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Vulnerable Migrant Workers in the Hunter Region



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Contents

Purpose of this report	3
Acknowledgements	3
Main themes and demographics.	4
Recommendations	5
Wage theft main issue for workers in the Hunter region.	6
Labour hire companies' role in wage theft.....	6
Fair Work Ombudsman cases in the Hunter region	7
Other themes	9
Philanthropy to combat modern slavery.....	9
Awareness of modern slavery.....	9
Labour unions' role in combatting exploitation of workers in the Hunter	10
In-depth interview sample	11
Findings from in-depth interviews	11
Access to sustainable employment and accurate workplace information.....	11
Access to vocational training.....	13
Immigration and industrial relations	13
Advocating for vulnerable migrant workers	15
Media scrutiny and amplification	16
Access to education and communication	17
Challenges and opportunities for unions	17
Funding for not-for-profits.....	18
Investor activism	19
Discussion and areas for continued research	19
Appendix I: Method	22
News media database search	22
Limitations.....	22
Appendix II: Resources to combat exploitation of vulnerable migrant workers	23
Hunter	23
General.....	23
References	24

Purpose of this report

This research collaboration between ACRATH and the University of Newcastle contributes unique and timely research into the exploitation of vulnerable migrant workers in the Hunter region. The aim of this report and its recommendations is to help raise awareness of the exploitation of vulnerable workers in the Hunter and beyond. ACRATH will develop a suite of resources from the project for advocacy and education and a peer-reviewed journal article will be published based on the research and findings. ACRATH and the University of Newcastle seek in the first instance to disseminate the findings through ACRATH networks and through the University of Newcastle Centre for Law and Social Justice.

Method

The project was established on 30 March 2021 and a first phase literature review conducted in mid-2021. A second phase keyword search was conducted in mid-2022 to pick up more recent articles on the exploitation of vulnerable migrant workers and based on the same keywords, and the results from the two keyword searches were combined. The field work for the in-depth interviews (n=9) began in April 2022 and concluded in June 2022 (University of Newcastle Human Research Ethics Committee code H-2021-0324).

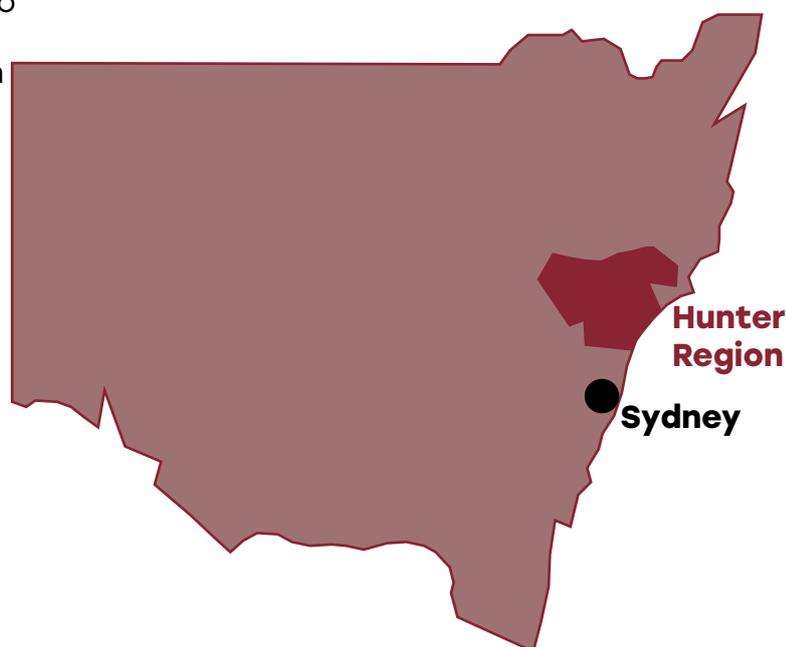
Prior to the beginning of the project, the project partners initially considered interviewing frontline workers in horticulture and abattoir work, but network partner NGOs advised ACRATH that this could be dangerous for migrant seasonal workers; it could mean those workers would not be invited for a return contract, and that the workers may not be willing to share their actual realities without long term relationships being developed. The project was also interrupted by Covid-19, limiting access to overseas seasonal workers. Because of these two factors, the research team focused on interviewing people who work with or who have knowledge of vulnerable migrant workers in the Hunter region.

Acknowledgements

Many thanks to all who contributed to this research, especially the respondents to the in-depth interviews who gave up their precious time to provide the insights herein, and to other stakeholders who provided context. Thanks also to the ACRATH committee that oversaw the research.

Acknowledgement of Country

The Hunter Valley is located on Geawegal, Wonnarua, Worimi, Darkinung and Awabakal land. We acknowledge and pay our respect to the traditional custodians of the lands and waters of these lands and their continuing cultural, spiritual customs and practices.



Introduction

Exploitation of vulnerable workers is a major problem in Australia and migrant communities are at heightened risk of exploitation given the range of economic and linguistic vulnerabilities they might face (Select Committee on Human Trafficking in New South Wales 2017). This report provides context and insight into the prevalence of exploitation of vulnerable migrant workers in the Hunter region. The report and its findings are based on analysis of publicly available evidence of worker exploitation from news media reports, government and non-government agency reports, academic research, and in-depth interviews with respondents who have knowledge of exploitation of vulnerable migrant workers in the Hunter region. Newcastle-Maitland is the seventh largest area by population in Australia and features sectors such as agriculture and hospitality, known to have seen a pre-Covid increase in offences of worker exploitation (Select Committee on Human Trafficking in New South Wales 2017). Yet no known comprehensive research has been conducted on the exploitation of vulnerable workers in the Hunter region. This research responds to that knowledge gap.

The Hunter region is unusual in that vulnerable workers in the City of Newcastle might have similar issues to other non-capital, large metropolitan cities such as Wollongong, while the broader Hunter region might see greater parallels with sector similar regional areas in NSW such as Dubbo, Griffith and Tamworth. For example, there are circumstances in regional areas such as Tamworth and Griffith that are analogous to worker exploitation in the Hunter region

at meat processing plants (see Scone in the Upper Hunter), and which might also occur within the Newcastle Local Government Area (see poultry processing in Beresfield, a north-western suburb of Newcastle). At the same time, Newcastle is often considered a regional centre,¹ however, for the purposes of the Working Holiday Maker program, for example, Newcastle is classified as metropolitan.

Main themes and demographics

In addition to episodic industry specific exploitation of vulnerable migrant workers, notably workers from Asian backgrounds on 417 visas² working in horticulture³, and migrant workers in meat processing and hospitality, is the prevalence of wage theft and other forms of underpayment across sectors⁴, and its local, national and global reach through supply chains. Major structural factors affecting refugee and migrant workers in the Hunter region noted in in-depth interviews include access to secure employment exacerbated by wage suppression and theft. Unrecognised qualifications or lack of qualifications, access to affordable quality housing, ignorance of migrant worker exploitation by the general public, and an absence of political urgency to address these issues further contribute to the prevalence of exploitation of vulnerable migrant workers. Poaching has become an issue for some migrant workers as labour shortages create competition that they may not necessarily benefit from because of being tied to their sponsor.

