



# SPOTLIGHT REPORT: YOUNG MIGRANT WORKERS IN THE ACT

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2021 REPORT INTO YOUNG MIGRANT WORKERS'  
EXPERIENCES IN ACT WORKPLACES



**Young Workers**  
CENTRE

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## **Preface and Acknowledgements**

The Young Workers Centre is an initiative of UnionsACT, established in 2019. The Centre supports young workers in Canberra to develop the skills, leadership, knowledge and confidence to organise and protect their rights at work. The Young Workers Centre advocates for the rights of young workers to secure, safe and decent work.

In addition, the Centre runs The Young Workers Advice Service which provides free, confidential support and information to workers in the ACT under the age of 25. The Advice Service is supported by the ACT Government.

This report was produced with the contributions of the volunteer members of the Young Workers Centre's Migrant Workers' Working Group. We would like to acknowledge the time, effort and thought they put into helping us deliver this report.

UnionsACT acknowledges that Canberra has been built on the land of the Ngunnawal and Ngambri people. We pay our respect to their Elders and recognise the strength and resilience of Aboriginal and Torres Strait Islander Peoples.



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# Executive Summary

This spotlight report follows the broader 2021 Report into Young Workers' Experiences in ACT Workplace 'A Broken System'. This report provides an up to date account of the experiences of young migrant workers in the ACT according to our own survey data and anecdotal evidence gathered through the Young Workers Centre's outreach programs.

The survey conducted by the Young Workers Centre sought to collect data on young peoples' experiences of work and the impact work has on other aspects of their lives including finances, mental health and wellbeing, and studies. The survey ran in the first half of 2021 and was promoted widely using our own email lists and social media, paid advertisement and sharing from various other community organisations.

Over 360 young workers in the ACT responded to the survey. The data collected from this survey is supplemented by anecdotal evidence collected through the Young Workers Centre's outreach which in the past year has included a forum funded by the ACT Government, specifically for young migrant workers to share their stories and seek support for issues they face at work.

For the purpose of this report, the terminology 'young migrant worker' will be used to refer to any non-citizen aged under 25. This includes young workers who are on temporary visas as well as permanent residents with more secure and stable visa arrangements. Where possible, this report will also explore the differences in experiences between those young migrant workers who are on temporary visas and those with permanent residency to understand how precarity in visa arrangements impacts on a worker's experience. While much of the research conducted by other organisations and academics around the exploitation of migrant labour focuses on the experiences of temporary visa holders, the evidence provided to us in our survey showed that much of this experience is shared with more permanent migrant workers.

The Young Workers Centre survey received 44 responses from young migrant workers. Although this is not a large enough sample to be representative of the wider young migrant worker population, it does give insight into the experience of some young migrant workers in the ACT.



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Many of the survey responses have commonalities in the issues and exploitation they identify, and follow expected trends given wider research concerning migrant worker exploitation. These survey responses are complemented and supported by the anecdotes provided to us by young migrant workers through Young Workers Centre outreach programs.

A large proportion of the survey respondents were under the age of 18 (18.2%). More than 2 in 3 were permanent residents with the next most common type of visa held by respondents being a student visa (18.2%) followed by a working visa (9.1%). Public facing service industries were the most highly represented by respondents with 35.1% of young migrant respondents working in retail and sales followed by 21.6% working in hospitality and tourism. Young Workers Centre outreach mostly targeted international students who generally also fell under the category of service industry employees.

Similar to the experience of all young workers surveyed, the majority of young migrant survey respondents were insecurely employed. However, 15.7% of young migrant respondents reported being employed through illegal cash-in-hand arrangements which is twice as much as all young workers surveyed. In addition, almost one in two young migrant worker respondents also reported working multiple jobs, whereas, approximately only one in three young workers reported the same.

Both the data from our survey and the anecdotal evidence collected through outreach programs followed expected trends of high levels of exploitation. Wage-theft is a common issue with 46.4% of young migrant worker survey respondents saying they have been underpaid in the last year. Illegal unpaid work opportunities are frequently undertaken by young migrant workers with many of them being directly marketed to international students looking for work experience.

