

## QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 13 FEBRUARY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

**(AE12/0174) Program 1.1: Visa and Migration**

Senator Waters asked:

What measures have been put in place to ensure: that EMA employees are afforded the rights, conditions and wages required by Australian law? That EMA employees are aware of these rights and conditions and have the ability to genuinely enforce these conditions?

*Answer:*

Under an EMA, employers must engage overseas workers on terms and conditions of employment that are no less favourable than what the employer provides, or would provide, to an Australian to perform equivalent work in the person's workplace at the same location. This is known as the market salary rate requirement. In addition, employers must also ensure that living conditions for overseas workers are commensurate with those provided to Australian workers.

Overseas workers sponsored under an EMA will hold 457 visas and will be subject to the *Worker Protection Act 2008*. Direct employers will need to comply with the same sponsorship obligations, including paying market salary rates. Employers who do not comply with sponsorship obligations may be subject to sanctions such as suspension or termination of the labour agreement as well as civil penalties up to \$33 000 for a corporation or \$ 6000 for an individual for each failure. This legislation provides the Commonwealth with the ability to ensure that the rights and conditions of all 457 workers can be genuinely enforced.