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Daniel Walton National Secretary



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The Director
Permanent Migration Planning and Policy Section
Department of Home Affairs

Via email: migration.policy@homeaffairs.gov.au

To whom it may concern,

Re: Planning Australia's 2022-23 Migration Program

1. The Australian Workers' Union (AWU) represents over 70,000 members nationally in a diverse range of industries: mining, energy, agriculture, manufacturing and civil construction, along with many others. The AWU recognises the important place that migration plays for Australia's economy and society, and supports a stable ongoing permanent migration program for Australia, to meet Australia's economic, demographic and labour market needs.
2. Many AWU members are migrants and have experienced first-hand the great opportunities that a well-regulated, sensible and sustainable skilled based migration program provides. However, many of our members from migrant backgrounds have also experienced systemic exploitation and slave-like working conditions over the past 7 years. Australia's migration programs should not be used as an opportunity to exploit vulnerable workers or to undercut pay and conditions for existing workers, or for employers to avoid training new workers.
3. Recovering from the pandemic provides an opportunity for Australia to set a new higher standard: quality, secure jobs for all Australians. Now is simply not the time to experiment with massive changes to Australia's migration program and put this opportunity at risk.
4. The AWU provides the evidence below in response to the following questions from the Discussion Paper:
 - *Should the Australian Government increase/reduce/maintain the size of the Migration Program in 2022-23 and why?*
 - *How can Australia remain attractive to prospective migrants to support our recovery from the impacts of COVID-19 in the short term and support a future Australia for 2030 and beyond?*
 - *How can the Skill stream of the Migration Program effectively address workforce shortages while boosting efforts to upskill and reskill Australians?*

Australia is still reeling from the impacts of the pandemic

5. In the light of the ongoing COVID-19 pandemic, Australia is still recovering from a significant labour market and economic shock. Comparing October 2021 to February 2020:¹
 - 175,000 fewer people were employed;
 - 70,000 more people were unemployed;
 - Around 330,000 people dropped out of the labour force entirely.
6. Although vaccination rates have steadily climbed throughout the country, allowing lockdowns and border restrictions to ease, Australia is still yet to cautiously wade its way out of the pandemic in line with public health advice. Short work-related trips are still not permitted to many States and Territories, and internal migration between Australian regions for work (short- or long-term) is still severely restricted. These measures remain necessary until vaccination rates increase nationally and the capacity of our health systems to handle COVID-19 in all its forms on an ongoing basis is clear. With extended lockdowns in Victoria, New South Wales and the ACT ending in October 2021, the economic recovery is only just beginning, and the emergence of new COVID-19 variants still places it at risk.
7. Even prior to the pandemic, Australia faced sluggish productivity and wage growth, despite record levels of migration (Figure 1). But despite the shaky economic ground on which Australia's economic recovery is currently premised, major stakeholders from the business sector believe that this is the time for Australia to undertake a massive experiment of doubling its migration intake.²
8. The evidence does not bear out a need for a massive increase in migrant workers. In spite of claims about labour shortages, Australian workers rolled up their sleeves to continue the important work necessary to keep the country going. Australia's economy fared well relative to other nations due to successful public health measures, which allowed work to continue for much of 2020 and 2021. In AWU industries, supply chain shocks often enhanced demand for Australian products, and output remained steady or improved despite a decline in migrant workers. For example, despite there being 10,000 fewer horticulture workers in 2020-21 relative to the previous year, Australia's fruit and vegetable production remained steady.³ The pandemic has also reinforced the importance of Australia developing its domestic industrial workforce, with new apprenticeships and traineeships at their highest levels in five years.⁴

¹ *Labour Force, Australia* (February 2020, October 2021) Australia – Australian Bureau of Statistics.

² <https://www.sbs.com.au/news/increase-skilled-migration-to-200-000-per-year-says-leading-business-group/54ebe974-53e0-4e4d-85d6-6a856290b0f8>

³ <https://www.awe.gov.au/abares/news/media-releases/2021/horticulture-output-holds-despite-fewer-workers>

⁴ <https://www.ncver.edu.au/news-and-events/media-releases/huge-jump-in-apprentice-and-trainee->

