

**INQUIRY INTO MODERN SLAVERY RISKS FACED BY
TEMPORARY MIGRANT WORKERS IN RURAL AND
REGIONAL NEW SOUTH WALES**

Organisation: Migrant Justice Institute

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Submission to the NSW Parliamentary Inquiry into Modern Slavery Risks Faced by Temporary Migrant Workers in Rural and Regional New South Wales

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24 April 2025

This submission is not confidential.

Acknowledgement of Country

We acknowledge the Traditional Owners and Custodians of the lands on which we work, including the Gadigal, Gamaragal, and Bedegal people of the Eora Nation. We recognise the ongoing leadership of Aboriginal and Torres Strait Islander peoples, communities, and organisations in seeking justice and systemic reform since colonisation. We extend our respect to all Aboriginal and Torres Strait Islander peoples across the continent.

We acknowledge that this land always was, and always will be, Aboriginal land, and that sovereignty was never ceded. We support the self-determination of Aboriginal and Torres Strait Islander peoples.

About Migrant Justice Institute

The Migrant Justice Institute (MJl) is a nonpartisan law and policy organisation that seeks to achieve justice for migrant workers in Australia and globally. We are Australia's first (and only) national research and policy organisation dedicated to addressing migrant worker exploitation. Our research uncovers the reality of migrant worker exploitation and the operation of laws and systems in practice. We rely on strong relationships with migrant communities, trade unions and legal centres to develop innovative reforms that are grounded in migrants' lived experiences.

We educate government and business on the systemic issues that create a breeding ground for abuse, and we engage collaboratively to implement common-sense reforms. Our work has shaped practices of governments, businesses and international organisations in Asia, the USA and the Middle East, and has driven Australian government policy reforms on wage theft, access to justice, and pandemic-related support for migrant workers.

We welcome this inquiry into the modern slavery risks faced by temporary migrant workers in rural and regional New South Wales. We strongly support efforts to examine labour violations, regulatory gaps, and structural vulnerabilities that place migrant workers at risk of modern slavery. We commend the Committee for its focus on enforcement, worker protections, support needs and potential state-based interventions to combat modern slavery.

Submission authors

This submission was authored by Ass. Prof. Laurie Berg (Founding Co-Executive Director, Migrant Justice Institute and Associate Professor, Faculty of Law, University of Technology Sydney), and Ass. Prof. Bassina Farbenblum (Founding Co-Executive Director, Migrant Justice Institute and Associate Professor, UNSW Faculty of Law & Justice).

Introduction

In this submission, we provide unpublished research findings from two studies conducted in 2024 that illuminate migrant workers' experiences of, and responses to, workplace exploitation and modern slavery indicators in NSW and elsewhere in Australia. Both studies were led by MJI Co-Executive Directors, Associate Professor Bassina Farbenblum (UNSW Faculty of Law & Justice) and Associate Professor Laurie Berg (UTS Faculty of Law).

The first, the National Temporary Migrant Work Survey, was a nationwide online survey open between July and August 2024, which yielded 10,764 valid responses from migrants who had worked in Australia on a temporary visa. Migrants were asked to share their experiences of modern slavery indicators during their time in Australia, and their wage rates and other labour conditions in their lowest paid job held in 2023 and/or 2024. They were also asked about access to justice and assistance, including barriers to accessing these services.

The second study considered access to grievance mechanisms in the Pacific Australia Labour Mobility (PALM) scheme. This study included consultations with unions, civil society organisations (including individuals and groups from the Pasifika communities, as well as religious organisations and community groups), local governments, DEWR, and university researchers. It also included a nationwide online survey available to PALM workers between October and November 2024, which yielded 370 valid responses.

PART I: Preliminary findings from the 2024 National Temporary Migrant Work Survey

Between July and August 2024, MJJ conducted a nationwide online survey to examine the workplace experiences of temporary visa holders in Australia.

A total of **10,764 temporary visa holders** participated, including:

- 8,094 international students,
- 713 Temporary Graduate visa holders,
- 291 backpackers, and
- 326 skilled workers.

Participants came **from 159 countries**.

Migrant workers in rural and regional locations in NSW

Participants were asked to provide the suburb in which they were residing at the time of the survey. These were then coded based on Migration Act categories 1, 2 and 3.¹ For NSW, Categories 2 and 3 cover all locations outside Sydney. There were **177 participants who indicated they were located in Category 2** ('Cities and Major Regional Centres'), consisting of Newcastle/Lake Macquarie and Wollongong/Illawarra. There were **137 participants located in Category 3 in NSW** – covering the remainder of rural and regional locations in the state.

These included 208 respondents who were on a student visa at the time of the survey, as well as 14 on a Skilled Regional (Provisional) visa (subclass 489), 13 on a Temporary Graduate visa, 12 working holiday makers, 9 on a Skilled Work Regional (Provisional) visa (subclass 491), 7 on a subclass 408 (COVID) visa, 5 PALM workers on a subclass 403 visa, 4 on a Bridging Visa E, and the remainder on a variety of other visas.

Experiences of modern slavery risk factors among migrant workers in rural and regional NSW

Modern slavery indicators used in survey

We asked participants to indicate whether they had experienced any of a range of 'problems' in any job in Australia. This list was informed by the [ILO Indicators of Forced Labour](#) and the 'Indicators of Modern Slavery' in the *Commonwealth Modern Slavery Act 2018 Guidance for Reporting Entities*.² The latter guidance suggests that in identifying the risk of forced labour in a business's operations and supply chain, a business should consider that:

¹ Department of Home Affairs, [Regional Migration](#), website accessed 13 March 2025.

² *Commonwealth Modern Slavery Act 2018 Guidance for Reporting Entities*, Indicators of Modern Slavery, Appendix A p 82 (May 2023).

a combination of these signs may indicate a person is in a situation of modern slavery and that further investigation and assessment is required. You should also consider that some groups may be at higher risk of being impacted by modern slavery, such as women and migrant workers.

The indicator 'problems' presented to survey participants appear in the graphic below. These indicators were selected because they bring together elements of serious labour exploitation and experiences of coercion and deception which are the hallmarks of forced labour.

In this submission we refer to these as 'modern slavery indicators'.

Participants' experiences of modern slavery indicators

In total, 299 participants in rural and regional NSW (Categories 2 and 3) answered the question on their experiences of modern slavery indicators. Their responses are shown in the following graphic.

The survey findings suggest that a substantial number of migrants working on temporary visas in rural and regional NSW are experiencing a range of forms of labour exploitation and indicators of forced labour that warrant further investigation and government intervention.

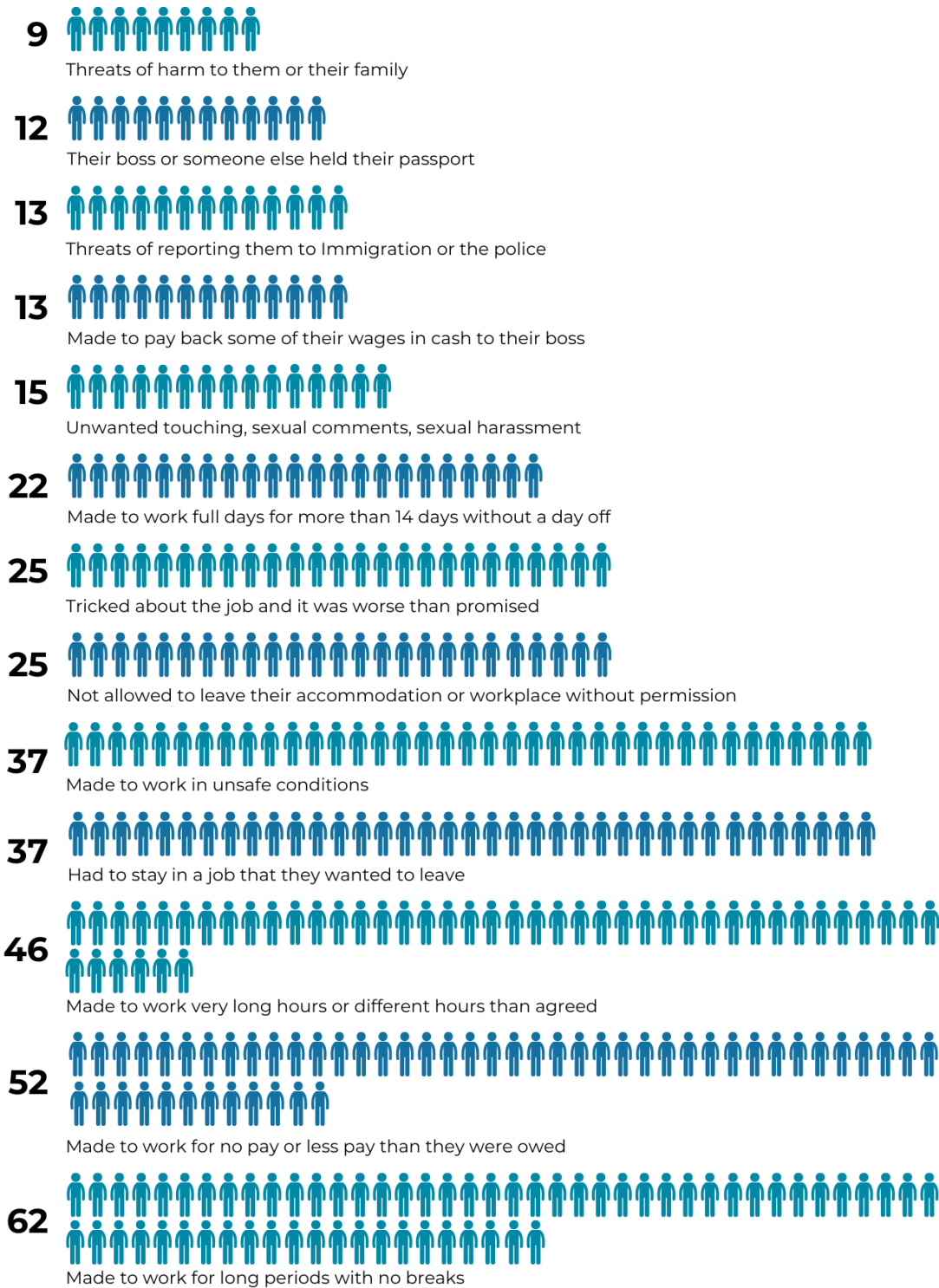
The chart below shows the number of participants who experienced egregious forms of labour non-compliance, which, in combination with other indicators, suggest heightened risk of modern slavery. It also includes those who experienced particularly serious and likely criminal indicators of modern slavery.

