



Good Shepherd  
Australia New Zealand



# Hidden Exploitation: Women in forced labour, marriage and migration

Understanding the gaps in prevention and protection needs  
in trafficking and exploitation of women and girls in Australia.

# FOREWORD

Good Shepherd worldwide is committed to working with women and children, especially those who are trafficked, forced to migrate and oppressed by abject poverty.

In this world of rapid change, Good Shepherd is conscious of the need to keep pace with emerging issues and widening gaps that may adversely affect women and children.

Good Shepherd Australia New Zealand commissioned Anti-Slavery Australia in partnership with the Jumbunna Indigenous House of Learning at the University of Technology, Sydney to prepare this report.

The result - *Hidden Exploitation: Women in forced labour, marriage and migration* identifies emerging issues and gaps for migrant and Indigenous women and girls in the context of employment in Australia. It provides a clear understanding of what the gaps are and what could be done about them.

We believe *Hidden Exploitation: Women in forced labour, marriage and migration* provides a strong evidence-base for further policy development and advocacy for the community and legal sectors.

Good Shepherd Australia New Zealand will consider the recommendations outlined in this report. The initial focus will be on forced and servile marriage, an emerging issue in Australia and for Australians.

We seek to work in cooperation with those that are similarly concerned about women and children's safety and we are actively seeking partnerships and further research funding.

We believe that this research into forced and servile marriage will ultimately empower the women and girls who end up exploited and abused as a consequence of seeking a loving home and relationship.



**Dr Rhonda Cumberland**

Chief Executive Officer  
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# EXECUTIVE SUMMARY

This report exposes gaps in knowledge and services relating to the labour of women in Australia. Along with an assessment of the needs, it provides suggestions for a way forward in terms of possible partnerships for developing knowledge, services and advocacy. The gaps considered include labour force, forced labour, forced migration and forced marriage.

## LABOUR FORCE AND FORCED LABOUR

While women have over the long term been over-represented in part-time or casual employment, the increased use of precarious forms of employment is leaving many women, especially those from Culturally and Linguistically Diverse (CALD) backgrounds at risk. There is a need for more legal protection as well as culturally and linguistically appropriate resources for community education on rights and services.

While it appears that exploitation of children through work is not happening on a significant scale in Australia, it is important that a means of keeping a national watch on this is found.

There is a clear history of exploitation of Indigenous women by way of overwork or government control of work or earnings. The situation of disadvantage in work remains in place for many today. Indigenous women are overrepresented among the unemployed and discouraged workers. Through the Community Development Employment Projects (CDEP) many are in effect underpaid for highly skilled work and long hours. The status of CDEP participants needs to be established so that more equitable outcomes can be put in place.

In Australia employment legislation and instituted monitoring and intervention via the Fair Work Act, Fair Work Australia and the Fair Work Ombudsman provide protection for workers. However, those in employment other than full time, permanent work are still relatively unprotected. Improvements are needed in relation to the relevant aspects of immigration law and anti-discrimination law and the anti-trafficking legislation needs a review.

In addition, services (including language resources and education) are needed to improve access to protection and legal assistance for vulnerable workers, especially Indigenous women and women from Non-English Speaking Backgrounds or CALD backgrounds.

The report outlines the definitions in international and Australian laws of “people trafficking”, “slavery” and “forced labour” and makes the case for criminalising forced labour.

## FORCED MIGRATION

Migrant women as a group tend to be vulnerable to varying degrees when it comes to work, because of factors including financial stress, language, lack of education or qualifications, social isolation or child care responsibilities. Among the most vulnerable are those people on temporary work or student visas who suffer from a lack of affordable housing and poor access to information about work rights. Being without a valid visa adds another dimension.

## FORCED MARRIAGE

For foreign partners of Australian citizens, family violence may mask forced or servile marriage, so education of community workers is needed for the full protection of the women concerned. All of these situations are complex legally and culturally, so community consultation is critical and the safety of each woman needs to have priority. The many opportunities for further work include research, community consultation, awareness raising, service provision and advocacy.

# RECOMMENDATIONS

## WOMEN IN PRECARIOUS EMPLOYMENT

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### *Recommendation 1*

That further research is promoted to more comprehensively identify the nature and extent of links between migrant work and precarious employment.

### *Recommendation 2*

That further research is undertaken to assess the need for legal services for vulnerable migrant workers and community awareness about the rights of migrant workers under Australia's workplace relations laws.

### *Recommendation 3*

That Good Shepherd Australia New Zealand considers developing collaborative relationships with existing advocacy and support bodies such as Asian Women at Work, to develop materials, enhance existing services and to lend skill and expertise in applications for funding for specific projects, such as multi-lingual web based material.

## CHILDREN

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### *Recommendation 4*

That Good Shepherd Australia New Zealand take advantage of the current inquiry into whether Australia should have a Federal Children's Commissioner and advocate for better protection of the rights of children, especially through consistency in the treatment of child protection issues across the whole of Australia.

## FORCED AND SERVILE MARRIAGE

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### *Recommendation 5*

That further research is commissioned to develop knowledge about the nature and extent of forced marriage in Australia and to identify available protections.