Leveraging major corporations such as supermarkets to pressure labour hire

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- 1 Working Holiday Maker legislation defines 'regional' Australia as the areas outside of the Australian Capital Territory and the eight urban centres of Sydney, Wollongong, Newcastle, the Central Coast, Melbourne, Brisbane, the Gold Coast and Perth.
 - 2 The UN Special Rapporteur on the human rights of migrants noted in his report after his mission to Australia and the regional processing centres in Nauru in November 2016 that labour exploitation was a 'cross-cutting' issue regarding human rights abuses against migrants in Australia. He noted the exploitation of migrants on working holiday visas, and of asylum seekers on bridging visas by employers in Australia; that such migrants are made to work long hours and are paid wages that are below the legal minimum in Australia, often in the construction, agricultural and hospitality industries. He concluded that temporary work visas may therefore serve to increase the vulnerability of migrant workers (see Crépeau 2017).
 - 3 A further indication of the topicality of the exploitation of vulnerable workers in horticulture in recent years was the presentation of a report to federal parliament by the federal Joint Standing Committee on Migration on the Seasonal Worker Program (see Joint Standing Committee on Migration 2016).
 - 4 In 2019 Price Waterhouse Coopers estimated that industrial relations risks such as the underpayment of Australian workers' entitlements were to the value of \$1.35 billion per year, and was one of the top five sleeper issues for business leaders going into 2020 (Price Waterhouse Coopers, 2019).

companies to pay on-site award rates so that all workers at a given site are paid the same rates is part of a growing awareness of the pressure that can be applied through scrutiny of supply chains on less than scrupulous labour practices (Australasian Centre for Corporate Responsibility 2021). Using the media to publicly shame such practices taps into the broader opportunity of leveraging networked approaches that harness support for ethical consumerism (O'Brien n.d.). These initiatives can be linked to global targets such as the United Nations Sustainable Development Goals, and which were noted in one news media article on the poor conditions of seafaring labourers at the Port of Newcastle. At the same time, it is likely that the corporate framing of such issues under the frame of 'environmental, social and governance' (ESG) is where not-for-profits might find opportunity in advancing their causes (Hewett 2022).

The most vulnerable migrant workers in the Hunter region are recent visa arrivals who do not have literacy in English, and refugees who have been traumatised. The most recent migrant workers in the Hunter region, as noted by respondents in the in-depth interviews, have come from Pacific islands – Fiji, the Solomon Islands and Samoa, with Tongan and Vanuatuan workers also recent migrant arrivals to Australia in general. Large pre-Covid migrant cohorts included Chinese speakers from Taiwan and mainland China, migrants from the Philippines and India, although the latter two groups typically have more English literacy and as such have greater access to employment but may still be vulnerable to a range of exploitation, including coercion. The refugee arrivals in Australia and mentioned by respondents in the in-depth interviews over the past decade (2022-2012) in order of recency have come from Afghanistan, Syria, Iraq, Tibet and the Congo. Prior to that, other African arrivals have come from Sudan, Liberia, Mauritania, Burundi, and Ethiopia. In addition, one respondent included young people in general as an exploited worker group.

Hunter industries that have experienced the exploitation of vulnerable migrant workers include agriculture (farm labour, fruit picking, grape picking), hospitality (food and beverage, hotel cleaning and housekeeping), meat processing and house

painting. In Sydney, the ready-made meal catering industry has been a focus, though no interviewees mentioned this about the Hunter region.

Recommendations

The findings from the research and the recommendations below respond to ACRATH's purpose of eliminating modern slavery and human trafficking and the harm they cause in Australia, the Asia Pacific region and globally, and in collaboration with others. The findings present an opportunity to further collaborate with Hunter region networks to raise awareness of modern slavery in the Hunter region in general and the exploitation of vulnerable migrant workers in particular:

- Worker awareness: education campaigns in worker languages and comprehensible to the workers
- Political engagement: harnessing windows of political will to address vulnerability and exploitation of migrant workers
- Media scrutiny: amplification of issues through the media
- Regulation of labour hire companies: a national labour hire licensing scheme
- Supply chain scrutiny: harnessing scrutiny of supply chains through major corporations such as supermarkets
- Immigration: visas that provide stability and certainty
- Investor activism: divestment of substandard labour practices through shareholder advocacy (e.g., superfund divestment in property portfolios to reduce impact of exploitative contract cleaning)
- Alliance model: an approach to harnessing community investment in issues through an alliance of civil society organisations such as unions, churches, NGOs, and charities. Also, tapping into existing alliance networks for issues-focused not-for-profits to develop networked, collaborative approaches to social problems
- Funding: sustainable funding for employment settlement services
- Frontline worker perspectives should be sought where it is feasible and safe for those workers to share their perspectives through an informed consent process.

Wage theft main issue for workers in the Hunter region

A database search undertaken to gauge the prevalence of the exploitation of vulnerable migrant workers in the Hunter region identified 51 relevant and timely news media articles (n=51). Of these, (n=20/51) referred to specific cases of worker exploitation in the Hunter region and wage theft, broadly conceived, was identified as the main issue facing such workers (n=25/51). The three main industries most recently affected by wage theft in the region identified in the news media search are mining (Kirkwood 2020a), meat processing (Peacock 2014, McCarthy 2018), and allegedly hospitality⁵ (Patty 2019a). In 2022, there was increased discussion of labour exploitation and conditions in the aged and healthcare sectors (The Newcastle Herald 2022c). Though these media reports did not mention migrant workers.

The most vulnerable groups of workers affected by wage theft in this sample are migrant workers (n=11/51) – in particular backpackers and international workers on 417 visas – and coal mine workers (n=9/51). Notable sites of wage theft from migrant workers in the Hunter region have been the JBS Foods abattoir in Scone (n=5/11) and allegedly hotels owned or operated by the Escarpment Group (n=3/11), which includes the luxury hotel Convent Hunter Valley. Another notable site of exploitation of vulnerable workers in the Hunter Valley is the Mount Arthur coalmine, owned and operated by BHP. Various coal mines around Muswellbrook, Singleton, and Cessnock were also referred to regarding casual permanence and labour issues.

Labour hire companies' role in wage theft

Labour-hire groups can be involved in acts of worker exploitation and wage theft including both groups of migrant workers and coal mine labourers. News articles about mining highlighted issues of casual permanence, underpayment, and lack of worker benefits stemming from labour-hire companies in the Hunter region coal mining sector (McCarthy 2018, Thompson 2019a, Thompson

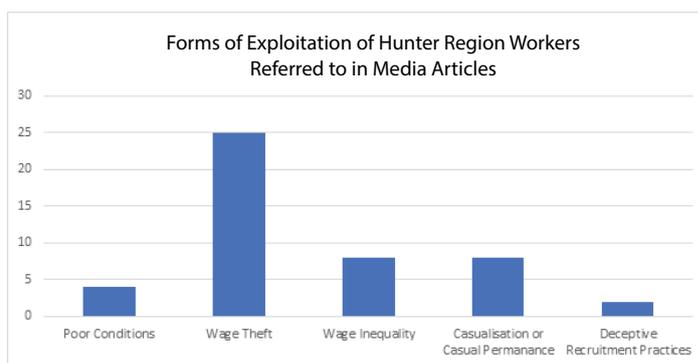


Image 1. Themes from the keyword search on exploitation of vulnerable workers in the Hunter Region (ProQuest database search n= number of articles on a given theme)

2019b). Furthermore, there was thematic association in news articles between labour-hire companies and wage inequality or wage theft. Labour-hire firms were often referred to as exploitative or otherwise negatively, such as “dodgy” (The Newcastle Herald 2021f, p.17) or as partaking in wage theft (The Singleton Argus 2022, p. 3).