One in 5 (19%, n=299) reported that they experienced at least one of the particularly serious and potentially criminal modern slavery indicators while working in Australia, comprising:

- Threats of harm to them or their family;
- Passport confiscation;
- Threats of being reported to Immigration;
- Being required to pay back a portion of their wages in cash;
- Sexual harassment; and
- Not being allowed to leave their accommodation without employer consent.

One in 5 participants in rural and regional NSW indicated that they experienced at least one particularly serious or potentially criminal modern slavery indicator while working in Australia.

Modern slavery indicators experienced at work among 299 migrants on temporary visas in regional NSW



Modern slavery risks by industry

For each modern slavery indicator that a participant experienced, they were asked about the job in which this occurred. The table below reflects modern slavery indicators experienced by participants in regional and rural NSW in particular jobs, as a proportion of all survey participants in regional and rural NSW who held that job.

As expected, migrants working on farms experienced especially high levels of modern slavery indicators. This included 15% who were not allowed to leave their accommodation without permission, 8% who were sexually harassed, 8% whose employer made them pay wages back in cash, and 4% who were threatened that they would be reported to DHA. Around a quarter (23%) were made to work in unsafe conditions, one in five (19%) were made to work for no pay or less than they were owed, and around a quarter (23%) were made to work for long periods with no breaks.

Perhaps more surprisingly, substantial proportions of migrant workers also experienced modern slavery indicators across a range of other industries. For example, among migrant workers who were petrol station attendants, 14% had their passport confiscated, one in ten were not allowed to leave their accommodation without permission, 7% were sexually harassed and 7% were made to pay wages back to their employer in cash. A quarter (24%) were made to work for no pay or less than they were owed, and 14% were made to work long periods with no break.

Migrant workers in hospitality also experienced a range of modern slavery indicators. For example, 9 out of 208 hospitality workers were not allowed to leave their accommodation without permission (6 waiters/baristas, 2 chefs/kitchenhands, and 1 fast food worker). Three migrants working in fast food (6%) and 2 working as chefs/kitchenhands (3%) had their passport confiscated. Three migrants working as chefs or kitchen hands were subjected to threats of being reported to DHA. Substantial proportions of all three hospitality categories were made to work for no or less pay than they were owed, longer hours than agreed, or work for long periods with no break.

A range of modern slavery indicators were also experienced by migrant workers in retail, factory work and in meat works.

Experiences of modern slavery indicators, by industry for select industries (n=299)

	Waiter / food server/ barista (n=90)	Chef / kitchen hand (n=67)	Retail (n=59)	Fast food (n=51)	Petrol station (n=29)	Farm worker/ horticulture (n=26)	Factory/ warehouse (n=21)	Meat/ poultry worker (n=19)
Threat - Reporting to DHA	1%	4%		2%	3%	4%	10%	
Made to Pay Back Wages in Cash	2%	3%	2%	2%	7%	8%		
Not Allowed to Leave Accommodation	7%	3%	5%	2%	10%	15%	5%	5%
Sexual Harassment	2%		7%	4%	7%	8%		5%
Passport Confiscated		3%	3%	6%	14%	4%		
Made to Work in Unsafe Condition	8%	6%	8%	8%	10%	23%	10%	11%
Work for No/Less Pay	17%	10%	10%	10%	24%	19%	5%	5%
Work Longer Hours than Agreed	7%	3%	12%	8%	14%	23%	14%	5%
Work Long Periods No Breaks	9%	7%	15%	16%	14%	23%	14%	11%
Had to Stay in A Job That Wanted to Leave	7%	6%	15%	10%	14%	4%	10%	11%
Tricked – Job Worse	7%	6%	2%	6%	7%	15%	5%	0%

Coercive unsafe work and injury

Among 299 respondents in regional and rural NSW, 37 indicated they were made to work in unsafe conditions. Importantly, this indicates not just that their working conditions were unsafe, but that they were **coerced** to work under those unsafe conditions and could not refuse.

These participants were asked what was unsafe about that job. Their responses, summarised in the following table, reveal a range of concerns that warrant investigation and intervention by the NSW government.

Seven percent reported they were made to work without adequate protective or safety equipment or training; 8% indicated they were forced to take safety risks to complete their work in the time required.

Experiences of types of unsafe work among migrants who experienced unsafe coercive work in rural and regional NSW (n=299)

Indicators of unsafe work	Proportion of NSW regional/rural respondents who were <i>made to work under these conditions</i>	Numbers of respondents
Too much time pressure so I had to take risks to complete my work	8%	24
Inadequate protective/safety equipment or training	7%	21
Bullying or racial abuse	6%	17
Intense heat/cold/rain	5%	14
Unsafe tasks	4%	11
Unwanted touching, sexual comments, sexual harassment	2%	6

Unsafe working conditions are leading to injuries. In a separate part of the survey we asked participants whether they had been injured at work in Australia, and more than a quarter of participants in NSW Category 3 (outside Sydney, Illawarra and Newcastle regions) indicated that they had experienced a physical injury while working in Australia (28%). The proportion of participants who experienced an injury among migrants in Categories 2 and 3 in NSW was 22%.

More than a quarter of respondents in regional/rural NSW experienced a physical injury while working in Australia.

Risks in mandatory employer-provided accommodation

Almost one in five respondents (55 respondents, 19%) indicated they were required to live in accommodation provided by their employer, among the 296

respondents in Migration Act Category 2 and 3 locations in NSW who answered this question.

In Category 3 alone in NSW (outside Sydney, Illawarra and Newcastle regions), 34 out of 130 (26%) respondents were required to live in accommodation provided by their employer.

Among 130 respondents living in NSW outside of the Sydney, Illawarra and Newcastle regions, one in every 4 was forced to live in accommodation provided by their employer.

Participants who were required to live in accommodation provided by their employer were asked whether they experienced any of the following indicators of lack of safety or exploitation:

- Overcrowded;
- Men and women required to live together;
- Unhealthy/unhygienic (e.g. mouldy, very dirty, very hot/cold);
- Unsafe;
- Lack of privacy; and
- Overcharged for rent or use of facilities.

Among participants in regional NSW who were required to live in accommodation provided by their employer, 44 out of 48 (92%) experienced at least one indicator of lack of safety or exploitation. In Category 3 in NSW alone, 26 out of 29 respondents who were required to live in accommodation provided by their employer (90%) experienced at least one indicator of lack of safety or exploitation.

Among 29 respondents who were required to live in employer-provided accommodation in NSW outside of the Sydney, Illawarra and Newcastle regions, 9 in 10 experienced one or more indicators of lack of safety or exploitation.

Help-seeking among migrants who experienced modern slavery indicators in rural/regional NSW

Among the 141 respondents in regional/rural NSW who experienced one or more modern slavery indicators, one in four (24%, 34 respondents) felt they could not complain to anyone about any of the harms they were experiencing and could not leave the job.

Two thirds (65%, 92 respondents) did not 'contact anyone for help or to report any of these problems' besides a friend, family member, co-worker or their employer.

Among the 49 respondents who contacted someone for help, the most common place they went was a lawyer or legal centre. Only 2 respondents contacted the Fair Work Ombudsman and none of the 37 respondents who were made to work in unsafe conditions contacted SafeWork NSW.