Similarly, young migrant workers reported high instances of injury at work with 42.9% saying they have been injured at work. Psychosocial injuries are of particular concern with young migrant workers reporting being bullied or harassed by their manager or supervisor at a 10% higher rate than all young workers surveyed.

These high rates of exploitation and injury among young migrant workers are accompanied by ensuing financial hardships and secondary impacts on mental health, wellbeing and ability to access necessary services and amenities.

# Existing Research

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Below we detail some of the existing research on migrant workers and their experiences of exploitation at work. Within the literature, 'migrant worker' is usually used to refer to individuals on temporary visas, rather than migrants more broadly. This is a point of difference from this report which, as stated, refers to non-citizens such as permanent residents and temporary visa holders as 'migrant workers'. To recognise the specificities of temporary visa holders experiences that the existing literature is speaking to we refer to temporary visa holders when the literature has been explicitly about this population, and 'migrants' when it is more broadly about immigrants. We wish to note that there has been little research on permanent residents experiences of work, and for this reason, the section below focuses on temporary visa holders. Future research and reports, with more resources and funding would be able to fill in this important gap in the literature.

## Introduction

From the exposé of 7-11 underpaying international students (FWO, 2016) to the recent report on the systematic exploitation of migrant workers in the horticultural industry (MWC & Unions NSW, 2021), there has been extensive documentation of the exploitation, wage-theft, and unfair treatment that migrant workers across industries experience at work. Our research seeks to build on this knowledge by examining the prevalence of these experiences within the ACT's young migrant worker community.

## Wage-Theft

Wage-theft is experienced by a huge portion of migrant workers. Berg & Farbenblum (2017) for example found that almost a third (30%) of temporary visa holders that they surveyed across Australia earned \$12 or less per hour, and almost half (46%) earned \$15 or less per hour. The stolen wages are also unlikely to be recovered, with the majority of migrant workers suffering in silence, unable to report the wage theft they experience (Berg & Farbenblum, 2017).

It is important to note that migrant workers' experiences of wage-theft and their capacities to report and recover stolen wages are compounded by other employment issues. For example, issues of ethnic discrimination during the job

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search (Booth et al., 2012) and biased notions of 'best fit' within the workplace culture often exclude international graduates whose different linguistic and cultural experiences "were not considered to lead to innovation or new perspectives" (Blackmore & Rahimi, 2019: 442) and seen as 'not fitting in'. Job exclusions mean that when work has been found, migrant workers may be less likely to report issues at work due to fears of job loss (Reilly et al., 2017; Farbenblum & Berg, 2020).

In addition to experiencing the regular practices of wage-theft that many young workers face, migrant workers are also routinely subject to a wide range of other employer malpractices that include but are not limited to: asking workers to provide an upfront deposit or bond (Berg & Farbenblum, 2017; Martin, 2020); asking workers to pay back money after receiving their wages (Berg & Farbenblum, 2017; Farbenblum & Berg, 2020); withholding of a visa holder's passport (MWT, 2019) and so on.

Many of these trends unfortunately, have remained unchanged within the Australian context and have also been identified by our current survey.

## **Bullying, Harassment and Abuse**

A large portion of research focuses on the wage-theft of migrant workers, but it is important to note that non-economic forms of exploitation and harm can and frequently do occur in the workplace too.

For example, in a recent study of migrant workers' experiences of the horticultural industry, it was found that 35% of migrant workers reported incidences of discrimination, harassment and bullying in their work.

Other studies on international student labour have found that 3% of respondents reported sexual harassment in their workplace, though the report noted that this figure is likely underreported. In addition, the report found that 6% experienced one accident or injury at work. Such figures suggest that further work and support is needed to support migrant workers in their workplaces.

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## Covid-19

The pandemic has had a significant impact on the work of temporary visa holders. As Askola et al (2021) suggest, the existing vulnerabilities that temporary visa holders faced were exacerbated by the pandemic. A high proportion of temporary visa holders are employed within the hospitality sector, which was hard hit by the pandemic (Askola et al., 2021). Without access to Jobkeeper or Jobseeker, many were the first to be let go, and were provided no financial assistance from the Federal Government. This survey also adds further information on this and captures migrants experiences of COVID-19 at work.