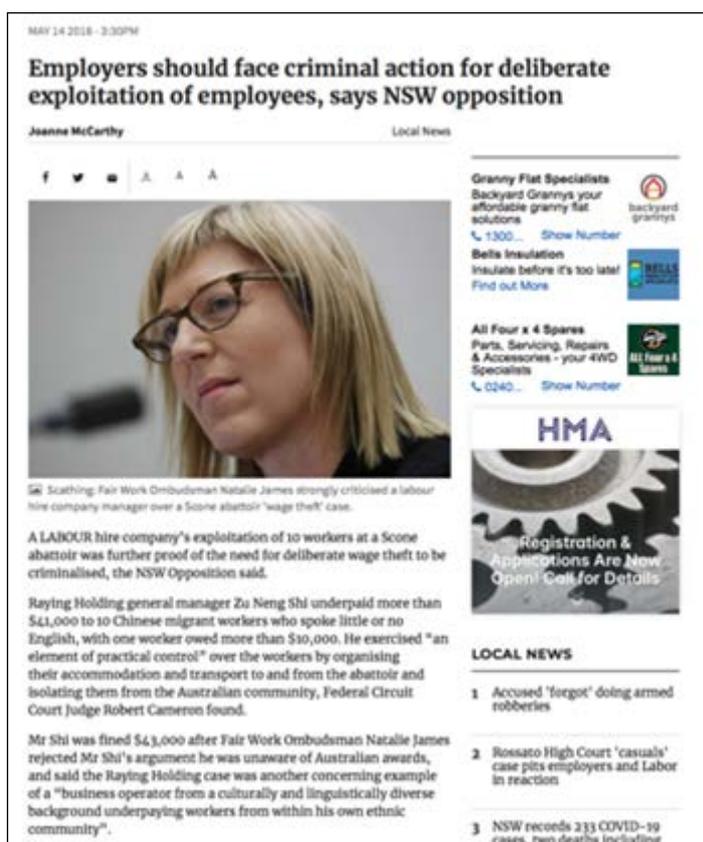


Image 2: Example from the Hunter: An article from The Newcastle Herald describing the Raying Holding Pty Ltd case (McCarthy 2018).

⁵ Escarpment Group was investigated by the Fair Work Ombudsman (FWO). However, where the FWO has not commenced an enforcement action the FWO does not provide a public commentary.

An example of wage theft through a labour-hire company was also noted in the meat packing industry, with Raying Holding Pty. Ltd.'s involvement in the exploitation of migrant workers at the abattoir in Scone (McCarthy 2018); see also (Fair Work Ombudsman 2018) see also (Berg and Farbenblum 2017, Farbenblum and Berg 2018, Berg and Farbenblum 2020, Farbenblum and Berg 2020) on wage theft and abandonment of migrant workers during COVID-19. Forms of coercion noted in news media reports on migrant workers subjected to labour exploitation included threat of deportation through the revocation of 417 Visas (Patty 2019b). Both the Escarpment Group and Raying Holding Pty. Ltd. allegedly required long hours of work or poor conditions (ABC News 2014a, ABC News 2014b, Patty 2019a), and at Escarpment Group, workers who spoke out allegedly faced the threat of legal action and fines.

Aspects of the Select Committee on Human Trafficking in New South Wales report reflect what was found in the news media analysis (Select Committee on Human Trafficking in New South Wales 2017). For instance, both refer to labour-hire companies and their ability to dissolve (see also ABC News 2014a), the prevalence of exploitation of migrant workers, and the threat of withdrawing immigration status as a form of coercion. The report has one mention of Newcastle, from a spokesperson for the Sex Workers Outreach Project NSW, who referred to outlaw motorcycle gang involvement in brothels (while not involving a labour hire company), and which had begun to dissipate:

... I think the commissioner was jumping the gun a little bit on that one. Especially around Newcastle and further up, we were starting to see some infiltration of motorcycle gangs into the ownership of brothels. That since seems to have dissipated. (Cox 2017: 43)

The Fair Work Ombudsman's (FWO) proceedings against the labour-hire company Raying Holding Pty. Ltd. is a detailed example of wage theft in the Hunter region through a labour hire company. The company was found to have breached several employment provisions in a deliberate attempt to exploit workers, including sham contracting, breaches of minimum pay, overtime, casual loading, public holiday requirements, and record-keeping requirements between 2011 and 2013. Raying Holding Pty. Ltd. was ordered to back-pay the workers in full for the underpayment of \$41,674. The largest individual underpayment was \$10,257. Due to Raying Holding Pty. Ltd. manager's history, it was found that his claim to ignorance of employment regulations and requirements was 'wilful blindness' and he was ordered to pay a \$43,000 penalty in addition to the company back paying the workers (Fair Work Ombudsman 2018).

Fair Work Ombudsman cases in the Hunter region

The keyword search of media releases on the Fair Work Ombudsman website reflects wage theft as the main issue facing vulnerable migrant workers in the Hunter region. The search returned 28 results for 'Hunter', 'Newcastle', 'Maitland', and other cities in the Hunter Valley (Fair Work Ombudsman n.d.b), and which ranged in date from January 2014 to May 2022. Wage theft is noted across service and care industries, including hospitality, technical work, childcare, manufacturing, commercial cleaning, and agricultural work⁶ (e.g., vineyard labour in Pokolbin (Fair Work Ombudsman 2014a)). Exploitation of Asian international workers feature prominently in the cases involving seasonal and/or temporary work.⁷

Six cases related to the hospitality industry; two involving sushi restaurant chains (July 2019, June 2019), and a third case related

6 Unions NSW have called wage theft in the horticulture industry 'The Shadow Market' (Unions NSW 2021). The ACTU has called the 'normalisation' of wage theft a 'business model' (ACTU 2020).

7 A keyword search of FWO media releases for 'Dubbo' returned 6 results, including the back-paying by disability services provider Breakthru Ltd of more than \$2.7 million dollars (Breakthru Ltd had self-reported the underpayments) (Fair Work Ombudsman 2021b); underpayment of employees by Doable Express Transport and a fine for the owner, which was used to partially rectify a small portion of money owed to employees because the business had gone into administration (2014) (Fair Work Ombudsman n.d.a 'Dubbo' media releases).

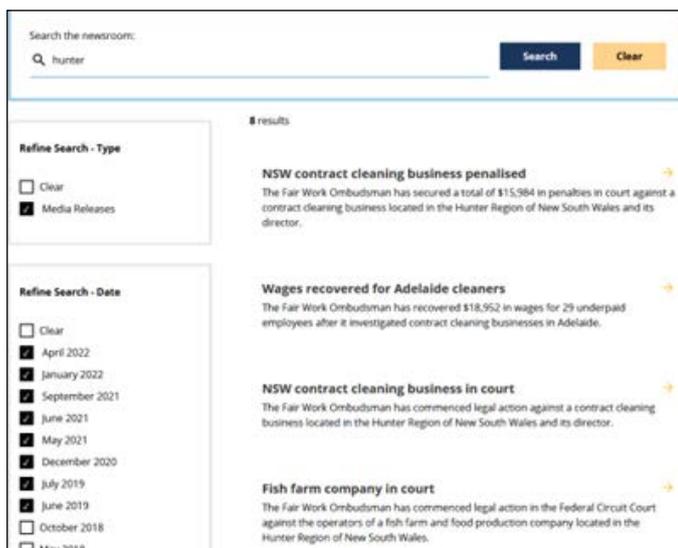


Image 3: Examples of recent media releases of wage theft in the Hunter from the Fair Work Ombudsman website show that wage theft can be localised and systemised (Fairwork Ombudsman n.d.).

to penalties for a different sushi restaurant operator across three outlets in the Newcastle and Central Coast regions (June 2019); one fast-food outlet in Newcastle (February 2016); a Pizza Hut franchise in Newcastle (August 2017); and a Thai restaurant in Newcastle (September 2021). Enforceable undertakings were signed by RSPCA NSW (May 2021) who had underpaid workers across NSW, with many located in Sydney and the Hunter and Illawarra regions; Disability Services Australia (December 2020), who had underpaid workers at various locations throughout Sydney and in regional locations such as the Hunter and Southern Highlands regions; and the Paraplegic & Quadriplegic Association of NSW (ParaQuad), who had underpaid employees around Australia, including those in the Hunter Valley region, leading to back-payments amounting to \$705,470.91 on December 15, 2021. Other cases involved three workers employed by businesses in the Newcastle/Hunter region who had been underpaid \$38,000 in wages and entitlements (28 September 2017). In one matter, a young labourer in Lake Macquarie was back paid \$25,220 after he was underpaid as a result of being incorrectly classified as an apprentice. In August 2016, a car detailer in the Hunter Valley was back-paid more than \$16,800 after years of being underpaid.