### *Recommendation 6*

That Good Shepherd Australia New Zealand advocates to the Australian Attorney-General for the establishment of a community consultation group to advise the Australian Government on forced marriage.

### *Recommendation 7*

That Good Shepherd Australia New Zealand works with Anti-Slavery and a community reference group to develop for NGOs, multilingual guidelines and awareness raising material on forced marriage, domestic violence and violence against women.

### *Recommendation 8*

That Good Shepherd Australia New Zealand, in partnership with Anti-Slavery, develop teaching materials for use in schools which recognise the gender dimension of the human rights abuses of human trafficking, slavery, extreme labour exploitation, and forced and servile marriage as forms of violence against women, and provide information about the rights and protections available in law.

### *Recommendation 9*

That Good Shepherd Australia New Zealand works with Anti-Slavery to develop training sessions and materials for community workers and multilingual workers about the link between domestic violence, trafficking and forced marriage.

## TRAFFICKING, SLAVERY AND FORCED LABOUR

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### *Recommendation 10*

That Good Shepherd Australia New Zealand, with Government support, promotes research to understand the links between forced marriage, sponsored partner migration and labour exploitation.

### *Recommendation 11*

That Good Shepherd Australia New Zealand, with support, develops a professional and accountable service model to address gaps in protection of women trafficked to Australia. This would include provision of safe and appropriate housing, culturally appropriate services such as English language training, vocational training, medical, dental and psychological services.

### *Recommendation 12*

That Good Shepherd Australia New Zealand promotes the introduction of specific offences of labour trafficking and servitude in the Australian Criminal Code.

### *Recommendation 13*

That Good Shepherd Australia New Zealand advocates for the introduction of a federal compensation scheme for victims of crime.

### *Recommendation 14*

That Good Shepherd Australia New Zealand, with support, explores the feasibility of meeting the support gaps in service provision for trafficked women including accommodation, vocational training, English language training, psychological support and dental care.

## INTERNATIONAL STUDENTS

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### *Recommendation 15*

That Good Shepherd Australia New Zealand advocates with Government about the responsibilities of education providers to ensure that international students are assisted to find and maintain suitable accommodation and that they are properly informed about Australian law and the protections that exist for all people under Australian law. This would include information about law enforcement in Australia, Australian working conditions and regulatory bodies and contact and referral information.

## INDIGENOUS WOMEN AND GIRLS

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### *Recommendation 16*

That Good Shepherd Australia New Zealand promotes further research to ascertain whether or not Community Development Employment Projects (CDEP) participants are employees within the meaning of the Fair Work Act 2009 (Cth).

### *Recommendation 17*

That Good Shepherd Australia New Zealand promotes further research to determine the legal entitlements of CDEP workers, including but not limited to, paid parental leave and superannuation.

### *Recommendation 18*

That Good Shepherd Australia New Zealand promotes further research in relation to the impacts of the Northern Territory Emergency Response on the labour rights of Indigenous women and in particular, the effects of income management.

### *Recommendation 19*

That Good Shepherd Australia New Zealand considers funding research into domestic trafficking, especially of Indigenous women and girls.

## FAIR WORK ACT

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### *Recommendation 20*

That Good Shepherd Australia New Zealand promotes research to evaluate the role of the Fair Work Ombudsman in enforcing the rights of migrant workers in the workplace and obtain gender disaggregated data about Fair Work actions involving migrant workers.

### *Recommendation 21*

That Good Shepherd Australia New Zealand promotes the undertaking of a comprehensive audit of access to legal services for vulnerable migrant workers in Australia.

### *Recommendation 22*

That Good Shepherd Australia New Zealand invests in the production and distribution of multilingual information on the legal rights of vulnerable workers. This investment should occur in conjunction with community awareness campaigns to raise awareness of the rights of migrant women at work.

### *Recommendation 23*

That Good Shepherd Australia New Zealand promotes the implementation of the recommendations of the *Making it Fair* Report.

### *Recommendation 24*

That Good Shepherd Australia New Zealand advocates for the Australian Government to undertake a comprehensive audit of access to legal services for Indigenous women, with particular attention paid to employment and discrimination law.

# CONCLUSION

The purpose of this research was to identify gaps in knowledge about, and services and legal protections for, the labour rights of women and girls in transit in Australia. Because of the short time frame, it was not possible to identify and interview representatives of all relevant service providers in Australia. Nonetheless, the literature review and interviews undertaken, identify a number of gaps in knowledge about the labour rights of women and girls in transit in Australia, and point to gaps in service provision and in legal protections. This information may guide resource allocation and the development of new services, programs and research and advocacy strategies. To assist in this process a series of 24 recommendations are offered.

## GAPS IN KNOWLEDGE

Many of the issues addressed in this report involve clandestine and illegal activities and these are notoriously difficult to research. Gaps in knowledge are unsurprising. The lack of knowledge in other areas may be more related to the marginal social status of the groups affected and the challenges of conducting research appropriately with CALD groups. In a number of areas we need to know more in order to provide effective services and advocacy.