Entities contacted by respondents in regional/rural NSW who experienced modern slavery indicator(s) (n=141)

Organisations that participants contacted for help/reporting in regional Australia	Number of participants who contacted this entity	Proportion of participants among participants who experienced a modern slavery indicator (n=141)
Lawyer/ legal centre	20	14%
Police	13	9%
Migration or education agent	11	8%
A doctor/health worker/hospital	7	5%
My consulate/embassy	7	5%
Community organisation or religious organisation	6	4%
Union or worker representative	4	3%
Staff at my university or college	4	3%
Fair Work Ombudsman	2	1%
SafeWork NSW	0	0%

Conclusion and recommendations

Our conclusions and recommendations in this section are directed to key areas in within the remit of the NSW government or Parliament.

We endorse the recommendations made in the submission by the Office of the Anti-Slavery Commissioner (OASC), and in the OASC's *Be Our Guest* report.

The survey findings confirm that:

1. **Migrant workers are experiencing serious incidences of labour exploitation and modern slavery indicators across a range of industries in rural and regional NSW.** One in 5 respondents in rural/regional NSW reported that they experienced at least one of the particularly serious and potentially criminal modern slavery indicators while working in Australia. Experiences of modern slavery indicators are especially prevalent in farm work, but are also being experienced by substantial numbers of migrant workers in hospitality, at petrol stations and in retail in regional and rural NSW. This may be similar to the prevalence of modern slavery risks in these industries in metropolitan locations, though the isolation of some of these businesses in regional or rural locations (such as petrol stations) may create heightened risks.
2. **A substantial number of migrant workers in regional NSW are coerced to work in unsafe conditions, and workplace injuries are common.** Among 299 respondents in regional and rural NSW, 37 (12%) indicated they were *made to work* under unsafe conditions. Seven percent of respondents in regional and rural NSW reported they were made to work without adequate protective or safety equipment or training; 8% indicated they were forced to take safety risks to complete their work in the time required. Among migrant workers in NSW located outside Sydney, the Illawarra and Newcastle regions, 28% indicated they had been physically injured at work.
3. **In regional NSW, it is common for employers to require migrant workers to stay in accommodation controlled by the employer, and this is associated with exploitation and unsafe conditions.** Among 130 migrant workers in NSW located outside Sydney, the Illawarra and Newcastle regions, one in four were required to live in accommodation provided by their employer. Among those, nine in ten experienced at least one indicator of exploitation or lack of safety.
4. **The vast majority of migrant workers who experience modern slavery indicators in rural and regional NSW feel powerless to address the situation and do not seek help or report to any organisations or government agencies.** Among the 141 respondents in regional/rural NSW who experienced one or more modern slavery indicators, one in four felt they could not leave the job and could not complain to anyone about any

of the harms they were experiencing. Two thirds of the 141 respondents did not 'contact anyone for help or to report any of these problems' besides a friend, family member, co-worker or their employer. Only 2 respondents contacted the Fair Work Ombudsman and none of the 37 respondents who were made to work in unsafe conditions contacted SafeWork NSW. It is clear that the overwhelming majority of modern slavery and labour exploitation experienced by migrant workers in the regions goes unreported and unaddressed.

The NSW Government and Parliament must take urgent measures to reduce migrant workers' vulnerability to exploitation, hold employers to account, and ensure victims of exploitation and modern slavery are supported and can access justice.

Measures should include:

1. Reduce barriers and increase support to enable exploited migrant workers to report misconduct and obtain assistance

- a. Migrant workers need assistance to report modern slavery or to access justice for exploitation. The survey findings confirm that migrant workers almost never approach government regulators without support, and the overwhelming incidences of modern slavery and workplace exploitation and injury occur outside the purview of government regulators. Although legal centres were the most commonly approached source of help/reporting among survey respondents in regional NSW who experienced modern slavery indicators, only 14% of affected respondents contacted a legal centre.

The NSW government should invest resources in legal services and other support services that are accessible to exploited migrant workers in regional NSW. This includes the NSW Migrant Worker Centre, supplemented by funding programs by CLCs in relevant locations, establishment of regional migrant hubs, and a network of 'Welcome Committees' (as recommended by OASC).

- b. **The NSW government should fund education and awareness-raising programs for migrant workers in regional NSW, in collaboration with community stakeholders.** These should focus on rights at work, workplace safety and injury, and how and where to get help. They should also include information on the new Visa Protections Pilot.
- c. The NSW government should take steps to enable migrant workers in regional NSW to safely report exploitation and modern slavery without risking their visa or stay in Australia. This must begin with

expanding access to the new visa protections pilot introduced by the Commonwealth government in July 2024.³ The pilot has two components:

- i. A new short-term 'Workplace Justice visa' with work rights to enable a migrant worker to stay in Australia to enforce their labour rights; and
- ii. Protections from visa cancellation for exploited migrant workers who have breached their visa but take action against their employer.

Currently, these protections are inaccessible to migrant workers in NSW. They must be accessed either through the Fair Work Ombudsman or a non-government organisation which is an 'Accredited Third Party' (ATP) approved by the Immigration Minister. Our findings show that almost all migrant workers are reluctant to approach the FWO or another government authority. For migrant workers who are not union members, there is currently only a single CLC that has been approved in NSW (Redfern Legal Centre) which does not have capacity to meet the need for the protections. Applications for ATP status have been made by university legal services assisting international students, and other CLCs with employment practices in NSW (including the Working Women's Centre NSW) but, without explanation, these have not been granted.

The NSW government should engage with the Commonwealth Minister for Home Affairs to progress urgent approval of NSW CLCs and university legal services that have applied for accreditation, so they can support at-risk migrants in NSW to obtain visa protections that enable them to report serious exploitation and obtain remedies. It should also fund the NSW Office of the Anti-Slavery Commissioner to employ an employment lawyer eligible for ATP accreditation, and support the OASC and the new NSW Migrant Workers Centre to obtain accreditation.

³ For further information on the new visa protections pilot, see <https://www.migrantjustice.org/visaprotection>, <https://immi.homeaffairs.gov.au/visas/working-in-australia/work-rights-and-exploitation/strengthening-reporting-protections-pilot> and <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-activity-408/australian-government-endorsed-events-workplace-justice-pilot>.

2. Address high rates of workplace injury among migrant workers in regional areas, and employer coercion of migrant workers to work in unsafe conditions.

- a. The NSW government should work with **SafeWork NSW to better understand the prevalence and contours of migrant workers' experiences of unsafe work and injury in regional NSW (and elsewhere)**. It should invest resources in providing information, outreach and assistance to migrant workers in regional NSW, including international students, backpackers and PALM workers, to educate them about their entitlements and enable them to access medical assistance and legal support. The NSW government should also explore initiatives to drive compliance and hold employers to account for subjecting migrant workers to unsafe working conditions, and especially for doing so under coercion and duress.

3. Use NSW licensing regimes to drive employer compliance with Commonwealth and state legal responsibilities in relation to migrant workers

- a. We endorse the recommendation by the NSW Office of the Anti-Slavery Commissioner with respect to the **establishment of a labour hire licensing scheme in NSW**.
- b. The NSW government should explore all areas in which **state and local governments provide licenses or operational accreditation to businesses that could be used to leverage compliance with workplace responsibilities** to vulnerable workers and prevention of modern slavery.

In our report, *Migrant Workers' Access to Justice for Wage Theft: A global study of promising initiatives*,⁴ we discuss numerous examples from the United States in which states and cities have enacted regimes that limit an employer's ability to do business if it does not comply with workplace laws. For example, we discuss an example from the County of Santa Clara in California of a Permit Enforcement Program that allows the County to temporarily suspend or revoke a restaurant business' food health permit if a business does not comply with an existing court judgment for

⁴ Bassina Farbenblum and Laurie Berg, *Migrant Workers' Access to Justice for Wage Theft: A global study of promising initiatives* (Migrant Justice Institute, 2021), 42 (available at <https://www.migrantjustice.org/reports>).

underpayment or other workplace violations.⁵ The program is administered through a collaboration between the Santa Clara Office of Labor Standards and the Santa Clara County Department of Environmental Health - Consumer and Environmental Protection Agency.

4. Address risks associated with mandatory employer-controlled accommodation in regional NSW

- a. It is clear that employers in regional NSW are requiring migrant workers to live in unsafe and/or exploitative accommodation. This includes migrants working in farmwork but also in other industries.

The NSW parliament should explicitly prohibit an employer from requiring any worker to live in specified accommodation, including coercing them to do so under threat of penalty. This prohibition should be in addition to the new *Migration Act* offences recently introduced by federal parliament of coercing an undocumented worker to accept an arrangement in relation to work or using a worker's temporary visa status to exploit them in the workplace.