There was one mention of agricultural work. One media release from March 2016

involved collective underpayments of \$92,381 over almost 11 months to fifty-two casual employees, most of whom could not speak English, at Singleton mushroom farm between September 30, 2013 and August 24, 2014. The largest individual underpayment was \$6,938. Furthermore, the labour practices in vineyards in the Hunter Valley region were a focal point for the Fair Work Ombudsman during this time, with a media release referring to the undertaking of a large-scale audit of up to 20 vineyards (Fair Work Ombudsman 2014a). This audit was undertaken to ensure workers were being paid correctly (Fair Work Ombudsman 2014b).

In March 2015, two workers in the NSW Hunter region were back-paid a total of \$34,300 in termination entitlements. In one case, three service technicians at a Weston business shared in \$28,300 back-pay after their employer failed to pay their full lawful entitlements when it made them redundant. In another case, a Maitland truck driver who had been laid-off was reimbursed \$6000 in unpaid redundancy pay, annual leave entitlements and travel allowances.

In May 2022, a furniture transport company in Maitland failed to pay worker entitlements of an unknown amount of accrued and unused annual leave after the worker's employment ended. As of this report, legal action is ongoing.

One matter related to manufacturing involved thirteen young backpackers (12 from Taiwan and one from Hong Kong who spoke little or no English) on 417 working holiday visas who had been collectively underpaid almost \$100,000 working for high-profile natural health and skin care products company Nature's Care, which has a factory at Belrose, north of Sydney, and a farm at Pokolbin, in the Hunter Valley (June 2015). Child play centres in the Hunter and Central Coast regions of NSW underpaid 32 staff across five of their six centres a total of almost \$10,000 (July 2014). Lastly, one company was fined almost \$50,000 for applying duress to Hunter Valley workers (20 February 2014).

Three media releases referred to cases concerning commercial cleaning companies in the Hunter Valley (one media release referred to cases in Adelaide but used the Hunter

cases as examples of conduct) that failed to fully pay employee entitlements, penalty rates, or wages for hours worked. These companies were T.S.T. Commercial Cleaning in Rutherford, penalised \$15,984 against the business and its director, (April 2022 and September 2021), and Spit & Polish Professional Cleaning in Merewether, penalised \$5,328 (November 2021).

Other themes

After wage theft, themes by frequency from the news media analysis are as follows: anti-modern slavery philanthropic efforts such as fundraisers and awareness events (n=6/51); discussion of modern slavery or the Modern Slavery Act 2018 (Cth)⁸ (n=5/51); Casualisation of workforces (4/51); mandatory reporting requirements for large businesses (n=3/51) (The Sun Herald 2019, The Newcastle Herald 2021a); Wage inequality (3/51); Labour strikes in response to exploitation or poor conditions (3/51); United Nations sustainability goals (n=2/51) (ABC News 2021); forced marriage (n=2/51) (Belby 2015); deceptive recruitment (n=2/51) (Thompson 2019a); general worker exploitation including unpaid overtime, Covid-19 worker isolation exemptions, and cost of living issues (n=4/51) (The Age 2019); and debt bondage (n=1/51) (Jennett 2020).

In 2022, exploitation of healthcare workers became a focus in media reports and noted increased workloads and shortages brought on by the Covid-19 pandemic. These articles did not mention vulnerable migrant workers. The worker exploitation mentioned involved worsening conditions, increasing responsibilities, and increasing risk, for the same pay (or decreasing pay, if inflation and shortages are included). The articles also refer to unpaid overtime, long hours, and stress-related health issues. The discussion of healthcare worker exploitation was associated with the labour strike that took place in February and March 2022, which was in response to declining work conditions in the healthcare sector (The Newcastle Herald 2022c; The Scone Advocate 2022). There was also an increase in discussions regarding cost-of-living issues, casualisation, and labour shortages, and mentions of the 'gig'

economy throughout 2022 (The Newcastle Herald 2022a; The Newcastle Herald 2022b; The Daily Telegraph 2022).

Philanthropy to combat modern slavery

Several articles referred to anti-modern slavery philanthropic efforts such as fundraisers and awareness events (n=6/51). These included musicians performing to raise funds for the '3 Angels group', an anti-human-trafficking organisation in Nepal (The Newcastle Herald 2019), and a rally to raise awareness of wage theft and wage inequality (Carr 2019). Exposure to modern slavery was also highlighted in discussions surrounding the credentials or history of particular individuals. For example, one article discussed a Newcastle University alumna operating a business which aimed to assist other businesses in complying with the *Modern Slavery Act 2018 (Cth)* (The Newcastle Herald 2021a). Another article referred to a member of the Walk Free Foundation regarding their role in addressing modern slavery (The Australian 2021).

Awareness of modern slavery

A total of (n=5/51) news media articles provided more detailed understanding

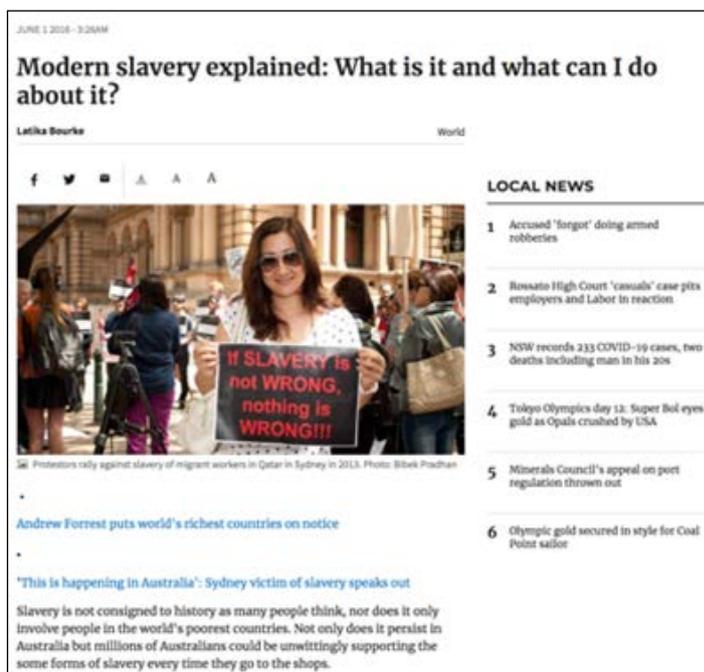


Image 4: An awareness-raising article in the Newcastle Herald about modern slavery and what consumers can do about it (Bourke 2016).

