of the standard \$50 deduction for sitting in the back of a truck and driven to the farm. This is an expensive cost and workers do not feel that this is the actual cost to the employer for what is actually incurred for transporting many at once. A couple of the boys raised this cost and they were ignored.

Farm workers are not unionised in Samoa as the farms are generally owned by the villages and those who are not in formal employment work without payment. No information is provided to the workers before they leave for Australia and they know nothing of unions but because they are confused by their rights they are looking for help. I have been able to speak to some of our boys in Australia and explained what unions do and they were confused as they often are told by the managers that unions won't help them and they should save their money. However recently some of them have found that the information that they received from the NUW organisers was very useful to help them understand the Australian way. When they return to Samoa, we meet with them and work with them to help them with the financial administration. I have been told that the predeparture training requires the workers to be informed of their rights and of their free choice to join a union and receive support. Not one

worker has told me that this is happening in Samoa and it may be that because there is no tradition of unions in the private sector here, it was ignored but we feel that it is important for our people to be given the same choices and freedoms to access their rights as people from other countries. Also there was a reference that there was a debriefing of workers on their return to Samoa. This is not happening in Samoa and I will investigate as the only call the boys receive is if they are interested in working in the next season. They need much more support on return than we can provide and this includes financial advice, career advice and feedback to improve their prospects.

The Samoan way is also to respect and follow our elders and our family. The men who come to Australia are all very happy because it is a new experience and a new opportunity that they wouldn't have in Samoa. For some, their family is more interested in the money and they are under pressure to send back all of their money as soon as it is paid. For many of them they have never needed to manage money before and so have no skills. Often this results in the boys sending back all of the money and then not having enough money to buy healthy food. Sometimes they get skin infections like boils and are told by the manager that it is because they only eat noodles and need better food. I think this is true. They also can't afford the medicine to heal the infections. These workers need to know how to manage their money and how to buy food that is nutritious and not just filling and easy. These are life skills that mostly these young men do not have. They also cannot easily refuse their family if they are told to send back all of the money. The families also need access to training and to have better understanding of what life will be like.

It is sad but the money is the most important part of the programme. The young men are how the money comes in. It is not just that Australia wants our workers because they are cheaper than Australian workers but our families want them to go because of the money. In both worlds these young men are used but are not central to the consideration of the planning.

For family men who participate in the programme, the separation from family can mean additional challenges. I have heard a few times of adolescent boys causing problems for their grandparents or aunties who care for them. They run off to Apia and get caught in trouble and cause more problems for their families. Without their fathers some of the children stop going to school and ignore their families. Others start selling stuff on the street even though we have new laws that makes that illegal but the families seem unable to control them. This makes the problem a bigger one than just for the family. It is a social problem.

Some families ask for the money to be sent urgently because they rely on the money to pay for food, or "cashpower" (coupons for electricity) or for water. They are dependent on the money and often one or two seasonal workers are financing a whole village. There is nothing for the worker when they return and the family struggles because they lose their income. This adds stress onto the seasonal worker who feels bad for the break in employment. This is the reality of life in Samoa which is very poor with low education levels and very high unemployment. It is different in the villages where there is higher education as this generally means that the whole village is able to organise better.

I have also heard concerns by some of the women in the community that they are worried about all of the strong young men going to work in Australia as there are only the elderly and the little people in the village to work on the farms and grow the food for the families. This is why it is important during the CoVid lockdown for families to

ensure that they are planting the taro, bananas and bread fruit because we don't know how long this crisis will last. Some of the farms are not in good shape as all of the young men in the village have gone overseas.

It is true that some Villages are much better organised than others. All villages want their young men to do the seasonal work and some choose men to go to work so that they can build new classrooms or a new temple for their Church. This means that the workers do not get any benefit of the work except the experience. The best organised village is led by a local businessman who is also a resort owner. His work is well known in Samoa as he ensures that the young men chosen to go to work in the village crew are given additional training before they go. This man is very skilled and so he can provide training that might be difficult for others but it is a very good model. The workers are taught how to manage their money, to practice their English, and there is an agreement before they go about how the money earned will be spent. This seems to be shared between the village and the family.

Positive and negative outcomes

There are many good outcomes for Samoa because of the participation of our workers in the Australian Seasonal Work programme. There are some who have been able to organise themselves so that they can return and build a safer and stronger home for their family that is better for their health and protection from the cyclones and floods. The reduced crowding of our fale (traditional homes) means that there is less transmission of viruses and better standard of living for the children. Some have used their money to buy a car which helps the family travel more safely to school but also is used as a Taxi and can be an ongoing job for income. This gives the workers more control over their own money as they are not dependent on others.

We also value the investment in schools which helps promote the importance of education in our society as without quality education our people will never be able to manage our own country and will be reliant on others.

On the negative side, one of the biggest concerns for Samoa is that some of our best educated workers like teachers and administrators leave their low paid professional job and go to work as seasonal workers leaving big gaps in our village schools and in other important jobs. This is unavoidable as people need more than the very humble pay of \$ST5.00 per hour. Money is very tempting but is a concern when our teachers are leaving our schools.