## Our Report

Previous survey studies have been national (Farbenblum & Berg, 2020; Berg & Farbenblum) or focused on New South Wales (MWC & Unions NSW), South Australia (Reilly et al., 2017). Access to studies that focus solely on the ACT are few in number. This report seeks to fill in this gap and highlight the experiences of migrant workers within the ACT.

# Wage-Theft

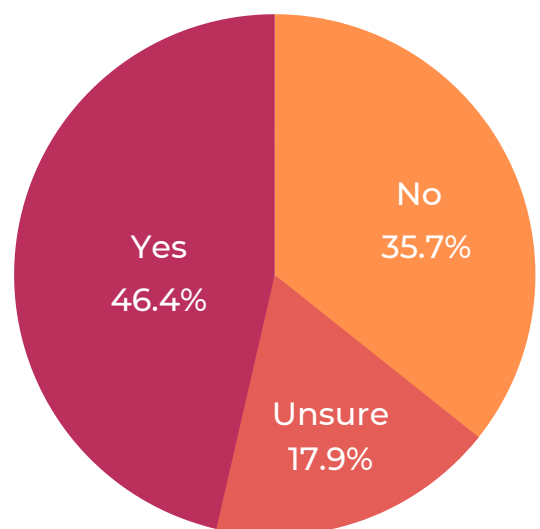
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Wage-theft has long been identified as prevalent in Australian workplaces. Wage theft is defined as employers not meeting the minimum wage requirements under Australian labour law and profiting off this practice (Berg & Farbenblum, 2018). In comparison to 'underpayment', the term seeks to highlight the criminality of the practice and accompanies campaigns that seek to recognise the practice as a criminal offense, much like theft itself (2019).

It was following the 2015 Four Corners investigation into the exploitation of migrant workers in 7-11 convenience stores that the extent of migrant worker wage-theft was brought to the nation's attention. While the Australian public has expressed outrage at the exploitation of some of the most vulnerable people in our society, week after week instances of wage-theft against migrant workers are still being reported. What is worse is that many instances of wage-theft and migrant worker exploitation go unreported.

The findings of our survey suggest that migrant worker exploitation and wage-theft in the ACT is rampant: almost half of all young migrant workers surveyed have been underpaid. Of those surveyed, an additional 17.8% noted that they were unsure whether they had been paid their correct entitlement, suggesting that the actual rate of wage-theft may be higher. These findings reflect the results of previous studies (Berg & Farbenblum, 2017) and is suggestive of the lack of change that has occurred within Australia despite the extensive recommendations that have been put forth by academics and the government's own Migrant Worker Taskforce.

*Have you paid less than you were entitled to in the last 12 months?*

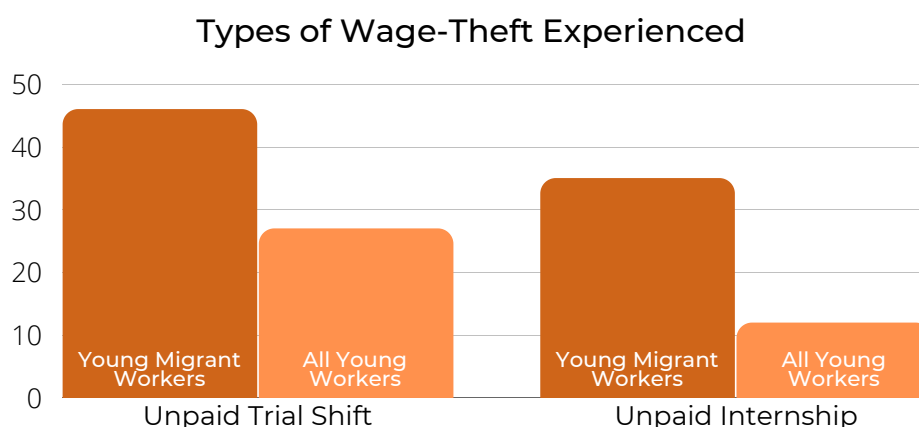


The survey results suggest that employers are finding ways to breach their workplace obligations that hide the potential underpayment of wages to young migrant workers. Of those surveyed only 43% of migrant workers always received a payslip – a key requirement in the Fair Work Act that is designed to ensure that



employees can monitor the correct payment of their wages and provide evidence of wage-theft to the appropriate body when it does occur. Similarly, young migrant workers were twice as likely to be paid in cash than all young workers surveyed which prevents workers, unions and regulators from tracking payments and identifying wage-theft.