- b. Recognising that, in some parts of NSW, there is no realistic alternative to employer-provided accommodation, and that employer-provided accommodation (even where not mandatory) is a significant risk factor in relation to exploitation of migrant workers, the **NSW government should consider the development of mandatory standards for employer-provided accommodation**, with a system for inspections and compliance activities. As the OASC has recommended, this should include guidelines specifying appropriate rates of deductions based on prevailing market rates.

5. Support further research to better understand migrant workers' experiences of – and responses to - modern slavery indicators, coercive unsafe work and injury, and mandatory employer-controlled accommodation in regional NSW

6. Improve coordination and data-sharing across Commonwealth, NSW and local governments to identify and address exploitation of migrant workers in regional NSW and prevent modern slavery

⁵ Office of Labor Standards Enforcement (County of Santa Clara), 'Food Permit Enforcement Program', <https://laborstandards.sccgov.org/enforcement/food-permit-enforcement-Program>. See also Jennifer J Lee and Annie Smith, 'Regulating Wage Theft' (2019) 94 *Washington Law Review* 759.

PART II: Findings from 2024 study of access to justice for PALM workers

In 2024, we received funding from the International Labour Organisation (Pacific Office) to conduct consultations and a worker survey about workers' ability and willingness to effectively raise grievances while participating in the PALM Scheme.

About the survey

Our online survey was open between 6 October and 30 November 2024, and could be taken in English, Bislama, Fijian and Tetun. It was promoted by a range of organisations and individuals with whom we had consulted, including the Office of the NSW Anti-Slavery Commissioner, which conducted an extensive social media campaign providing materials in all four languages, the AMIEU Queensland (meatworkers' union) and the Health Services Union. Some PALM workers were assisted to complete the survey by enumerators whom we paid to read out the survey questionnaire and record participants' oral responses. Most PALM workers completed the online survey themselves.

We recorded **370 valid responses**. Survey participants were **clustered in two key groups**. The first comprised 182 meatworkers, of which 111 were in Queensland and others in Victoria, WA and NSW. 38% of these were members of the AMIEU (the meatworkers union). The second cluster were 123 aged care workers, primarily in NSW and also in Queensland. 28% of these were members of the Health Services Union. However, it's possible that a larger proportion of participants were union members but did not report this because the question on union membership appeared at the end (to which 232 of 370 participants responded).

It is highly likely that **our survey sample comprises workers who are among the most empowered within the PALM scheme**: they were overwhelmingly on long-term visas, undertaking more highly skilled work, heavily unionised and more deeply connected to the Australian community than other PALM workers. The survey could not capture responses from PALM workers who do not speak any of the four languages in which the survey was offered. It was also inaccessible to the vast majority of PALM workers who could not engage with an online survey instrument on their phone or could not read these languages well (apart from a small number that were assisted by enumerators).

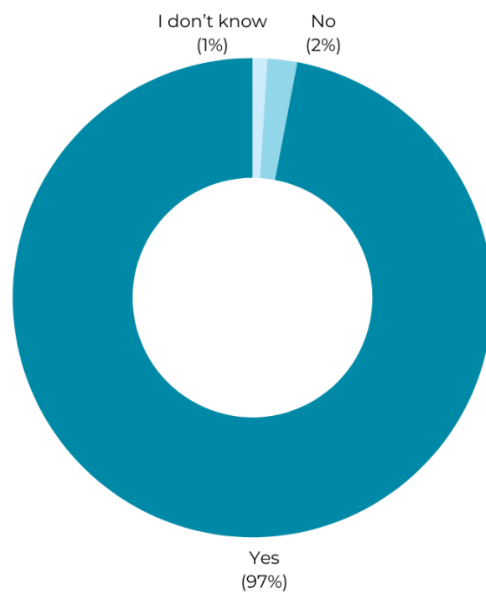
The survey contained a series of questions about:

1. Desire to return to Australia;
2. Attitudes about changing their employer;
3. Reporting problems at work;
4. Injury and medical treatment; and
5. Arrival orientation.

Desire to return to Australia

The overwhelming majority of workers expressed their desire to return to Australia (97%; 2% said they did not want to return to Australia and 1% said they did not know). This strongly suggests that workers' longer-term aspirations to continue to work in the PALM scheme influence their decisions about reporting issues or concerns that arise in their current job.

Would you like to return to Australia? (n=229)



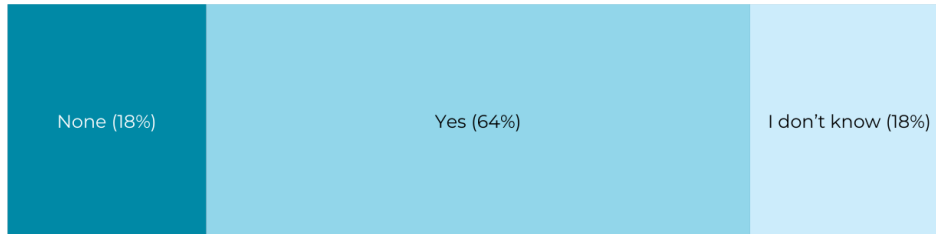
Attitudes about changing their employer

We asked participants 'if [they] were allowed to change to a different employer, would [they] do this?'. Only 18% of participants said that they would not wish to change their employer. Two thirds (64%) reported that they would change to a different employer if allowed to do so.

This level of dissatisfaction with their employer is far higher than what is considered more typical turnover in migrant agricultural labour schemes in foreign jurisdictions such as Korea and Canada in which greater mobility is permitted (where routinely around 20% of workers choose to move employers).⁶

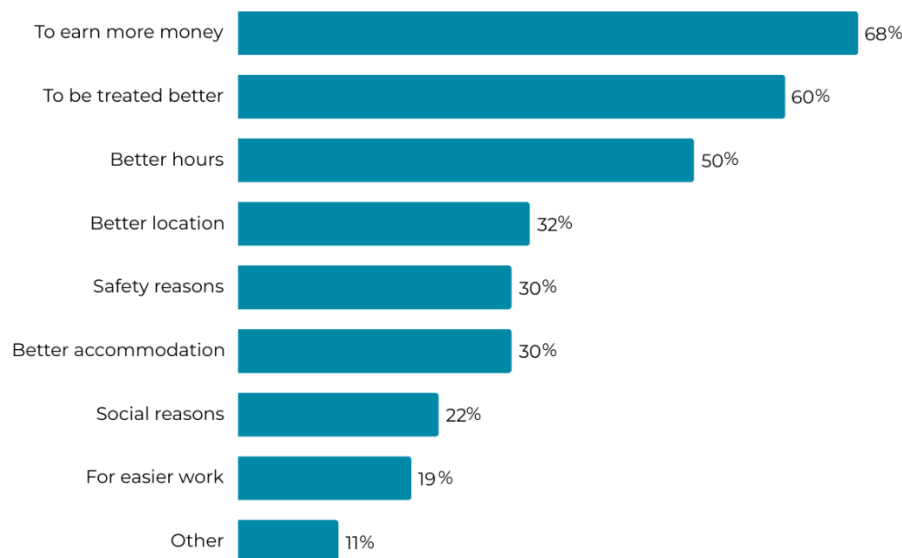
⁶ Office of the Anti-Slavery Commissioner, submission to this inquiry.

If you were allowed to change to a different employer, would you do this? (n=231)



Those who said they would like to change employers, or were unsure, were asked for their reasons. Clearly, perceptions that better working conditions may be available featured heavily in these reasons, including perceptions (which may or may not be accurate) that higher wages or more satisfactory hours may be available elsewhere. These factors do not necessarily indicate a problem with workers' current job. However, 3 in 5 participants indicated their motivation to be treated better which more strongly suggests dissatisfaction with their current employer or supervisor. Almost a third (30%) indicated they would change employers for safety reasons, indicating they considered their current job to be unsafe.

Why would you change employers? (n=183)



Only 18% of respondents said that they would not wish to change their employer, if labour mobility were permitted in the PALM scheme. Among 183 respondents who indicated they would or may change employers, key reasons were to 'be treated better' (60%) and for 'safety reasons' (30%).

Whether workers would report problems at work

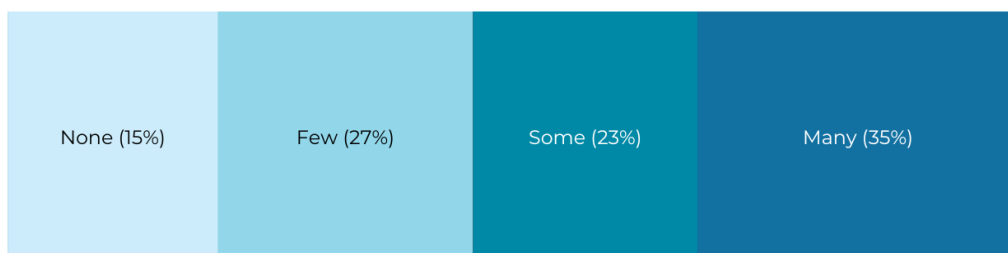
We asked a series of questions about how many PALM workers might report problems. We also asked participants to whom PALM workers are most likely to speak and why they might decide to stay silent.