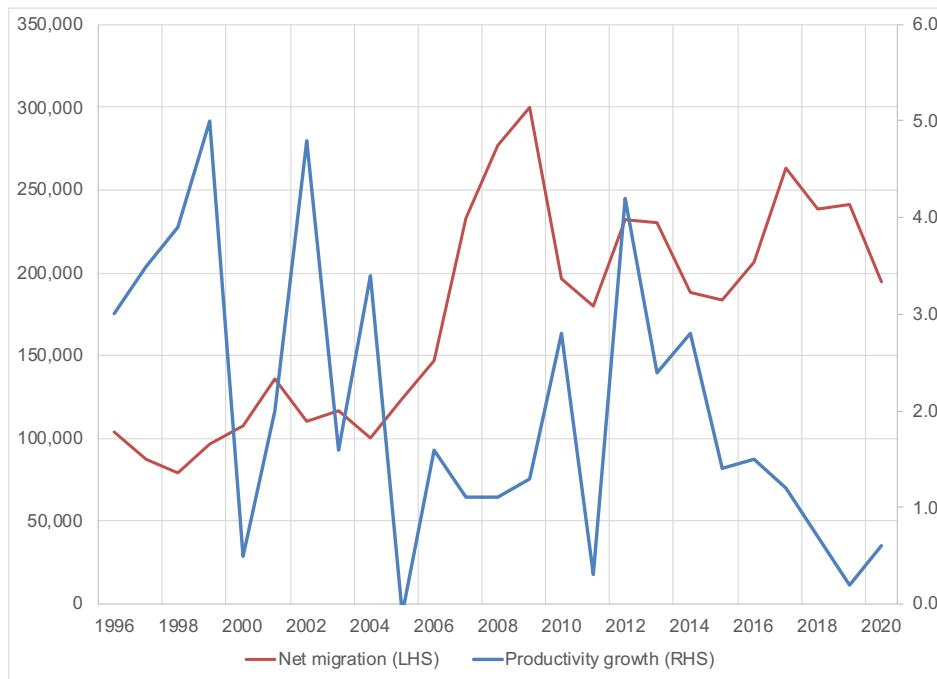


Figure 1: Net migration (persons) and productivity growth (percent) in Australia, 1996-2020.

Source: ABS

9. On this basis, the AWU believes that there is no basis to increase the size of the Migration Program in 2022. At a minimum, any significant increases should be postponed until a reasonable period after internal COVID-19 restrictions can be safely eased in line with public health advice, and the economy's capacity in a post-COVID world can be assessed.

Lifting the standards for migrant workers in Australia

10. The Discussion Paper asks how Australia can remain attractive to prospective migrants. An obvious starting point is to demonstrate that, as a country, we treat those who come to our shores with dignity and respect, and ensure they are given the same industrial protections as Australian workers.
11. Sadly, the extent of underpayment and outright exploitation under elements of Australia's migration program are undeniable.⁵
12. Unions NSW research released in 2021 found that almost all growers who use piece rates pay below the national minimum wage of \$19.84, and substantially below the minimum hourly rate specified in the Award of \$24.80.

[commencements](#)

⁵ Most recently, Unions NSW, "Wage Theft, The Shadow Market. Part Two: The Horticultural Industry," March 2021, <https://www.unionsnsw.org.au/wp-content/uploads/2021/03/Wage-Theives-Horticulture-Report-online.pdf>; Fair Work Ombudsman, "Harvest Trail Inquiry," 2018.

13. The Fair Work Commission, in its October 2021 decision to set a minimum wage floor in the *Horticulture Award 2020*, observed that:

*A substantial proportion of the seasonal harvesting workforce are engaged on piecerates and more than half of the seasonal harvesting workforce are temporary migrant workers. These characteristics render the seasonal harvesting workforce vulnerable to exploitation.*⁶

14. Over time, bad policy planning has meant that the industry has become structurally dependent on a migrant labour workforce, controlled by systemic and complex labour hire contract arrangements, and with substantial challenges for workplace compliance and enforcement agencies. Exploitation has been documented across the range of programs under which migrants enter the country for agricultural work. The United Kingdom insisted on the removal of farm work requirements for its nationals entering Australia under the Working Holiday Makers visa⁷ as a result of ongoing exploitation of their nationals on farms. More recently, Pacific workers seeking to leave employers with 'inhumane' conditions have been threatened with Australian Government posters telling them their visa will be cancelled and that they 'may bring shame to their [families]'.⁸

15. The AWU along with the Shop Distributive and Allied Employees Union (SDA) and Transport Workers' Union (TWU) has formed the Retail Supply Chain Alliance representing workers across the full spectrum of the horticulture industry supply chain. The Alliance welcomes belated efforts to reduce exploitation, in particular, the Migration Amendment (Protecting Migrant Workers) Bill 2021 (Cth), currently in committee.

16. Unfortunately though, the Australian Government has tended to move in the opposite direction, looking to create new forms of vulnerable labour supply for growers. Indeed, in announcing a new agriculture visa targeted at ASEAN countries, the Agriculture Minister stated in an appearance on Radio National on June 16 that it was explicitly designed to have fewer conditions and protections than these existing programs. The AWU and Retail Supply Chain Alliance is deeply concerned that the Government's new arrangement will continue to expose vulnerable workers to modern slavery and exploitation as well as eroding the conditions offered to other workers. Maintaining the integrity of Australia's agricultural workforce requires that no new visas are introduced which undercut the core protections of migrant workers in Australia. At a bare minimum, the approved employer requirements under

⁶ [2021] FWCFB 5554, [362].

⁷ <https://www.dfat.gov.au/trade/agreements/negotiations/aukfta/australia-uk-fta-negotiations-agreement-principle>

⁸ <https://www.theguardian.com/australia-news/2021/nov/05/you-may-bring-shame-to-your-family-australia-launches-campaign-to-stop-seasonal-farm-workers-absconding>

the Pacific-Australia Labour Mobility program must be maintained across any new agriculture visa.

17. Thank you for the opportunity to make this submission on the issues raised in the Discussion Paper for Planning Australia's 2022-23 Migration Program. We would welcome the opportunity to consult with the Department to provide further evidence.

Kind regards,

A handwritten signature in black ink, appearing to read 'SC', is positioned below the closing text.

Stephen Crawford
ACTING ASSISTANT NATIONAL SECRETARY