The findings of the survey also provide insight into the particular and unique ways that young migrant workers are subjected to exploitation as compared to other young workers. 46% of young migrant workers have worked an unpaid trial shift, compared to 27% of all young workers surveyed, and 35% of young migrant workers have undertaken unpaid internships, compared to 12% of all young workers surveyed. Many young migrant workers noted the magnitude of unpaid work opportunities that are marketed directly toward international students in need of work experience.



Finally, 57% of respondents were 'occasionally', 'rarely' or 'never' allowed to take the rest breaks they're entitled to – demonstrating another way in which employers in the ACT are contravening workplace laws and exploiting migrant workers.

The survey also shows that when instances of wage-theft do occur, migrant workers face unique barriers to rectify or recover their wages. In our survey 75% of young migrant workers said they wouldn't feel comfortable discussing their pay and conditions with their employer. The most commonly cited reason for not wanting to raise issues at work from young migrant workers in our survey was not wanting to risk losing their job (44.5%). This has been found in previous research where fear of job loss leads migrant workers to suffer in silence when facing wage-theft.

## Case Study

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*"I used to work in two Asian restaurants owned by Ms. W. Neither of them issued me payslips and paid me for my super.*

*My salary was \$10/h at the beginning for 8 weeks, then was lifted to \$15/h for 3 months and finally fixed at \$17/h for the rest of my working time.*

*I was promoted as an acting manager for 3 months and my salary was still \$17/h and I had to take much more responsibility for running the restaurant and managing other staff. All my wages are paid in cash or via transfer.*

*I understand that the salary I was paid is lower than the minimum wages required by the Government. If I didn't get the job, I will not have any income.*

*I have also worked for ANU for more than 2 years as a casual and sessional employee. Some contracts, especially, instructive/teaching contracts, indeed exploited me severely.*



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*For example, I was allocated only around 40 hours for teaching a course but I was forced to spend >80-100 hours. As an instructor/teacher, I felt it's an irresponsible way to leave students there I had to reply to their emails and re-design the course according to their feedback.*

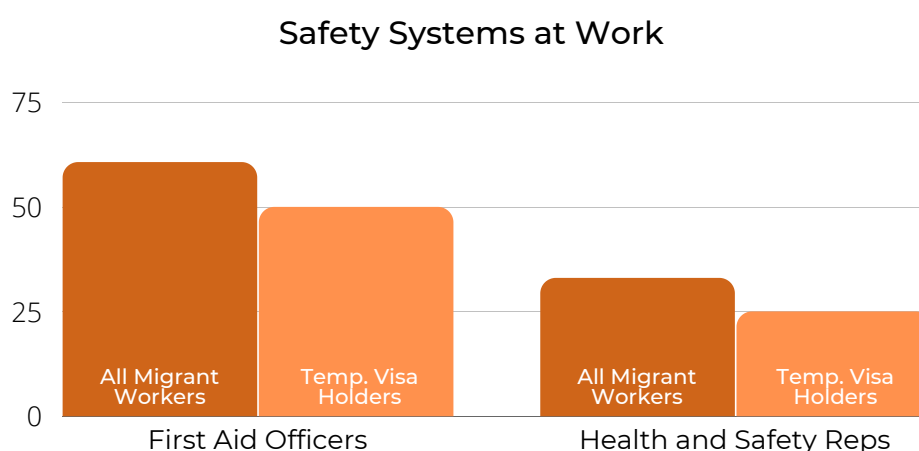
*Course convenors could/will skip parts of their responsibilities to deliver a course and put us (tutors or co-lecture staff) at the frontline to 'cater' students without any payment."*



# Unsafe Work

Young migrant workers are routinely subject to unsafe working conditions. Less than half of those surveyed said that they always feel safe at work (46.4%). Only 55.1% of those young migrant workers surveyed said that they think their employer complies with all work health and safety laws. This is in comparison to all young workers surveyed of whom 63.9% said they think their employer complies with all work health and safety laws.