We posed two similar sets of questions framed in somewhat different terms. The first was about *what other PALM workers might do* in relation to ‘problems with their hours and pay’. The second set asked *what the participant might do* in a range of *hypothetical scenarios* in relation to work problems. We framed questions in these ways to allay participants’ concerns that they themselves might be perceived to be personally expressing a grievance through their survey response. We also asked multiple questions in different ways to triangulate our results. We have found the responses across these questions to be uniformly consistent.

In the first set of questions, we asked: ‘If PALM workers have a problem at work with their hours and pay, they may talk to a friend in Australia or their family or their co-workers. How many PALM workers from your country would talk about the problem with someone else in Australia (besides a friend, family or co-worker)?’.

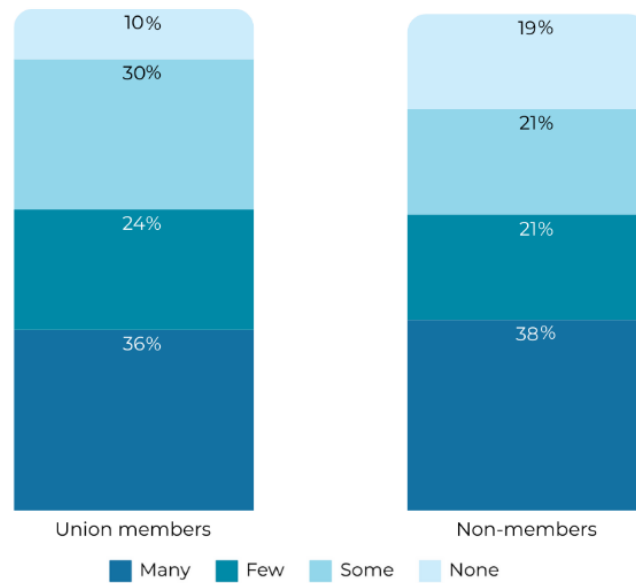
More than 2 in 5 (42%) indicated that no or few PALM workers from their country would do so. A further quarter (23%) said that some workers from their country would speak about a problem with anyone other than a friend, family or co-workers.

If PALM workers have a problem at work with their hours and pay, they may talk to a friend in Australia or their family or their co-workers. How many PALM workers from your country would talk about the problem with someone else in Australia (besides a friend, family or co-worker)? (n=267)



Notably, even among union members, 40% indicated that no or few PALM workers from their country would raise a problem with hours or pay beyond their immediate friendship or family circle.

How many PALM workers from your country would talk about the problem with someone else in Australia (besides a friend, family or co-worker)? (n=266)



Later in the survey, we posed a series of hypothetical questions about whether the participant would speak with anyone about different problems in the context of various scenarios. Participants could select:

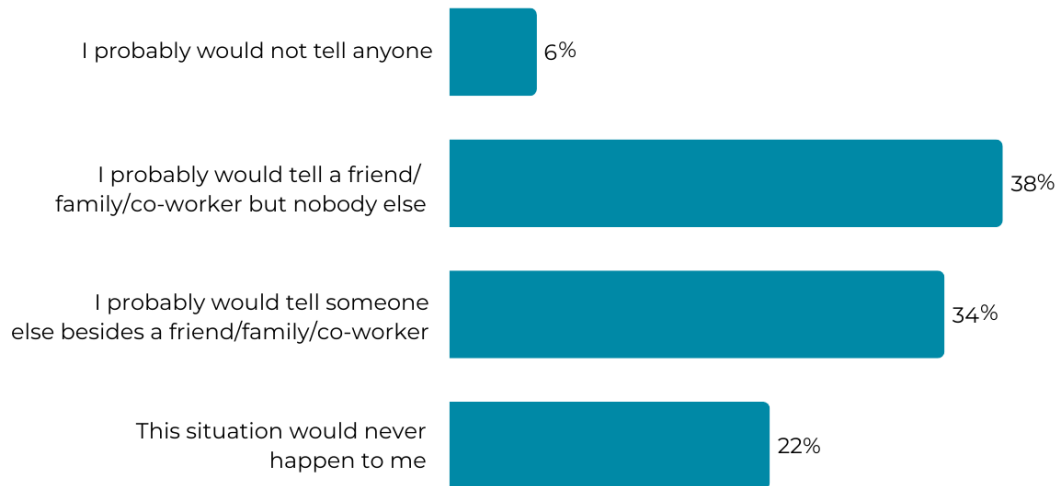
- I probably would not tell anyone;
- I probably would tell a friend/family/co-workers but nobody else;
- I probably would tell someone else besides a friend/family/co-worker;
- This situation would not happen to me.

Responding to the question, 'Imagine that your supervisor often asked you to do tasks that you felt were unsafe. Would you tell someone about this?', only a third (34%) said they would probably tell someone other than a friend.

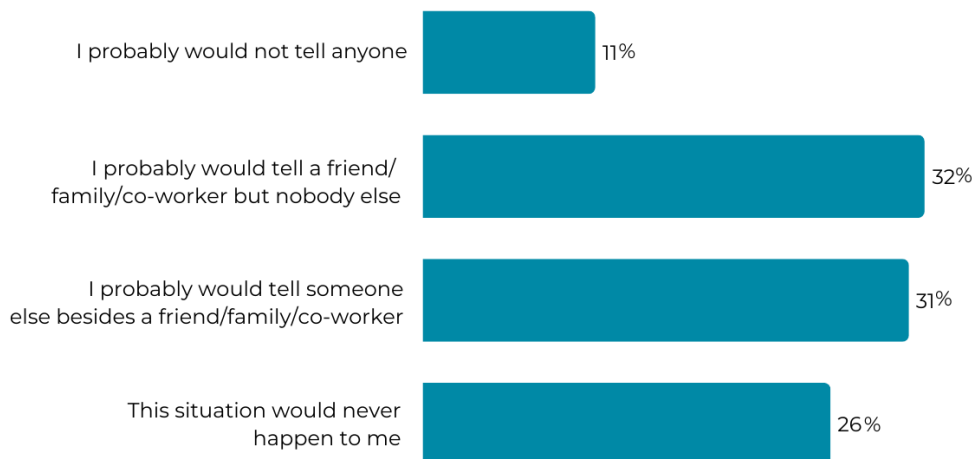
Responding to the question, 'Imagine that you wanted to join a union but your supervisor or employer or your government representative told you not to. Would you tell someone about this?', a third (31%) said that they would probably tell someone other than a friend.

Responding to the question, 'Imagine that your employer gives you too few hours of work for several weeks. Would you tell someone about this?', a third (35%) said they would probably tell someone other than a friend.

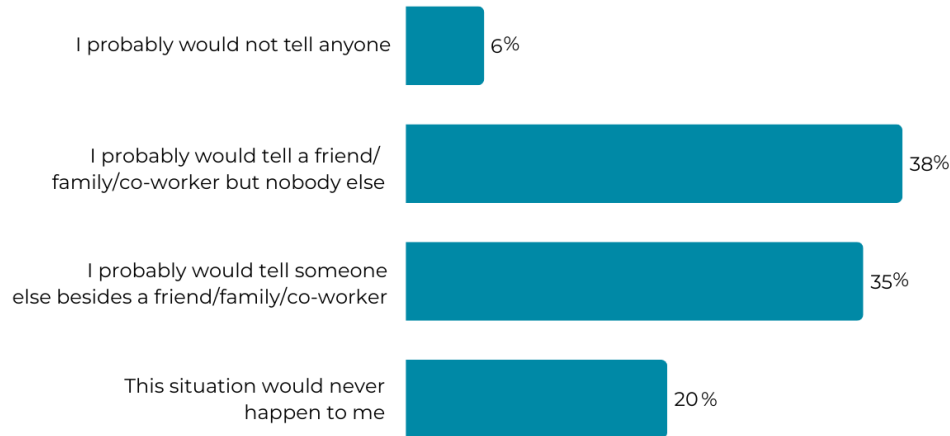
Imagine that your supervisor often asked you to do tasks that you felt were unsafe. Would you tell someone about this? (n=249)



Imagine that you wanted to join a union but your supervisor or employer or your government representative told you not to. Would you tell someone about this? (n=250)



Imagine that your employer gives you too few hours of work for several weeks. Would you tell someone about this? (n=249)



As these figures show, only around a third of respondents indicated that they would speak with anyone other than a friend, family member or co-worker about important concerns in relation to poor working conditions, including being asked to do unsafe tasks, being told not to join a union or receive few hours of work for several weeks. This level of reporting is particularly low in light of the fact that these participants are highly connected, unionised PALM workers in high skilled occupations and long term visas. It is quite possible that other PALM workers who did not participate in this survey would be even more reluctant to raise these issues beyond their close circle of family and friends.

