

**Submission
No 15**

INQUIRY INTO HUMAN TRAFFICKING

Organisation: Asian Women at Work Inc

Date received: 18 February 2017



ASIAN WOMEN AT WORK INC

일 하는 아 시 안 여 성
亞 裔 女 工 互 助 會

PHỤ NỮ Á CHÂU NỖI LÂM VIỆC

ABN 92 844 657 217

Reg. No. Y2181926

The Hon. Paul GREEN, MLC

Chairperson

Legislative Council Select Committee on Human Trafficking

18 February 2017

Re: NSW Human Trafficking Inquiry

Dear Hon. Paul Green,

Asian Women at Work Inc (AWatW) is a community organization working with Asian women factory workers, outworkers, restaurant workers, cleaners, and other low paid women workers, who experience injustice and exploitation in their workplace and in our Australian society. They are also isolated from information and support services due to long hours of work, including extensive overtime to supplement their low wages.

We strive to assist these women to overcome this exploitation, stand up for their rights and contribute more significantly to Australian society by working with them to access information, resources, relationships and confidence in themselves.

Our work responds to the family, community, legal, social and other issues which these migrant women face, in addition to their workplace issues. Our current activities include English classes, seminars, telephone information and referral service, volunteer training programs, support groups, social activities, hobby groups, vocational training, casework and advocacy work.

We have a current membership of over 2000 Asian women workers, and have had contact with thousands of other women and their families in the over 20 years of our existence. The majority of our members are Chinese and Vietnamese, however we also have contact with Filipino, Khmer, Korean, Indonesian and Thai women. The women we work with are permanent residents, temporary residents and citizens already of this country.

The vulnerability of migrant women workers comes from a range of factors. Limited English language skills reduce the options for work and impacts on their capacity to access information to assist them. Their need to help establish their family financially in

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Australia often means they may take any job. Their lack of knowledge of Australian laws and systems leads to an acceptance of circumstances well below the legal minimums. Their experiences from their home country in many cases is a lack of legal framework or legal frameworks don't apply to small businesses. And long term work in poor conditions has fostered a belief that it can't be any other way, and speaking out might risk them losing even what they have. These are just a few of the factors.

In our work, we do a lot of outreach to migrant women either at their workplaces or through activities we deliberately set-up (to break the social isolation many of these women find themselves in) and/or to attract these migrant women workers.

Over the years we have come across, assisted, referred to other services, encountered cases (or possible cases) of trafficking in Australia. It is sometimes difficult to discern if it's just work issue/labour exploitation or if there's more to it, possibly human trafficking. The line is very fine and often blurred.

This is why Asian Women at Work Inc welcomes this inquiry into human trafficking in NSW. For us, it is important that labour exploitation cases that are potentially a part or manifestation of trafficking must be investigated, referred to the proper bodies/authority and action is taken.

We would just like to highlight actual cases that we've dealt with, encountered or brought to our attention. We ask could these possibly be more than just labour exploitation cases?

1. Indian lady on 457 visa worked for an Indian restaurant. The restaurant was banned from hiring more 457 visa workers and she was let go by restaurant. She had 90 days to look for a new sponsor, found one, and she was working on a bridging visa. She worked as a cook for a new company. Father of the owner of the shop told her to pay him \$5,000 to lodge application for a 457 visa for her. His exact words "I have business approval, give me 5000 and I will lodge application". She paid the money and worked for the company as cook, got paid \$50 a day, cash in hand, regardless of how many hours she worked. She followed up her application but the visa didn't eventuate. She left work without being paid for a few weeks. She became an illegal. She got word from her community to apply for a protection visa, again a moneymaking scheme preying on innocent victims. She also told us that her employer was connected to a migration agent, who facilitates permanent residency application for a \$20,000 fee. The lady has since then gone back to Punjab. Referred to FWO.
2. Filipina on a Temporary Work sub-class 400 visa, for 6 months, to look after ill employer. Her work was mainly to cook for her employer, and cleaning the house

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was secondary priority and she was told, she can clean the house in her own time. But reality was different: not only did she cook for her employer but her family as well (ie her 2 children came on weekends, she cooked packed lunch for the week for the son who was studying in university). She also did laundry for the whole family (including for the children who visit their parents on weekends). She has a day off one day a week and on her day off she has to cook breakfast for her employer. By the time she is on “day off” nearly half of the day is gone. On Ramadan days, she had to be back by 4 pm, on her day off. One day, before her contract was up, her employer just drove her to the airport. Referred to FWO.

3. Chinese woman doing agency work. Agency has sent her to the same company for over 10 years. Workplace is a mixture of international students and Australian citizens like this lady. Not allowed to have toilet breaks and if they go to toilet, asked to sign a sheet to monitor how long they are in the toilet; if they really have to go, some were not allowed to go back to the workplace and sent home instead. They are not allowed to have tea breaks – they work for 8 straight hours and no break allowed.
4. Korean international student working in construction areas. A group of them wait near Strathfield station and are picked up and taken to constructions Asian Women at Work Inc welcomes this inquiry on human trafficking sites. He came to us because he hasn't been paid and all he had was a phone number with no name of employer. Referred to FWO.
5. Korean women, wife of 457 visa holder working as cleaner. Came to us because she hasn't been paid and all she had was a phone number of her employer.

Our interest is for the NSW government to be more vigilant in investigating, and acting on trafficking issues masquerading as labour exploitation issues.

We would be happy to meet with you if you want to discuss further our experiences on this issue.

Thank you for your attention to our concerns.

Yours sincerely,

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