Young migrant workers also reportedly have few avenues for recourse. This is in part due to the systems of reporting and lack of employee representation in work health and safety spaces. 60.7% of young migrant worker respondents have first aid officers in their workplace and even fewer young temporary visa holders reported having first aid officers at work (50%). A similar pattern appeared when asked about Health and Safety Representatives (HSRs) where only one in three young migrant workers have one in their workplace, but the number drops to one in four for young temporary visa holders.

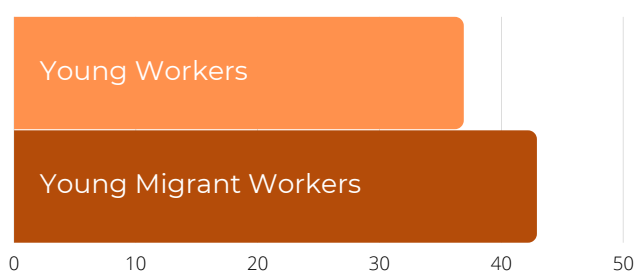


Young migrant workers also reported not feeling able to discuss health and safety issues at work with their employer without risking their job. Only 46.4% of young migrant worker respondents felt able to discuss these issues without fearing for their jobs. Even fewer (33.4%) young temporary visa holders reported feeling able to raise health and safety issues without risking their job, reflecting the relationship between insecure visa arrangements and exploitation. This sentiment was echoed often by those spoken to through Young Workers Centre outreach. Many of whom identified the difficulty of finding work as a migrant worker and their precarious employment as a reason why they would not feel able to speak up about safety.

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Without adequate safety systems in place and the ability to raise safety concerns, many young migrant workers are being injured at work. Of those young migrant workers surveyed, 42.9% had been injured at work, compared to 36.9% of all young workers surveyed. Psychosocial hazards and injuries are commonly raised by the young migrant workers we speak to and were reported in high number in the survey.

*'Yes - I have been injured at work'*



One area of difference that particularly stood out in our survey was bullying and harassment coming from managers and supervisors. While 21.7% of all young workers surveyed reported experiencing bullying and harassment from their managers or supervisors, 32.1% of young migrant workers reported experiencing the same – a jump of more than 10%. Psychosocial injuries are often compounded by experiences of racism for young migrants with one survey respondent saying:

*“My boss treats me differently than my other 'white' colleagues. My 'white' colleagues seem to be more respected by my boss in terms of comfortably talking about working rights and pay rates.”*

The young migrant workers surveyed also reported high rates of discrimination with approximately one in three having experienced discrimination due to ethnic origin, skin colour, religion, or language ability. Anecdotal evidence as well as external research identified that this type of experience begins in the job search process.



# Case Study

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*"3 months after I arrived in Australia, my sister got me a job providing catering in an aged care home. I am an international student from China and in the first 3 months it was very hard to adjust. I was very introverted, couldn't speak English, and I couldn't understand what other people were saying to me. It was very busy, I was always running around, doing twice the work.*

*Because I was young (early 20s) and new to Australia, I was not very confident and all the other workers were older than me. One woman who was also in her mid-late 20s bullied me regularly. She would take all her frustration out on me – shouting at me with a terrible attitude. Any time I made a mistake she would be angry, even though I was new and she was teaching me how things worked.*

*After 3 months of this bullying, I finally told my sister after a friend encouraged me. My sister wrote a letter to the area manager about the bullying. My supervisor was silent about the bullying and let it happen to me – her attitude changed after I sent the letter. The staff member who bullied me got transferred to another aged care home to continue working there.*

*I experienced sexual harassment 4-5 times during my first year in Australia. I wouldn't report them because they often worked 60 hours a week and I worried what would happen to their wife or families if they got fired. I was also unsure if what was happening was sexual harassment because of the cultural difference. Maybe more physical touching was okay in Australia?*