Further research is recommended in the following areas:

- The nature and extent of links between migrant work and precarious employment in Australia (Recommendation 1);
- The nature and extent of forced marriage in Australia and available protections (Recommendation 5);
- Links between forced marriage, sponsored partner migration and labour exploitation (Recommendation 10);
- Domestic trafficking, especially of Indigenous women and girls (Recommendation 11);
- Whether or not CDEP participants are employees within the meaning of the Fair Work Act 2009 (Cth) (Recommendation 17);
- The legal entitlements of CDEP workers, including paid parental leave and superannuation (Recommendation 18);
- Impacts of the Northern Territory Emergency Response on the labour rights of Indigenous women, in particular the effects of income management (Recommendation 19);
- The role and effectiveness of the Fair Work Ombudsman in enforcing the rights of migrant workers (Recommendation 20);
- The development of gender disaggregated data about Fair Work actions involving migrant workers (Recommendation 20).

## GAPS IN SERVICES

A broad range of government and non-government bodies provide services of various kinds to women and girls in transit in Australia. While this research project was unable to provide a comprehensive mapping of services, there are clearly gaps in the groups served, the kinds of services provided and the comprehensiveness of their reach.

Gaps in services exist in the following areas:

- The development of multilingual web-based materials (Recommendations 3 & 22);
- Availability of safe and appropriate accommodation (Recommendations 12 & 15);
- Provision of vocational training (Recommendations 12 & 15);
- Access to English language training (Recommendations 12 & 15);
- Access to culturally appropriate psychological support services (Recommendations 12 & 15);
- Access to medical and dental care (Recommendations 12 & 15).
- A key need is for the development of a professional and accountable service model to address such gaps in protection and services for women trafficked to Australia (Recommendation 12).

## NEEDS ASSESSMENT

In some areas there were clear indications of unmet service needs, while in others further assessment is required in order to guide the development of new services or programs.

Needs assessment is recommended in the following areas:

- Access to legal services for vulnerable migrant workers and community awareness about the rights of migrant workers under Australia's workplace relations laws (Recommendations 2 & 21);
- Indigenous women's access to legal services especially in relation to employment and discrimination law (Recommendation 24).

## CAPACITY BUILDING AND PARTNERSHIP

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Good Shepherd Australia New Zealand has a strong history of working with others. A number of the organisations interviewed expressed interest in collaborating further with Good Shepherd Australia New Zealand in the area of labour rights of women and girls in transit. By partnering with others Good Shepherd Australia New Zealand can add capacity to existing efforts rather than duplicating them and can extend its own capacity through access to the knowledge, skills and networks of others.

The following opportunities for capacity building and partnership were identified:

- Assist existing advocacy and support bodies such as Asian Women at Work in the development of materials and community awareness campaigns (Recommendation 3 & 22);
- Lend skill and expertise in applications for funding to the work of existing advocacy and support bodies (Recommendation 3);
- Work with Anti Slavery Australia and a community reference group to develop multilingual guidelines and awareness raising material on forced marriage, domestic violence and violence against women for NGOs (Recommendation 7);
- Partner with Anti Slavery Australia to develop teaching materials which recognise the gender dimension of the human rights abuses of human trafficking, slavery, extreme labour exploitation, and forced and servile marriage as forms of violence against women and provide information about the rights and protections available in law (Recommendation 8);
- Partner with Anti Slavery Australia to develop training and materials for community workers and multilingual workers about the links between domestic violence, trafficking and forced marriage (Recommendation 9).

## OPPORTUNITIES FOR ADVOCACY

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Good Shepherd Australia New Zealand is committed to advocacy. This research identified the following areas for advocacy in relation to the labour rights of women and girls in transit in Australia:

- Better protection of the rights of the child through consistency in the treatment of child protection issues across the whole of Australia via the current inquiry into whether Australia should have a Federal Children's Commissioner (Recommendation 4);
- The establishment of a community consultation group to advise the Australian Government on forced marriage (Recommendation 6);
- The introduction of a federal compensation scheme for victims of crime (Recommendation 14);
- The responsibilities of education providers to ensure that international students are assisted to find suitable accommodation and are informed about protections under Australian law including in relation to work (Recommendation 16);
- Implementation of the recommendations of the Making it Fair Report (Recommendation 23);
- The undertaking of a comprehensive audit of access to legal services for Indigenous women, especially in relation to employment and discrimination law (Recommendation 24).



Good Shepherd  
Australia New Zealand

**ANTI-SLAVERY  
AUSTRALIA**  
WORKING TO ABOLISH SLAVERY



Rosemount  
Good Shepherd  
Youth and Family Services



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**Women in forced labour, marriage and migration**

Understanding the gaps in prevention and protection needs in trafficking and exploitation of women and girls in Australia

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Melbourne artist Fran Sheahan created the artwork for this research project. She named the painting, *From Surviving to Thriving*, in honour of a woman she knows who has survived and thrived despite a very difficult life.

In producing this image, I wanted to give due weight both to the horror of the abuse of power involved in forced marriage, labour and migration, and to the wonder of the agency of the women concerned, to their capacity to survive dire situations.

I also wanted to note, however, that sometimes no amount of courage and determination is enough to enable women to change their circumstances, unless they can connect to something in the world outside their situations.