⁸ Of the six most recent Australian Federal Police (AFP) annual reports, three have mentioned modern slavery, the 2018-2019, the 2017-18, and the 2020-21 AFP annual reports.

of the Modern Slavery Act 2018 (Cth) or modern slavery in general. Conditions of modern slavery were referred to when discussing the poor working conditions on board freight ships that were denied access to the Port of Newcastle due to Covid-19 (The Newcastle Herald 2020). One notable example about discussion of modern slavery, was an article that explained the premise of the *Modern Slavery Act 2018 (Cth)*; discussing what modern slavery is, where it may occur, why it is important, and what an individual might do to help address the issue (Bourke 2016). Another article discussed the issue of modern slavery in relation to ethical consumerism from the consumer's standpoint, referring to the capacity for an individual to indirectly support exploitative behaviour through consumption of goods and services (The Sun Herald 2019).

Labour unions' role in combatting exploitation of workers in the Hunter⁹

Where cases of exploitation of workers in the Hunter region have been discussed, labour unions are often involved in addressing the issue. For example, the Construction, Forestry, Maritime, Mining, and Energy Union¹⁰ (CFMEU) was often referred to in articles that discussed exploitation of coal mine labourers (Hannan 2019, Thompson 2019, Kirkwood 2020). Similarly, the Australian Meat Industry

Employee's Union (AMIEU) was often referred to when discussing worker exploitation in Scone (JBS Scone), Tamworth (Thomas Foods), and Beresfield (Baiada Poultry)¹¹ (The Maitland Mercury 2015, McCarthy 2018, Reid 2018).

Underhill, Groutsis, van den Broek and Rimmer (2020) (see Image 5 below) note the positive reputation of the AMIEU Newcastle and Northern branch in actively recruiting and representing Temporary Migrant Workers (TMW) in Newcastle and Northern New South Wales and the role of media exposure in revealing the exploitation of migrant workers. They cite the exploitation of TMW in the Baiada processing facility in Beresfield as an example of the exploitation of TMW's and the role media scrutiny plays in exposing such exploitation.

Berg (2015) writes of the limits of legislation in effecting certain outcomes for international workers who are injured at work in Australia and cites a Newcastle case as an example. A Finnish construction worker, Mikko Siikaluoma, arrived in Newcastle on a 457 temporary skilled-work visa in 2005. Siikaluoma was injured whilst working and was told by his employer to lie to the doctor about the nature of the injury. He sought assistance from the CFMEU for compensation due to incapacitation from work, but the requirements of

9 A search of the various trade unions and organisations participating in actions against modern slavery that operate in the Hunter region was conducted to establish the spread of awareness of worker exploitation. These labour unions were the Construction, Forestry, Maritime, Mining, and Energy Union (CFMEU), Australian Meat Industry Employee's Union (AMIEU), the Shop Distributive and Allied Employees' Association (SDA), and the United Workers Union (UWU; formerly United Voice NSW). Several other labour unions were identified that were specific to other industries that likely have members in the Hunter region, but were not focused on the region. Many advocacy groups were also identified that operate in New South Wales including ACRATH, The Salvation Army, Anti-Slavery Australia, the Red Cross (Australia), the Walk Free Foundation, the Scarlet Alliance, A21 (Australia), and the Law Society of New South Wales. These organisations did not focus on the Hunter region, but by virtue of their activities – law reform advocacy, human rights, and awareness, were relevant to worker exploitation in the region. The publications produced by these organisations, if they were available, were then analysed for information regarding modern slavery and worker exploitation in the Hunter region.

10 See also a report on labour exploitation in the Australian construction industry, with a particular focus on temporary migrant workers commissioned by the Sisters of Saint Joseph of the Sacred Heart Josephite Counter-Trafficking Project and the Catholic Archdiocese of Sydney (see Hedwards, Andrevski and Bricknell 2017, Australian Institute of Criminology).

11 In December 2018, the Fair Work Ombudsman reported on the outcomes of its compliance partnership with Baiada Group, confirming significant progress had been made by the poultry processor to ensure its supply chain is compliant with workplace laws. In 2015, Baiada signed a proactive compliance deed after a FWO Inquiry found vulnerable workers were underpaid in its labour supply chains. As well as uncovering significant underpayments, the Inquiry found that workers at Baiada sites were subject to extremely long hours of work, unsafe accommodation and discrimination (Fair Work Ombudsman 2018).



Image 5: This abstract from an article about labour unions mobilising temporary migrant labour in Australian food production uses the Baiada poultry plant in Beresfield (a north-western suburb of Newcastle) as a case study (Underhill, Groutsis et al. 2020).

the visa created a situation that made Siikaluoma ineligible for further assistance/compensation, or that he would become ineligible for a visa renewal.

In-depth interview sample

Recruitment for the sample of in-depth interviews began in March 2022. Snowball sampling was used to find other suitable respondents until recruitment ceased in June 2022. The sample comprised one legal representative (n=1), four union representatives from three unions (n=4), three not-for-profit organisations (n=3), and one representative from an advocacy group (n=1). The sampling continued until thematic saturation was reached. Ethics approval was provided for the in-depth interviews by the University of Newcastle Human Research Ethics Committee (H-2021-0324). The interviews were transcribed by the chief investigator (minor edits were made to the transcriptions in places to aid comprehensibility), respondents were allocated a code to ensure anonymity, and an analysis was conducted to identify the main themes.

Findings from in-depth interviews

While the sample from public domain mentions of the exploitation of workers above is mostly to do with wage theft and related sub-standard conditions and issues that have arisen during the Covid-19 pandemic, the in-depth interviews provide more nuanced insights into the primary issues facing vulnerable migrant workers in the Hunter region. The most pressing issues concern English literacy, affordable housing, visa status of migrants in contrast to refugees, recognition or absence of qualifications, and access to vocational training. Integral to achieving these aims is access to reliable information predeparture and upon arrival in Australia for vulnerable migrant workers and refugees.

Access to sustainable employment and accurate workplace information

For some culturally and linguistically diverse (CALD) refugees, and migrant visa holders (women on spousal visas in particular), access to sustainable work can be a long-term, inter-generational issue:

Apart from the chicken factory at Beresfield and Uber driving, there is almost no employment (for these people) in the Hunter Valley. A little bit of cleaning if you are lucky. Places like Chandler Macleod who employ them, send them to the chicken factory as casuals and they are casuals forever and in jobs that are sometimes OHS (Occupational Health and Safety) dangerous. For women there is the added issue of shifts that are not very appropriate family wise. Not-for-profit 1

Compounding these issues are the competing priorities of improving English literacy and at the same time needing to secure employment:

And so, the adult migrant English program is available to them on arrival but many of them don't go into that because someone in the family has to start earning an income. The adult migrant English program is full of people with refugee backgrounds but very few migrants. Not-for-profit 2

Underscoring these issues is access to affordable quality housing:

When Jesmond was first built it was for the lower paid BHP families and they were two-or three-bedroom houses; when the university came along they became five and six bedroom houses by dividing bedrooms and getting rid of lounge rooms. That way a landlord could make \$700 a week when it was actually only worth about \$250 a week. The refugees are riding on that disgraceful situation. Not-for-profit 1

For recent arrivals in particular, lack of predeparture knowledge about worker rights and conditions, and lack of access to in-country knowledge about worker rights and conditions once they have arrived can lead to a spectrum of exploitation:

- underpayment of wages and superannuation
- being paid at a lower rate in cash
- ambiguity over leave entitlements
- inconsistent pay rates across sector sites through labour hire companies - meat processing in particular
- coercion – threats of cancellation of visas
- shift away from casual work to sole trading
- lack of access to legal representation and justice
- delays in processing of applications for permanent residency
- inadequate funding of regulators.

