



Growing Well-Being – Decent Jobs for People from the Pacific on Australian Farms

August 2020

“And you are to love those who are foreigners, for you yourselves were foreigners in Egypt.”
Deuteronomy 10:19

“Is not this the kind of fasting I have chosen: to loose the chains of injustice and untie the cords of the yoke, to set the oppressed free and break every yoke? Is it not to share your food with the hungry and to provide the poor wanderer with shelter - when you see the naked, to clothe them, and not to turn away from your own flesh and blood?”

Isaiah 58:6-7

Our Pacific neighbours have growing problems with unemployment due to limited opportunities for economic development. For example, the government of the Solomon Islands reports that each year 18,000 people reach working age, but only 3,000 new jobs are created. Thus, being able to have people go overseas to work and send money back to their families in the Pacific is vital to being able to address the problems of poverty in the Pacific. People working overseas and sending money home has been the largest source of foreign income for Fiji, Samoa, Timor Leste, Tonga and Vanuatu before the COVID-19 pandemic.

The Australian Government has set up a program to allow people to come from the Pacific and work on Australian farms for up to nine months at a time. The Seasonal Worker Program has allowed 51,000 visits to Australia by Pacific Islanders to work on Australian farms. Some of those coming have come multiple times.

The Government announced in early August 2020 that workers from Vanuatu will be able to come to Australia now to work on farms in the Northern Territory even though international borders are closed to other travellers.

The Synod currently works with the Commonwealth Department of Education, Skills and Employment to put groups of workers in touch with churches and community contacts in Australia. The Department notifies the Synod of each placement coming to Australia and the Synod contacts local churches. The local churches seek to arrange with the employer for a local church representative to meet with the workers shortly after they arrive at their work location. In many cases, local church members have built friendships with workers and provide them with support to settle into life in Australia for the length of their work placement. Many of the placements provide valuable income to those on the Program, making the Award wage or even higher. On these placements, the employer treats the workers fairly and ensures their welfare.

Tongan father of six Lafaele Kautai told *The Australian* newspaper in October 2018 that with the money he earned from working in Australia “We built a house and I have already bought a light truck for taking some water, for cousins’ and also my cattle.”

There are a small number of cases of exploitation of workers on the Program. For instance, we see placements where we suspect the employer is over-charging on accommodation and transport, making direct deductions from the workers’ wages. There are particular concerns about cases where the housing is owned by the approved employer or by the farmer on whose property the workers are working.

The Program requirements allow an employer to recover the costs of the accommodation they organise for the workers on the Program, but they are not permitted to profit from the provision of the accommodation. A group of workers recently reported to us that there were 15 people on the Program living in a five-bedroom home in Red Cliffs in Victoria at a weekly



rate of \$100 per worker for a total cost of \$1,500 per week. Our review of rental rates in the area for similarly furnished properties suggests that the rental value of the property should be approximately \$450 to \$600 per week. It is impossible to see how utilities and internet costs could come to \$900 to \$1,000 per week to make up the difference to \$1,500.

Often the workers are afraid to report exploitation to the Department or the Fair Work Ombudsman to have it addressed. The most significant barrier to workers on the Program officially reporting illegal, exploitive or abusive behaviour by employers on the Program is their fear they will not be able to return to Australia for future placements.

At the moment, an approved employer on the Program can select which people come for each placement on the Program. Thus, any worker who makes a complaint about exploitation or illegal behaviour by the employer can find they are not selected for future placements by that employer.

When the threat of not being able to return is removed, workers are far more likely to report cases of exploitive or illegal behaviour. For example, two workers on the program were housed in tents in a sheep shed in south-west Western Australia in winter and charged \$120 per week for accommodation when working for a labour-hire business on the Program. It was after they secured a placement with a different employer in Victoria they were willing to report to the Department what had happened and provide photographs of the tents they were housed in. The Department was able to have the entire cost of the accommodation in the tents reimbursed to the workers.

What You Can Do

Write a polite and respectful letter to:
The Hon Christian Porter MP
Minister for Industrial Relations
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Salutation: Dear Minister



Points to make in your letters:

- Welcome the Government's support for allowing people from the Pacific to come and work on Australian farms through the Seasonal Worker Program.
- However, express concern that in a small number of cases workers on the Program are subject to exploitation.
- Point out how people on the Program often do not report the exploitation to the Government or law enforcement agencies out of fear that the employer will not allow them to return if they stand up for their legal rights.
- Request that workers on the Seasonal Worker Program be given a guaranteed right to return for future placements when the Program is able to start up again after the COVID-19 pandemic is under control. The right to return should apply unless their employer can demonstrate they did not work to the standard expected, they engaged in unacceptable behaviour or their government does not support their return.
- Point out a right to return will allow the Program to improve, by making it safer for workers to officially report cases of exploitation and illegal behaviour. It will make it fairer for workers and for the employers who have already been complying with the law and the rules of the Program.