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*I didn't know how to protect myself. I really valued my legal job [not cash in hand, with official contract and payslip] and wanted to keep it. I remember my sister told me how lucky I was that I didn't have to work for many years at even worse jobs than this one. I didn't question anything and didn't want to displease anyone.*

*One man kept touching the inside of my arm and thigh without my permission, and multiple men asked me if I wanted to sleep with them. I reported the worst one to my supervisor, who was also an older man. My supervisor told me he spoke to the perpetrator and "it was just cultural difference" and a misunderstanding but I knew it wasn't. I just wanted to not work with him alone [the man who sexually harassed me]. For one month I didn't work with him but my supervisor kept asking me if I could overlap shifts with him, so then we were on shift together again, just the two of us. I didn't speak to him [perpetrator] for months.*



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*Now I don't put up with it and I think other people don't try to take advantage of me because I can stand up for myself. I am a Buddhist so I find that these difficult situations are a good way to practise kindness. When work is stressful I imagine myself to be an angel, bringing peace and calm to the older residents. It is very bad what we do to them because they can't say no: like when we serve the same food to them every day for every meal with no change to the residents that cannot complain. I decided to quit because of the toxic work environment and because I didn't like how the older people were treated.*

*I am telling my story because I want there to be less exploitation at work. I have a better job now. I would encourage other international students to apply for legal jobs, instead of assuming that only Chinese businesses or bosses will hire them."*



# Experiences

## Financial Hardship

Partly due to the exploitation they face at work, young migrant workers report facing significant financial hardship. 42.31% of young migrant workers and 66.7% of temporary visa holders labelled themselves as 'just getting along' or 'poor' financially.

The financial hardship faced by many young migrant workers means that they are often not able to keep up with the costs of living in the ACT, especially with regard to housing.

Less than half of the young migrant workers surveyed (46.16%) agree that they can easily pay their rent each week, while only one third of temporary visa workers (33.4%) can easily pay their rent each week. In terms of access to health care, only one quarter of temporary visa

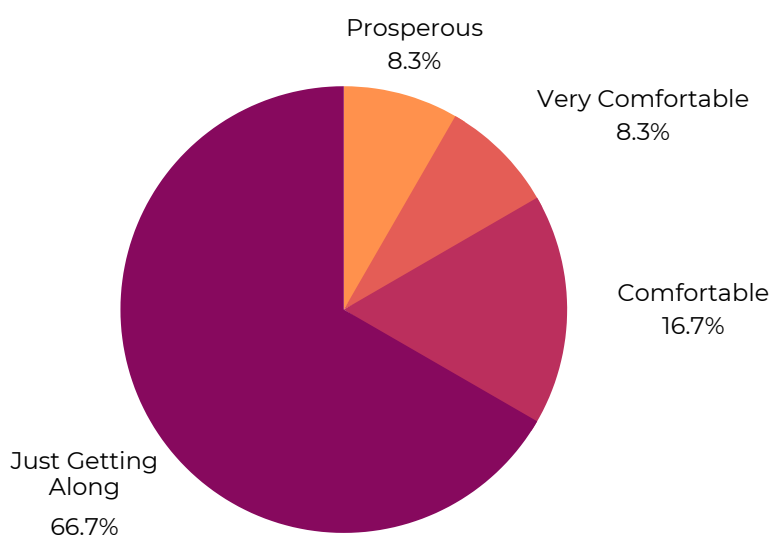
holders surveyed agreed that they can pay for the health care that they need, while just over one third (38.5%) of all young migrant workers surveyed said they are able to pay for the health care they need.

This situation has likely been exacerbated by the Covid-19 pandemic during which many young migrant workers have lost work and were unfairly excluded from the Government's support payments such as JobKeeper and JobSeeker.

## Insecure Work

Young migrant workers also reported wanting more security in their jobs with 61.5% saying they agree that they would like more job security and 0% saying they disagree - the rest being unsure. The prevalence of insecure work among young migrant workers means not only are they in poor financial stead overall, but their finances are also insecure and unstable from week to week.