So, they're not being told what their rights are when they come over here or before they get here. They're told, 'oh you have every right of an Australian worker', and they do. But they are not told what those rights are. So, we have issues of bullying and harassment of threats of being sent home if they don't come to work. You have injuries not being treated correctly. The classic one you will see is that they were brought over here not really to work but to play rugby union [in response to the aspect of the visa that focuses on engagement with the local community]. Union 1

Many meat processing works sponsor migrant workers with the likelihood of the workers gaining permanent residency but at the moment there are cases where the companies are delaying processing the permanent residency applications¹². Union 1a

I know in my practice no-one has ever mentioned the slaves of modern slavery. Everyone has got to do the reports, everyone has got to follow the government processes and policies, but I think the people themselves have been forgotten. They are real people, and they need help and probably legal help if they can get it. Legal practitioner

They (the workers) had issues with payments and not being paid overtime and little things like that. It was also the fact that again you had another next door called Teys that started paying site rates – so they were employed by a labour hire agency that was paying award rates of pay. There is a difference, in the top levels in particular, of \$200 a week plus. And so the neighbouring place was employing some Pacific Islanders, they all of a sudden started getting paid the site rates, which is under the site agreement and so that caused a bit of a ruckus. That was their main reason for leaving. They could see more money across the road. Union 1

It is estimated that approximately one third of cohort at any one time might want to apply for permanent residency, but the company might keep the worker on a 408 visa (Covid-19 visa) Union 1a (See footnote 12)

A longer-term issue for refugees and some migrant workers raised by one respondent was adaptation to climate change:

We are competing against a very well resourced, needy group of potentially redundant workers compared to much younger, under educated and not resourced at all potential future workers. Where do you put your

¹² Eligibility for permanent residence varies by visa category and can be used as a form of coercion and/or misinformation to exploit vulnerable migrant workers in some contexts. See Dao, Green and Huang (2018).

resources? The only way I see this happening is if someone like Andrew Forrest comes along and does some thinking outside the box, otherwise we are going to have a lost generation.
Not-for-profit 1

Access to vocational training

Access to vocational training in the language of origin of refugees and migrants is another issue that was raised by several respondents. This was the case for not-for-profit organisations that assist with settlement and associated longer-term issues, and in the meat processing sector where the abrupt cessation of skilled meat processing workers has demanded more on-the-job training, exposing the necessity for more structured, vocational training pathways:

We have an interpreter funded by Newcastle City Council but we are still not sure we are going to have a painting school that will take on these painters. Some of this is about TAFE (Technical and Further Education) bureaucracy and how they work. Some of it is about WHS (Work Health and Safety) to the point where they are saying that if they can't pass this in English, they don't know enough, whereas passing it in their first language with interpreter support means that they really understand it in depth and therefore are ready to operate within that WHS framework. TAFE won't allow interpreting for the white card (WHS related certificate) that you have to work in the construction industry and for some other industries. Not-for-profit 2

For the guys that are here right now, their biggest drama is wanting to get permanent residency as well. They all come here to live a better life. Even from some employers, they're saying "Jeez these guys are really good, I wish I could keep them after three years." I'm hearing from certain employers – they're advocating against that with the government to change the current visa so they can keep these guys here as permanent residents. They spend a year training them up, they are working for two years and then they have to send them home. Union 1

Immigration and industrial relations

Immigration policy in conjunction with industrial relations policy and its regulation can play a further part in causing potential harm to vulnerable migrant workers. For the most recent arrivals, the lack of mobility to move between employers can limit their capacity to bargain when they see better pay or conditions in the same or other sectors:

I think that would be the single biggest one that's their concern at the moment, that they can't easily move to a new employer. We have had some that have been able to do it, but of course the government doesn't want to make it easy for them to move because then it makes it too easy for them to move around willy-nilly and chase money and then you have this issue where people start offering more money to get 'em.
Union 1

A change in classification by the federal government of regional/metropolitan status can benefit Newcastle/ Maitland, in the sense that it might provide more services to more isolated refugees:

50% of refugees to be settled in regional areas and they also changed the definition of regional. So the 50% promise is easier for them to achieve. And I think there is a strong justification for Newcastle, Central Coast and Maitland to be recognised as regional for settlement purposes. Not-for-profit 2

But at the same time, this change in classification might be to the detriment of inland regional areas, while making it easier to achieve government targets established as a response to urban congestion in major metropolitan centres. This may amplify those pressures outside of Sydney and Melbourne and make coastal cities such as Newcastle and the Gold Coast more attractive than less populated and isolated inland cities:

But Perth, Adelaide and the Gold Coast are recognised as regional for skilled visas as well. The rest of NSW loved the skilled visas because people would come and set up businesses in Tamworth and Armidale as a pathway to be able to get permanency. Now you can set up your business on the Gold Coast and

in five years apply for permanency so in a sense some of what the regional areas wanted out of that skilled migrant visa they are not getting as much of, because migrants can go to coastal areas without having to go to regional areas. Not-for-profit 2

Lack of political will from governments to address some of the issues facing vulnerable migrant workers, either directly through political messaging that does not recognise the implications of precarity that vulnerable migrant workers face, such as the former prime minister's statement that because of Covid-19 it was time for workers to go home. Under-resourcing and politicisation of oversight bodies such as the Fair Work Ombudsman, CommCare, or SafeWork NSW can provide tacit endorsement to those that might be exploiting vulnerable migrant workers:

You talked about the Fair Work Ombudsman - under the previous governments we have seen that completely under-funded and run in a political way. Those governments have chosen where they have gone, in my experience they haven't worked cooperatively with unions at all. You would hope that this new government would think about providing some of that practical information to people so they can know their rights. Union 3

Consultation and change with employers who breach WHS regulations rather than the big stick of penalising fines to change behaviour. So, one they are under-resourced and two, they have a conflict position with the trade union movement in representing workers. They stand with the side of employers as a first point of consideration and where there are breaches, even coming down to workplace deaths, where there are breaches, it is more of an administrative approach than a big stick approach to change the behaviour. That is the same with CommCare, Fair Work. It is more about getting people in here to do the work rather than looking after the people in here that come to do the work. Union 2

Limited union access to sites/workers (the Fair Work Act requires a 24-hour notice period) to evaluate claims of worker exploitation can complicate efforts to record incidents/prevalence of worker exploitation:

The trade union movement in regard to industrial relations law, it has really tied one hand behind our backs with the way that workers are effectively represented. The Fair Work Act requires unions or union officials to give employers 24-hours notice to visit a site. But in that 24-hours issues can be tidied up, and that is a common experience from our perspective. I've read reports and particularly the stuff around farm work and those more isolated work environments have been difficult to get to. One you've got migrants, workers that are in fear of the trade union movement because of their life experience but also the view of the employer getting in their ear. You know, one day there is a field of underpaid migrants picking fruit and then the next day affiliates or union will turn up to site and all of a sudden there are only four Australian workers and it is like 'They're not here today.' They're not required to provide any information, they're not required to give you anything, but you're required to give notice. Union 2

At the same time for unions, low membership rates, the reputation of unions in some sectors, negative employer perspectives of unions and unions competing for members add to the issues that unions might need to address to increase participation:

Often part of that is that they don't know what unions are and they have heard these awful stories about unions that exist. Often people will be stuck in the lunchroom, the employer might have already told them that they don't have to speak to the union, so often our experience is that the staff will be speaking among themselves, so we have to do things like speak to people afterwards in the car park, arranging to catch up at Maccas, because there is this inherent fear. Union 3