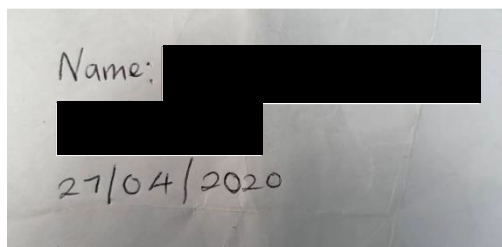
My recommendations:

1. It is essential for the Australian Government to take the lead and ensure that the local providers of predeparture training is providing quality information and resources that are practical and relevant to the situation that these workers will find themselves. One day is not enough to learn about a foreign country, way of life and its laws. This information should not just be spoken without resources. A real

training programme would be an advantage. More of the content needs to be in Samoan unless there was going to be some English skills provided.

2. Employment contracts are only provided in English and it is not common English but legal English and this is not able to be read by Samoan workers who often do not have conversational English. Contracts need to be provided in the language that the workers can understand so a bi lingual document is needed. This is routine in Samoa as our legislation is in both Samoan and English.
3. There is a role for the Samoan Government to identify the shortfalls of the training and meet the practical needs of the workers. The predeparture training is the obvious area for improving. There are life skills that the workers need such as managing finances, dealing with grievances and responding to unfair claims from the families who do not understand the cost of living in Australia. It is important that they know how to make a nutritious meal to maintain their health. The Samoan Government has many experts in this area that could assist. It is also important that the Samoan Government improve their dialogue with the Australian Government and ensure that there are sources of support for information for both work and social issues. It is important that our Government is clear with the local community about the job and what they can and cannot expect. They are responsible to ensure that there are benefits to Samoa as a whole as well as for the workers and their family.
4. An offer of support to our community leaders would assist some of the gaps in the existing training provided before departure. Samoan leaders in the villages, our Matai will also benefit from some support to understand the programme in detail and not simply see it as a way of bringing money into the community to build important buildings. It would be very useful to see a programme of educating and training people in leadership positions in the village to be proactive and work with the workers before they depart and have a programme of education about practicing English, managing money and help all in the village to develop a commitment to learning and developing skills.

I thank you for the opportunity to explain some of the issues that I have learned of from SFU members and hope that there is a practical way to improve this programme so that the workers are able to participate with greater knowledge and insight.



Name: [REDACTED]
[REDACTED]
27/04/2020

Electronic signature received

Saina Tomi Setu

27 April 2020

Bio Gatoloai Tili Afamasaga



Gatoloai Tili Afamasaga is a Samoan educator, leader, and trade unionist. She has been active in teaching and teacher training for over 40 years and was the President of the Samoa National Teachers Association from 1995 – 2014. In 2016 she was awarded the Krishna Datt Award for Excellence in Trade Unionism and Leadership in the Pacific.

In 1984, she was appointed Principal of Western Samoa Teachers College, a position she held for thirteen years. When the college merged with the National University of Samoa in 1997, she became its first Dean of Faculty of Education. After eight years, she became the first Director of the university's Oloamanu Centre for Professional Development and Continuing Education. Ms Afamasaga has been involved in the development of the Samoa Qualifications Authority and is Chairperson (2017 – current), as well as serving as President of the Samoa Workers Congress (2014 - current), and President of the Council of Pacific Education (2002 – 2006, 2008 -2016). She has also served as the joint co-ordinator for the Increasing Political Participation of Women in Samoa Programme, a joint programme between UN Women and the United Nations Development Programme(20015 – 2006) .

She was awarded the Krishna Datt Award for Excellence in Trade Unionism and Leadership in the Pacific in 2016.

Ms Afamasaga is a member of the Samoa National Tripartite Forum which advises the Samoan Government and has been a member of this active representative body since 20018 previously having been an observer.

Note: "Gatoloaifaana is the full matai title which is a chiefly (ali'i) title from the village of Lalomalava on the island of Savaii and is currently held by two title holders, both women."

Bio - Seveaoga Saina Tomi Setu



Seveaoga Saina Tomi Setu is an active community campaigner around social justice issues. She is currently employed as Samoa First Union's Senior Organiser and is the most senior employee. Saina was educated at Leulumoega Fou College, then, Avele College before achieving a Diploma of Science at the University of South Pacific in 2001. She worked as a Primary School teacher (2003 – 2005) as well as a legal assistant before being employed at Samoa First Union when it was founded in 2015. Saina is passionate about the practical impacts of law and the challenges of ordinary Samoans being able to access the legal system to achieve justice in both codified law and as well as customary issues.

Saina is a keen sports participant and represented Samoa in several sports, Women's Netball 1998 – 2000, Women's Rugby 1998 – 2000 and Women's Volley Ball 2001 -3. She also held the position of Coach for the Malie Team 2001 – 20016

As an active community leader, Saina holds the position of President, District Youth Development, Palauli Sisifo Savai'i (2019 – current) and is an active member of the Samoa Workers Congress National Executive representing the Women's Wing of the Samoan Trade Union movement (2018 – current)

In 2019, Saina won a scholarship to attend the ILO College in Turin Italy to participate in a Collective Bargaining Course based on her successful completion of online learning.

Note: Seveaoga is a Samoan chief title meaning that Saina is a Matai and is responsible for being an Orator.