*'How do you feel financially?'*



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Less than half (46.15%) of the young migrant workers surveyed said they felt confident that they would have enough paid work every week to meet their financial needs. This number was less among temporary visa workers of whom only 41.7% felt they had enough work to meet their financial needs. The impacts of insecure work on financial wellbeing are also long-term with over two thirds of young migrant workers (69.23%) unsure about their financial prospects over the next 12 months.

## Lack of Employment Opportunities

Throughout much of the outreach conducted by the Young Workers Centre directed toward young migrant workers, they themselves have noted that the lack of employment opportunities for young migrant workers impacts on their experiences of work. It often means that they are forced into accepting exploitative work or less competitive but suboptimal 'gig' work as it is the only available option.

Recent international graduates have noted that accessing work can be particularly difficult in the ACT for temporary visa holders as many jobs within the ACT require either permanent residency or citizenship requirements, likely due to the large portion of jobs working with or in the Australian Government. Not only does this lead young migrant workers to accept exploitative work but it prevents them from speaking up about issues when they do find work because they know it will be difficult to find employment again.

Additionally, many international students have noted that restrictions on their visas, specifically the 40 hour per fortnight cap on their work hours, make them especially vulnerable to exploitation. This vulnerability was exposed through the 7-11 wage-theft scandal in 2016 but it continues today. This cap on working hours for visa holders creates a trap used by unscrupulous employers to stop young migrant workers from questioning exploitation by threatening their visa status. These employers will often severely underpay migrant workers, forcing them to work over their 40 hour per fortnight cap to be able to make enough money to keep up with their financial needs. The employer is then able to use this breach of visa conditions to intimidate and threaten the migrant worker – often misleading them to believe that their visa will be cancelled and they will face deportation if they speak up. This effectively traps young migrant workers in exploitative work.



## Case Study

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*"My name is Crown, an ordinary international student. In Australia, I had two part-time jobs. The first time was when I first came to Canberra, working in a sushi restaurant for a salary slightly below the minimum [wage].*

*As I am new to the country and lack work experience, I didn't have too many objections initially. The job lasted for about a few months, and then I decided to quit because the daily workload was too heavy and the pay was too low.*

*The second time, I became a delivery driver. My daily work was easy, and my salary was unstable depending on the number of orders that day. Sometimes I made \$26 an hour, sometimes I didn't have any money without orders.*

*Then because driving on the road has risks to violate the traffic rules and regulations, while the delivery company does not bear any losses for violations or accidents. This job lasted for about half a year, and then I quit my job due to the pandemic and the depreciation of my vehicle was too much."*



# Conclusion

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The data and the stories presented above provide a troubling picture of what it means to be a young migrant worker in the ACT.

The information collected by the Young Workers Centre through both the annual Young Workers Survey and ongoing and extensive outreach has revealed high rates of exploitation created through the lack of employment opportunities readily available to young migrant workers and the insecure nature of those employment opportunities that are available to them.

It is clear from the existing research as well as our own that Australia has effectively created a two-tiered labour market in which migrant workers are forced into low-paid, unsafe and exploitative work where workplace laws are effectively dismissed. Our research speaks to the experiences of some young migrant workers in this second tier of the labour market but further funding and resources would be necessary to produce a fuller and more representative picture of this issue.

While the exploitation faced by young migrant workers tends to follow the trend of the exploitation faced by the wider young worker cohort, albeit at higher rates, there are some differences in the ways young migrant workers are targeted. In particular, illegal and unpaid work opportunities are marketed to international students as valuable work experience. Additionally, bullying and harassment is more likely to be directed at young migrant workers from supervisors and managers and further exacerbated by experiences of racism and discrimination.

It is clear to us that there is a crisis of exploitation and discrimination within the labour market and our research shows that the ACT is not immune to this crisis. Urgent funding is needed to assess the scope of this issue within the ACT and to provide ongoing support to the local migrant community to stand up against workplace exploitation.

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# UNIONSACT

**WE STAND FOR WORKING PEOPLE. ALWAYS.**



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