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## LawTalk Blog



# Slave labour in Australia – exposing shameful work practices

**Date: Thursday May 7, 2015**

Australia is seen internationally as a prosperous, wealthy and lucky country. It is an extremely attractive destination for travellers, particularly young people. But migration law understandably places strict restrictions on people entering this country for holiday, work and residency purposes.

Many young people in particular want to spend time in our beautiful country, but also have the opportunity to work to financially support themselves whilst here. A subclass 417 visa (also known as a *Working Holiday visa*) is often viewed by migrants as an excellent opportunity to come to Australia on a holiday but gain some employment during their time here.

A subclass 417 visa does not require the applicant to show that they possess a certain set of skills to work within a particular industry. Nor does it require a business to 'sponsor' the applicant to come and work in Australia (unlike the infamous subclass 457 visas that we often hear about in the media – also known as a *Temporary Work (Skilled) visa*).

A subclass 417 allows an approved applicant to come to Australia for up to one year if they:

- Possess a passport from an eligible country;
- Are over 18 years old but under 31 years old;

- Are not accompanied by a dependent child.

But unfortunately, many of these visa applicants who come to Australia find themselves trapped in a web of deceit and exploitation. Many end up working in meat and vegetable processing plants (sometimes in regional destinations), where they are forced to work for hours on end, disallowed reasonable breaks and significantly underpaid. Often their weekly pay is below the [minimum wage](#).

This travesty is not new. It has been occurring for a long time. But the full extent of the exploitation has remained hidden from the public. Consumers unwittingly purchase meat, fruit and vegetables from the supermarket, or purchase fast food from big chains, not realising that the likelihood is that the food has been picked, processed and packaged by Australia's own version of slave labour.

[A recent investigation](#) into the exploitation of 417 visa holders has shown that the workers are routinely abused (both physically and verbally), harassed and victimised in the workplaces. Many women workers are often asked to perform sexual acts in exchange for certain industrial benefits and offers of visa extensions. Most of the workers do not understand their rights, barely speak English and cannot afford a lawyer; they have nowhere to turn, and they are forced to tolerate the substandard abhorrent conditions.

Many workers are forced to work for hours on end in refrigerated environments until they can no longer feel their hands or fingers. Many workers are crying during their shift because they are suffering intense pain in their wrists and other body parts because of the repetitive and fast paced duties. There are even suggestions that workers have been denied toilet breaks and have lost control of their bladder whilst working in the process line. All this occurs whilst supervisors scream over their shoulders for them to work harder and faster.

So how can this be occurring in a country like Australia? Many migrant workers are placed in factories or farms by unscrupulous labour-hire contractors. The businesses then pay the wages directly to the labour-hire contractors rather than to the workers. The labour-hire contractors often skim off a portion of the workers' wages for themselves and pay the worker the residual amount. The workers are rarely paid superannuation nor are they provided with legal safety nets like [workers compensation](#) protections and [leave entitlements](#). By using labour-hire contractors rather than employing the workforce directly, the businesses attempt to limit their responsibilities in relation to worker entitlements and protections. The businesses can easily turn a blind eye to the exploitation because it is technically the labour-hire contractor engaging in the exploitation, not the business itself.

Some statistics estimate that hundreds of millions of dollars are stolen from migrant workers every year by the labour-hire contractors. This is shameful and a stain on the reputation of a nation that prides itself on a "fair go for all".

The produce picked and packaged by the workers ends up in our local supermarkets and then on our dinner tables. Many times when we purchase this produce, we believe we are supporting our local community by buying 'Australian grown and owned', but in the words of [National Union of Workers SA](#) Lead Organiser Tony Snelson, a more accurate label would be 'picked and packed by exploited labour'. When we buy these products, we are often unintentionally putting more money into the pockets of the corrupt labour-hire contractors.

The fast food chains and supermarkets should be leaders in the fight against this unconscionable behaviour. They should attempt to empower all workers down the supply chain, including the most vulnerable workers on migrant visas, and they should do all they can to stamp out exploitation and hold the labour-hire contractors to account. It is not only the workers who lose out as a result of this exploitation, but other ethical businesses and farms who treat their workforce fairly, only to suffer a competitive disadvantage

because of those who cheat the system.

Governments too need to play their part in better regulating the industry and prosecuting those who abuse, exploit and cheat workers.

At Andersons, we are proud to work with our partner unions (including the [National Union of Workers](#)) in the constant struggle for workers' rights and protections. The National Union of Workers has fought tirelessly to expose these shameful work practices, and they continue to fight to protect the most vulnerable workers in our community.

Without the good work of the union movement, unscrupulous individuals and businesses will continue to engage in corrupt and devious behaviour to the detriment of workers and the community.

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*Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to Australian Federal legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.*