Only a third of respondents indicated that they would speak with anyone other than a friend, family member or co-worker about important concerns in relation to poor working conditions.

To whom workers might report problems at work

After we asked each participant about whether other PALM workers would report a problem, we asked: 'If PALM workers did talk to someone about a problem at work, who would they most likely talk to (besides friends, family and coworkers)?'.

The largest proportion of participants indicated a union (45%), followed by their Team Leader (38%) and Employer (34%).

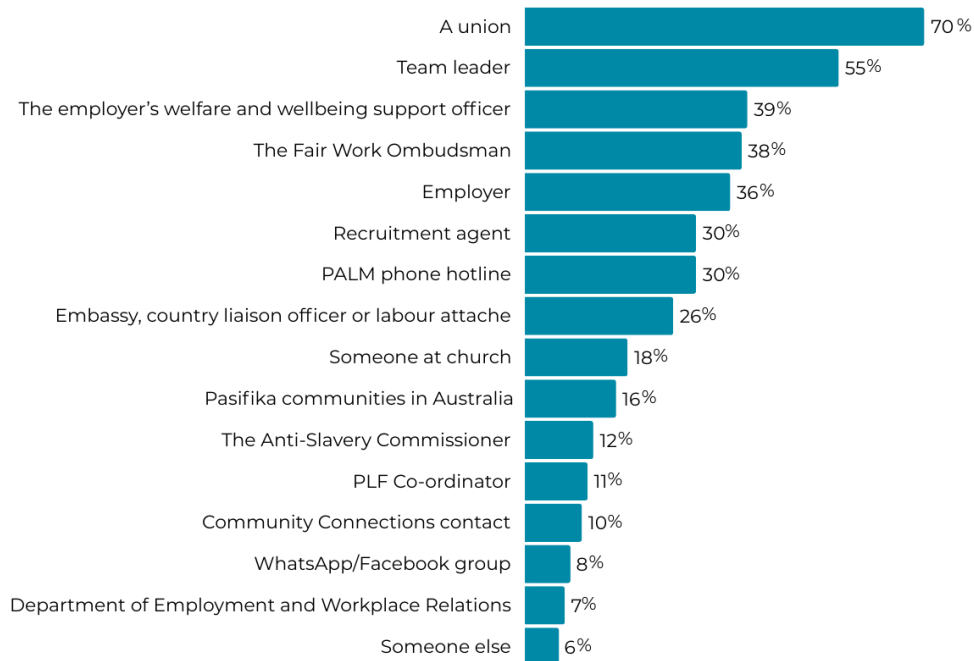
If PALM workers did talk to someone about a problem at work, who would they most likely talk to (besides friends, family and co-workers)? (n=266)



Similarly, after the hypothetical scenarios we asked, 'In the situations where you would tell someone other than friend/family/co-worker, who would you tell?'. Once again the largest proportions of participants selected a union (70%), followed by their Team Leader (55%) and the employer's welfare and wellbeing support officer (39%).

These findings accord with consultations, in which many stakeholders and workers indicated that PALM workers place great trust in their Team Leader.

In the situations where you would tell someone other than a friend/family/co-worker, who would you tell? (n=121)

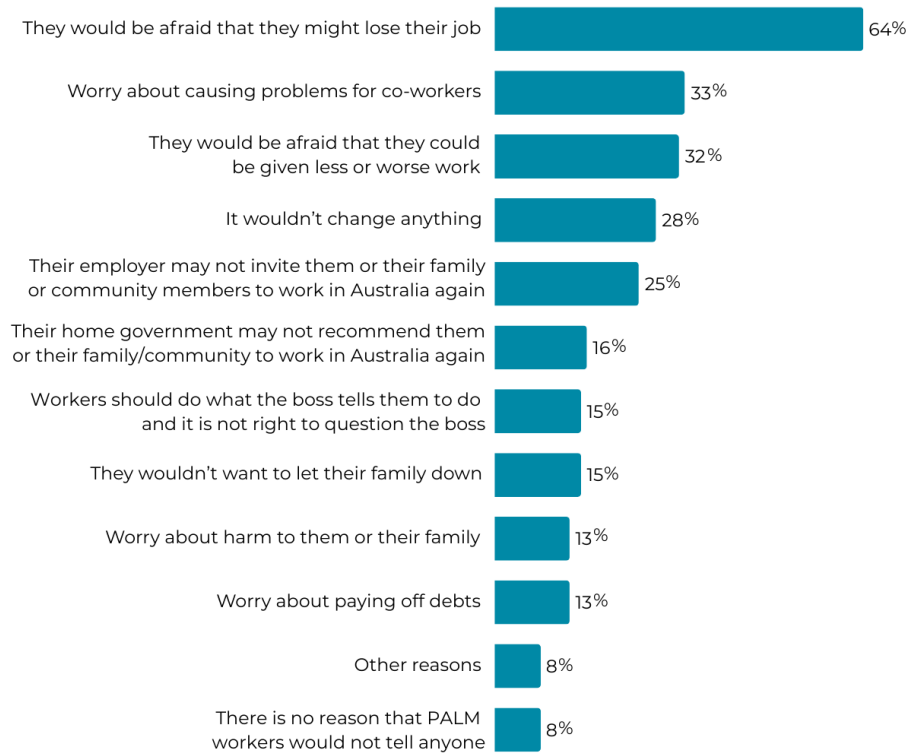


Why PALM workers might stay silent about problems

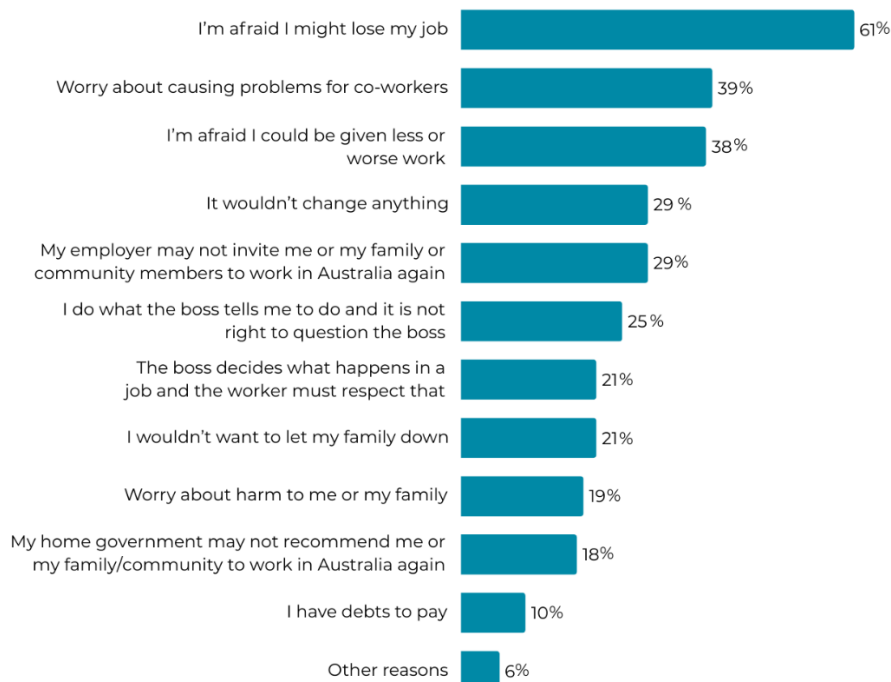
We asked about the reasons why PALM workers choose to not speak about a problem at work. After questions about how other PALM workers would react to a problem with their hours or pay, we asked: 'Why would some PALM workers choose not to tell anybody about a problem with their hours and pay?'. Two thirds (64%) reported that they would stay silent for fear that they might lose their job, a third (33%) indicated that reason was worry about causing problems for co-workers, another third (32%) reported fear of employer retaliation in the form of the worker being given less or worse work and over a quarter (28%) felt it that reporting a problem would not yield any positive change.

Later in the survey, in response to a similar question, participants provided the same top reasons for staying silent, in the same order. After questions about what workers would do in a range of hypothetical situations, they were asked: 'In the situations where you probably would not tell anyone [about various problems at work], why wouldn't you tell anyone?'. They reported fear of job loss (61%), fear of causing difficulties for co-workers (39%), and fear of receiving less or worse work (38%). Just over a quarter (29%) indicated that speaking about a work problem would be unlikely to produce a positive change and a quarter reported fear that their employer might not invite them or their family or community members to work in Australia.

Why would some PALM workers choose to not tell anybody about a problem with their hours and pay? (n=261)



In the situations where you probably would not tell anyone, why wouldn't you tell anyone? (n=142)

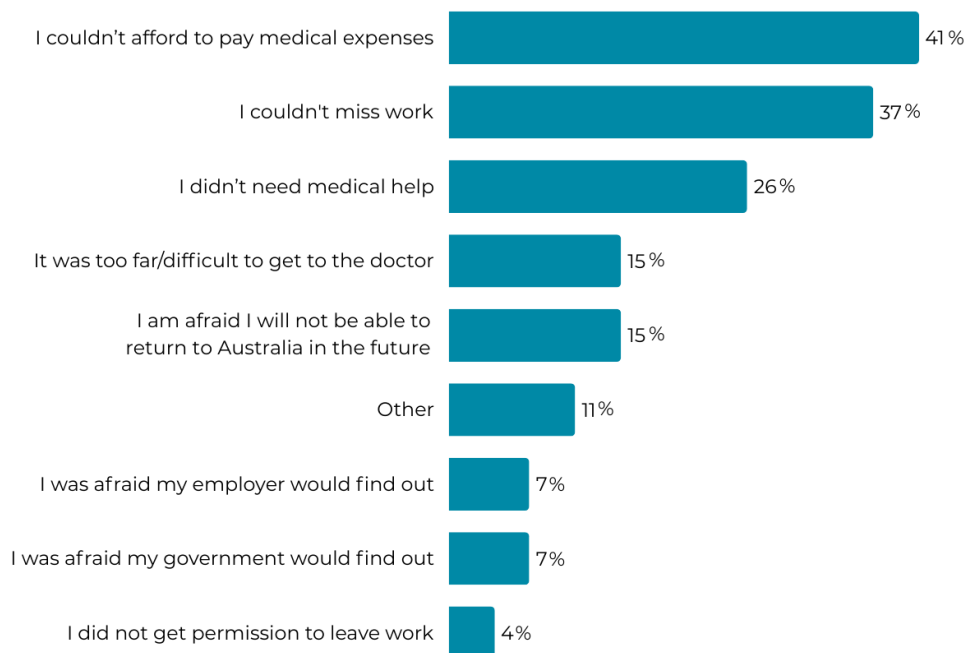


The greatest proportions of respondents stay silent about concerns with working conditions for fear of employer retaliation (this includes, for around two thirds, fear of job loss, followed by fear of retaliation against co-workers or being given less or worse work).

Injury and medical treatment

We asked participants whether they had ever experienced an injury while working in Australia. Over a third (35%, 127 participants) reported that they had. Two thirds (62%) of these were in meat work. We asked participants about obtaining medical assistance in Australia in relation to the injury or illness. Among the 27 people who did not, the principal two reasons were inability to afford medical expenses (41%) and inability to miss work (37%).

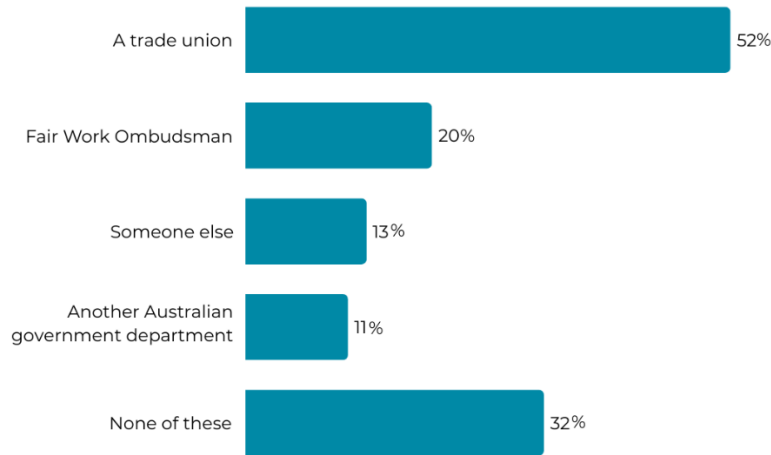
Why did you not get medical help for this injury or illness in Australia?
(n=27)



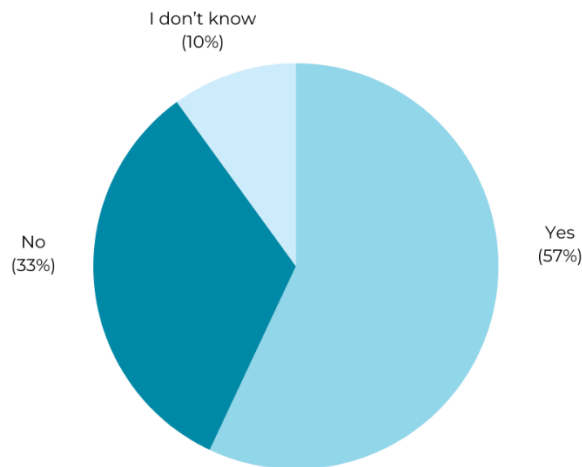
Arrival orientation

We asked participants whether they met with a range of organisations when they first arrived in Australia. A third (32%) indicated that they had not met with a union, the Fair Work Ombudsman or someone else when they first arrived in Australia. Only just over half (57%) had been given information about how to join a union soon after they arrived. This is particularly striking given that, in the survey sample, 60% of participants were union members, and almost all were on long-term visas.

Shortly after you arrived, did you meet with any of these organisations?
(n=229)



Did you get information about how to join a union soon after you arrived? (n=233)



Conclusion and recommendations

Findings from our survey suggest that the PALM scheme is not providing workers with effective mechanisms for raising concerns. Over 4 in 5 of the PALM workers who participated in our survey would either want to change their employer or may wish to do so, if labour mobility were permitted in the scheme. Only 18% expressed a desired to stay with their employer. Yet only around a third of these PALM workers said they would tell anyone other than a friend, family member or co-worker about a range of different problems at work.

They overwhelmingly stay silent due to fear of employer retaliation. This included fear of job loss (around two thirds), fear of employer retaliation against co-workers

and fear of retaliation in the form of receiving less or worse work (each indicated by a third of participants). Indeed, 98% wish to return to Australia to participate in the PALM scheme again which also strongly motivates them to withhold complaints or concerns about their current job.

Although the PALM scheme is administered by the Commonwealth government, there are a range of measures the NSW government can undertake to improve PALM worker safety, reduce vulnerability to modern slavery, and address barriers to seeking help and reporting abuse.

Ensure safe working conditions for PALM workers

Among 183 respondents who indicated they may or would change employers if permitted to do so, almost a third (30%) indicated this was due to safety concerns. In addition, over a third of respondents (35%) reported that they had been injured at work in Australia (among 127 participants who answered the question). Among the 27 injured respondents who did not seek medical assistance, 41% indicated this was due to an inability to afford medical expenses.

Recommendation: The NSW government should develop new initiatives to understand and address lack of safety and injury experienced by PALM workers in their NSW workplaces. The NSW government should also explore and address barriers to accessing medical assistance for workplace injuries and other health concerns.

Supported portability for PALM workers

The NSW government should engage with the federal government to press for urgent consideration of supported portability to enable PALM workers to move between approved employers (AEs) and to reduce the risks and consequences of employer retaliation against workers who raise concerns or complaints. A range of organisations have recommended enhanced mobility of workers between employers.⁷ A number of experts have suggested different models to facilitate this, including visa reforms that replace employer-specific permits with sectoral or regional ones, streamlining employer transfers, creating a job-matching

⁷ Approved Employers of Australia, *Submission to the Pacific Australia Labour Mobility Scheme* (Submission, 2023) <[Building a stronger Pacific family: reforming the PALM scheme. Submission by Approved Employers of Australia Ltd \(AEA\)](#)>; Mayoral Alliance for the Pacific, *PALM Scheme Position Paper* (Position Paper, 2024) <[Mayoral-Alliance-for-the-Pacific_PALM-Scheme_Position-Paper_14Nov24.pdf](#)>; Be Our Guests: Addressing Urgent Modern Slavery Risks for Temporary Migrant Workers in Rural and Regional NSW (Report, 2023) <<https://www.parliament.nsw.gov.au/tp/files/189374/>>; Parkinson, Howe and Azarias, *Review of the Migration System* (Final Report, 2023) 89.

platform, sharing recruitment costs through a joint fund, and incentivising ethical employers with a "Trusted Employer" model.⁸

At the very least, within the current framework, the Department of Employment and Workplace Relations (DEWR) should apply a number of presumptions in favour of mobility. For example, if a worker obtains an offer of employment from an alternate AE in the same industry, DEWR should presumptively allow the worker to change employers and facilitate this swiftly upon worker proof of offer of employment. On first termination on performance grounds, a worker should presumptively be re-deployed by DEWR to a different employer performing a different activity. In this case, the original employer should be required to maintain employment (for instance, through re-deployment to alternative tasks) until DEWR finds a new employer.

Recommendation: The federal government should urgently consider the introduction of supported portability to enable PALM workers to move between approved employers (AEs) and to reduce the risk and consequences of employer retaliation against workers who raise concerns or complaints. The NSW government should engage with the federal government to press for this reform.

Removing workers' debt to employers as a barrier to labour mobility

A worker's indebtedness to their AE for upfront costs (flights, visa, transport) should not be a barrier to mobility. We support the OASC's observation that it is widely accepted as international best practice that workers should not bear recruitment-related costs. However, if these costs continue to be borne by workers in the PALM scheme, an alternative model could be for the Commonwealth and or State governments to pay the upfront costs on the worker's behalf and recover the debt from the worker. To reduce the financial burden on workers and enable them to continue to remit money to their families at home, workers could elect to re-pay debt from post-tax superannuation each pay period. If debt remains outstanding at end of a worker's stay, the Commonwealth could deduct remaining debt from any superannuation funds that remain.

Recommendation: We support the OASC's observation that it is widely accepted as international best practice that workers should not bear recruitment-related costs. However, if these costs continue to be borne by workers in the PALM scheme, the NSW government should explore models

⁸ Matt Withers and Sophia Kagan, 'Free Agency Is a Right, Not an Option' (21 November 2024) *Devpolicy Blog* (Development Policy Centre, Australian National University) <<https://devpolicy.org/free-agency-is-a-right-not-an-option>>; Office of the Anti-Slavery Commissioner of NSW, submission to this inquiry.

that enable upfront costs to be borne by the federal and/or NSW governments rather than Approved Employers and recouped from PALM workers during their stay in Australia, to remove debt to employers as a barrier to labour mobility.

Create alternate forms of support and trusted channels for raising grievances

Though PALM workers theoretically have multiple channels for raising grievances, our stakeholder consultations and survey data revealed a range of shortcomings with current options that prevent many PALM workers from effectively raising grievances.

First, PALM workers are instructed to raise problems with their Team Leader in the first instance, and often believe they must or should rely on their Team Leader to represent their interests in seeking to resolve the problem with the employer. Between a third and a half of participants in our survey indicated that, if they or other PALM workers were to raise a concern, they would do so with their Team Leader.

Unfortunately, stakeholders indicated that Team Leaders are often appointed by employers and/or CLOs because their interests are more aligned with employer or the home government's interest in avoiding problems. As a result, the Team Leader may decline to effectively advocate on the worker's behalf, or in some cases, may actively prevent the worker from directly raising grievances with the employer. PALM workers are generally culturally deferential to their Team Leader even when they believe their grievance has not been effectively raised or addressed.

It appears that many PALM workers would not report concerns through other government-related processes. Many workers lack capacity to call an Australian government hotline or are fearful to do so. Numerous stakeholders shared anecdotes of calling the hotline on workers' behalf and not obtaining an outcome to the issue raised. Instead, PALM workers need place-based support from organisations and individuals that they know and trust.

PALM workers are told they may contact their Country Liaison Officer (CLO) if they encounter problems. Some stakeholders noted that workers are afraid to approach CLOs for fear that if they raise grievances it may jeopardise their home government's willingness to send them or their family or village members to Australia again in the future. Some CLOs are proactive in liaising with workers but others provide little assistance to their workers. Community Connections organisations form a critical role in supporting the relationship between workers and an employer but may not be well-placed to address individual worker concerns.

Recommendation: The NSW government should consider the development of structured frameworks for collaboration among local, state, and federal governments to better oversee and assist PALM workers. The government should also increase the provision of individual assistance, advocacy and

proactive monitoring by trusted parties, beginning with improving place-based support for PALM workers within relationships of trust.

Recommendation: The NSW government should provide funding for local organisations (some have described these as ‘regional migrant centres’⁹ or ‘migrant hubs’¹⁰) to connect workers in a culturally informed way with local services and community programs, including legal services, healthcare and housing support. Initially, the NSW government should identify individuals and networks that are effectively providing support to PALM workers in specific regional locations and increase their capacity to do so for more workers, and more comprehensively. These local organisations should liaise with DEWR and could advocate on a worker’s behalf with DEWR, the AE or local services. The local organisations should consider encouraging workers to engage directly with a supervisor or others at the employer if they do not feel their grievance has been adequately addressed by the Team Leader.

Recommendation: The federal and/or NSW governments should explore options for worker direct engagement that are not reliant on a Team Leader. These include the potential for an increased role for unions in supporting workers, and/or explore PALM Scheme worker-elected Migrant Committees at large employers, particularly those that do not have unionized workforces.

⁹ Mayoral Alliance for the Pacific, *PALM Scheme Position Paper* (Position Paper, 2024). <[Mayoral-Alliance-for-the-Pacific_PALM-Scheme_Position-Paper_14Nov24.pdf](#)> .

¹⁰ *Be Our Guests: Addressing Urgent Modern Slavery Risks for Temporary Migrant Workers in Rural and Regional NSW* (Report, 2023) <<https://www.parliament.nsw.gov.au/tp/files/189374/>>.

Appendix – About the 2024 National Temporary Migrant Work Survey

Survey Design and Accessibility

To ensure accessibility, the survey was available in six languages:

- English,
- Simplified Chinese,
- Spanish,
- Nepali,
- Tamil, and
- Arabic.

In addition, promotional materials—including social media content, flyers, and posters—were developed in these six languages as well as 12 additional community languages, ensuring outreach to linguistically diverse migrant communities.

Consultation and Outreach Strategy

To maximise reach and inclusivity, we consulted with a wide range of stakeholders to refine the survey's target groups, dissemination strategy, and language accessibility. Key consultation partners included:

- Community legal centres,
- Unions,
- Consulates and embassies,
- Federal and state government agencies,
- Refugee and asylum seeker advocates,
- Migrant service providers and community organisations, and
- Migrants with lived experience, including representatives from the Migrant Workers Centre, NSW Office of the Anti-Slavery Commissioner, KO-WHY (a Korean backpacker group), and current international students.

These consultations helped shape an effective and inclusive outreach strategy, ensuring engagement with diverse migrant cohorts.

Survey Dissemination

1. Collaboration with Migrant and Community Organisations and Embassies

We partnered with a broad network of migrant-led and service organisations to distribute the survey. Key partners included:

- Community legal centres,
- Unions,
- Consulates and embassies,
- Settlement and migration peak bodies,
- Student organisations, and
- Other migrant community organisations and service providers.

To maximise engagement, we:

- Conducted briefings at events and webinars to inform members and clients about the survey,
- Created a comprehensive database of existing and potential community partners, including university student groups, religious organisations, migrant community centres, and various migrant support groups, and
- Maintained regular electronic direct mail (eDM) campaigns to provide updates and encourage further dissemination.

We also created a database of foreign embassies and consulates in Australia, sending them customised eDMs with survey information and promotional materials to share with their communities.

2. Engagement with International Students

As international students constitute the largest group of temporary visa holders, we developed a comprehensive outreach strategy targeting students through official and grassroots channels.

We partnered with universities, TAFEs, and private colleges to directly promote the survey to students. We also secured the formal support of:

- 45 education providers, including 30 universities, 3 TAFEs, 5 university pathway colleges, and 7 private colleges/institutes,
- Peak bodies in the higher education sector, such as Universities Australia, the Australian Universities Procurement Network, International Education Association of Australia, Austrade, English Australia, the International Student Advisers Network of Australia, International Student Education Agents Association, StudyNSW, and StudyMelbourne.

To incentivise participation, we offered tailored reports on survey findings to education providers that met a response threshold from their students.

We established a Migrant Justice Institute Student Ambassador Program, comprising 40 international student representatives from StudyHubs across Australia. These ambassadors:

- Promoted the survey to their peers through social media, student groups, and private messaging,
- Attended regular briefings to discuss participant demographics, identify underrepresented cohorts, and adjust outreach strategies accordingly.

3. Social Media and Digital Outreach

To engage migrant communities beyond formal organisations, we leveraged social media and digital advertising, including:

- Targeted posts in migrant-focused Facebook groups,
- Enlisting community partners and student ambassadors to promote the survey in closed groups and networks,
- Paid advertising on Google, Facebook, and Instagram, including campaigns run by the Migrant Workers Centre to reach underrepresented migrant groups.

4. Media Coverage and Public Awareness

We collaborated with student-focused and community media outlets, including *Insider Guides*, *Koala News*, *The PIE News*, and *Sydney Today* (targeting Chinese audiences). These platforms published articles and social media content to increase survey visibility.

5. Reaching Specific Underrepresented Groups

Throughout the survey period, we actively monitored participant demographics and adjusted strategies to address gaps in representation. This responsive approach enabled us to:

- Increase engagement from vocational and English language students by securing support from Independent Higher Education Australia and additional VET/TAFE providers,
- Target sponsored workers, particularly Indian and Filipino workers, using social media and paid digital ads in Hindi and Tagalog,
- Reach more backpackers through posts in backpacker-focused Facebook groups and physical posters in hostels and English language schools.

This adaptive strategy ensured a diverse sample of temporary visa holders.