Advocating for vulnerable migrant workers

Discussion on how to best advocate for vulnerable migrant workers in the Hunter region drew a breadth of perspectives. On the one hand there were calls for a whole-of-society approach requiring grass roots organising in conjunction with persuading influential decision makers in government, to narrower responses that focused on direct interventions with workers and their employers. One respondent based this broad perspective on the need to consider how people feel when they go to work in relation to the group and:

...how people feel in relation to being part of a society or community that will then determine what information they are able to seek and feel that they can ask for. Union 2

These two considerations are inherently connected to public awareness of the issues workers face, public attitudes to different groups, and national and state leader messaging to migrants:

We held a welcome to the Hunter Refugee worker day right at the peak of anti-Muslim sentiment – when that started. It's probably about five years ago now. We did it to demonstrate to that community – we worked with Northern Settlement Services and Hunter Multicultural Communities to send a message to them and the broader community that the union stands behind workers no matter where they are from or what their circumstances. One of the things that I took away from the day, large families had come along – they were so appreciative that one, we had provided the day, and two, that we were also sending that message that there is a leadership group within this community that respects you and values you as working people and started that contact base; as in there are organisations out there that will support you, if you reach out we are there etc. We don't do enough of that stuff. Union 2

At the same time there is acknowledgement that the task is complicated and exacerbated by limited resources:

There is some really great work done by Not-For-Profits and some of them are run by churches or people who have a passion in that space in different sectors. The space is so large, and the players that seek to represent or support these communities are generally so small, underfunded, and under-resourced, but the workload is significantly vast. Union 2

Considering the scarcity of resources, one respondent offered the systematic, grass roots consultation approach of the alliance model as a way to maximise the use of scarce social service sector resources:

...to a large degree they are contracted out of doing strong advocacy by government contracts, and they also, due to the lack of room and resources in those contracts are stretched to their limits and don't have the time to do anything but deliver the direct service. So there isn't much space for them to organise and find ways to bring about political change that needs to happen. They can't change those issues on their own or even in that social services sector coalition, they need to be working with other organisations and sectors that bring different skills and abilities to agitate and organise politically. Not-for-profit 3

Furthering this reasoning is the perspective from a legal practitioner, who while valuing the contribution that effective legal representation can make to securing justice for vulnerable migrant workers, also acknowledged the limits of the law:

Law doesn't always work so we need the community working together. The law as we know it, the sword of Damocles sort of thing hanging over your head, making people want to do it, making it a positive thing, sustainability, you've got an ethical business. We know that ethics adds, what, 4.5 billion or something to the GDP, so to show that your company is ethical, that it's an ethical business. Legal practitioner (See Deloitte (2020) The ethical advantage: the economic and social benefits of ethics to Australia).

In contrast, one union representative saw an opportunity to work with community legal centres to attempt structural change:

One of the areas that you think we would be working well with are community legal centres. And that has been a really awful kind of mismatch until recently. We tried to work with community legal centres over the years and they are kind of set up to not be collaborative and to not work with unions, and we are trying to break down those barriers and see how we can work together because the thing that the union can do that the legal centre can't do based on their funding is do campaigning and try and go for that systemic change. Whereas a legal centre can have someone come through the door and they do the wage claim for them or an unfair dismissal and then the next day a person could come from the same place, and they could do it all again. Potentially a high case load but unable to create the change that is needed. There is nothing that incentivises community legal centres to track data and to track themes and track who are the bad bosses. It's anecdotal. We need to work with legal centres to get the message out. Union 3

Media scrutiny and amplification

Respondents stated that Newcastle is big enough to generate effective scrutiny through local media. Organisations compared Newcastle to more rural towns such as Tamworth that has had similar episodic issues in meat processing. However, an inability to evaluate claims of unsafe or unlawful work practices means that media exposure remains a vital component of exposing exploitation of vulnerable migrant workers. But the 24/7 news cycle and media fragmentation have made cut through more challenging:

Public opinion, you have to try and move – the problem is you already have vulnerable workers and whom of them wants to appear on the 7:30 Report? Fortunately, there are brave people who do that but it's not an easy task. I've noticed after the last 10 years, if not longer, how much more difficult it

is to get good stories up in media. We suffer like everybody else. Just what is quick and attention grabbing rather than being able to tell a more complete story. So, it is quite difficult to get the coverage you want and let alone have that move public opinion sufficiently to put pressure on the top of supply chains. It is a struggle, but it is really important though. We need to do more of it. Advocate 1

At the same time, Covid-19 has increased the visibility of cleaners, for example, and recognised the role they play in maintaining the hygiene standards that most Australians take for granted:

So, a group of workers who had been largely unseen – early in the morning or late at night – because the whole idea was you are never supposed to engage with the cleaner, they're not to be seen, it's another element that adds to their wage exploitation. There is no connection between the clients and the cleaners, and their work gets further undervalued because it's never seen, magic pixies do the cleaning at night, and no-one actually appreciates it, right? Advocate 1

Supply chain scrutiny has also elevated the role that major supermarkets might play in holding labour hire companies to account:

The reason why Teys (Cargill Teys) was paying more money was because they got audited. Coles and Woolworths and places like that, and Woolworths said, Woolworths in their audit said if you have labour hire here, we want them to be paid the same as the site rates. Union 1

...supermarkets are the real buyers of the products, so they have more power to influence labour hire companies, and to develop more worker friendly conditions. Union 1a

The case in South Australia, that company had to be shamed, they were getting people to come to work with Covid. The whole union movement got behind that – Michele O'Neil from the ACTU. I kind of push back on the Woolies' great employer thing – they

are only great employers when they get dragged screaming to it, so I think more scrutiny around that supply chain stuff, it is starting to happen, but it seems quite bureaucratic and hard to navigate. The labour hire casualisation – our union talks about how a worker is a worker is a worker – so we are always trying to make sure that an employer can't get a cheaper rate through a labour hire company, that there is a site rate for every worker, but you have to have members and you have to be organised to be able win that and be able to enforce it. Union 3

Access to education and communication

Culturally sensitive outreach through appropriate channels was noted by several respondents who mentioned direct interventions with workers and their employers:

Communication, communication, communication. If you can't speak their language [the workers], or have that affinity with them you're not going, they're never going to talk to you. So, the first thing that we did. We put on a Pacific Islander organiser, he's Fijian, from the industry. That was our best thing. I think. The first thing is communication. That's the big one. Union 1

Campaigns need to be targeted to where varied worker groups congregate online: WeChat (China mainland), LINE (Asian workers excluding mainland China – not many from Hong Kong – South Korea) on worker's rights, to answer questions; YouTube (for all groups, including mainland China). Advocacy in these spaces is considered to be underutilised, for example to share information about workers' rights (e.g., injuries in the workplace). This is in addition to groups that might be engaging through sport such as rugby for the Fijian community:

Your Asian guys, we tried to utilise, we tried to communicate with them, it's a bit off track but we actually tried to provide a service for our Asian members, particularly in New England, access to a local Asian grocery store down here in Newcastle. And they could buy them [the groceries] because we were going up there every week, and then we would

bring it up [the shopping] free of charge for our members. It wasn't crash hot because we got it set it up and then a lot of them went home. Union 1

However, Newcastle and the Hunter as noted by one respondent, has less access to language resources:

We don't have the language resources that other cities have and just the awareness. People don't know that they are being subject to slavery, that's the whole point of slavery, not informing people of their rights. So, education as well, of the vulnerable migrant workers, the companies, and the community. The community are the ones who will know what's happening and they can be the ones to help the slaves, as such. Legal practitioner

Information and access to information through education campaigns and education and training, could harness entrepreneurial leadership and its integration with educators:

Entrepreneurial leadership is missing. For example, Tomago - the company setting up the battery are going to spend X\$ setting it up. There is a TAFE down the road where someone is employed to know the potential workforce that we could be putting together. However, there is a political issue because coal mines are going to close, and the focus is how can we get our coal mining employees ready to go down to Tomago as soon as the coal mine shuts because we are going to have some very angry people. Not-for-profit 1

Challenges and opportunities for unions

Union representatives acknowledge the myriad challenges that they face but also the potential opportunities available to them through education and advocacy and in addressing inequity in industrial relations legislation:

...worker contact, recognising that some of these people come from countries where there are different trade union models – they are not democratic, they are not independent, they are connected to the government. The government runs the union. People's views of unions are significantly

different. When people from those cultures are coming into Australia they are easily exploited, and [so] direct advocacy around their rights [is important]. Unions NSW has set up an organisation – Visa Assist – to assist with providing visa information and advocate on their behalf. It provides information about their rights and assists with visa applications. Union 2

Another touchpoint for direct advocacy is ensuring that if workers are moving between sectors they know who the union is in the sector they are moving to:

If meat workers are going to work on farms we need to ensure that they are members of the relevant union. I feel that we have quite a bit of work to do to revitalise ourselves. We've had a really difficult environment to work in the last 20 years, so there's an opportunity there now. Union 3

Employers also need to be aware that unions are active in addressing the issues that all vulnerable workers face:

Have a look at wage theft – that blew up in Wollongong¹³ – the trade union playing a role in the education space, and it is difficult unless you have a personal relationship with a teacher or a faculty head. The powers that be have locked us out of that space for a long time now. So having the opportunity to get in there and talk about the benefits for working people and the history and stuff. From there, students started making contact with the trades labour council in Wollongong and from there were able to bring a case through networks in the hospitality sector in Wollongong that actually blew up wage theft as a national issue that actually had tentacles everywhere. And that was really important and now we've got a federal government who is actually talking about legislating wage theft as

a crime. That wouldn't have happened without advocating on behalf of the trade union movement for working people – education and advocacy. Part of that is that it also ... sends a loud message across employers that there is activity in this space, there is advocacy and representation in this space, and that it is actually an important issue. For working people broadly, not only in one particular sector. Union 2

Funding for not-for-profits

More specific responses in relation to some of the structural issues that the not-for-profit sector faces were properly funded services for employment to be better able to get recent arrivals into sustainable employment quicker, better integrating responses between educators, settlement services and business:

Through the pilot program funded by the Department of Home Affairs last year (2021) we were able to go direct to employers and ask them about what their needs were for employees, what skills we had, what we needed for the bridging piece that we could support them to get them to that point. We got some great insights and relationships to build on but no worker to keep doing that. Not-for-profit 2

Several respondents suggested that employers in the Hunter region could benefit from assistance in assessing their workplaces for how welcoming they are to migrant and refugee workers. This involves an integrated approach between settlement services and business, but is also limited by resources:

We got 12 months funding for what we call Welcoming Workplaces. And really what we're saying is Newcastle is such a fabulously welcoming city, why is that welcome of people not transferring into actually workplaces employing the people who are coming. We made some

¹³ A keyword search of FWO media releases for 'Wollongong' returned 13 results, and which included wage theft by a sushi chain restaurant (Fair Work Ombudsman 2022); wage recovery in food manufacturing (Fair Work Ombudsman 2021); hospitality such as take-away food outlets (Fair Work Ombudsman 2020), cafes and restaurants, retail businesses, pubs and bars; a NSW security services company (2017); and issues of worker exploitation of young Korean females (in their early 20s, n=3) in hospitality (sushi restaurant)(2016) (Fair Work Ombudsman n.d 'Wollongong' media releases).

really good relationships with more than 20 employers providing pathways and supporting people. So, I'm kind of hopeful but a lot of that work has had to stop because we lost the funding.

Not-for-profit 2

Investor activism

The cleaning sector is a bell-weather industry for vulnerable migrant populations and the two cases in the Hunter prosecuted by the Fair Work Ombudsman noted above speak to the prevalence of exploitation in the cleaning industry, particularly in the form of wage/entitlement theft. Contracts solely based on price that do not reflect the true cost of labour proportionate to safety remain an underlying issue for this sector, given that it is estimated that 90% of workers in the cleaning industry are from migrant backgrounds with a high representation of CALD workers. Divestment from industries that support poor labour practices, such as superannuation funds with property portfolios, was suggested as one way to apply pressure to influential decision makers and to help raise awareness of exploitation of vulnerable migrant workers in supply chains, as was insourcing:

Cleaning Accountability Framework (CAF) has been doing a lot of work at the top of the supply chain and with investors and with the commonwealth government. Anyone who is at the top of the supply chain, and I think that seems to be important for us. They are the most influential people. That is where the money sits and who have the most influence about how contracting operates. So, I'm a member of a superannuation fund. You might be, too. Those funds are big property investors. They are increasingly investors in universities, particularly where the universities are now building accommodation or extending accommodation with the purpose of attracting international students, so we need to be able to say we don't want, just as we have done with tobacco and a whole range of other things. We actually want to see proper labour standards wherever our money is being invested. Advocate 1

Ideally people wouldn't outsource at all because then the client would take direct responsibility. So an example of that has been we have managed to get school cleaners in the ACT that have been exploited for years and years, to be insourced. So, they're now directly employed by government creating secure employment for those people. The other part is to make sure that people are aware of their rights as soon as they come to Australia, that they are able to organise, and their rights to that support. The other thing is to be realistic about prices. The client should not participate in the race to the bottom. They should be realistic where they do outsource. The cheapest price comes at a cost and it's a human cost. And you might not care about it from the human perspective, but you should also consider the risk, the reputational risk. With these clients, every time these stories get told about terrible exploitation occurring in their workplaces. Advocate 1

Discussion and areas for continued research

In the immediate term, the change in federal government in May 2022 found respondents cautiously optimistic about renewed opportunities to address structural issues of vulnerable migrant worker exploitation noted in this report. Questions that were top of mind were the impacts of the former government's agricultural visa, and how the new government will act on its pre-election pledge to narrow the focus on workers from the region, and which speaks to Australia's renewed focus on soft power in the Pacific; the Labor pledge of securing on-site award rates for workers; and consideration of criminalising wage theft. In terms of evidence for the necessity for legislative reform on modern slavery, the coalition government announced a statutory review of the modern slavery act (*Modern Slavery Act [2018] No. 153 (Cth)*) in March 2022 and the report is expected to be tabled by March 2023. The media release announcing the statutory review included the point that 'An Issues Paper for public consultation will be developed and is anticipated to be publicly released from mid-2022 on the Home Affairs

website'. As noted above, the visa status of migrant workers, particularly sponsorship that ties workers to one employer, and delayed processing of permanent residence, are issues while not exclusive to regional centres, are more likely to be issues for workers in regional settings as they have less bargaining power and access to their cultural networks than their metropolitan counterparts.

The UN Special Rapporteur on the human rights of migrants called for the implementation of 'firewalls' between public services and immigration enforcement. The removal of the Australian Federal Police from the Home Affairs portfolio to the Attorney General's department goes some way to addressing this issue (Report of UN Special Rapporteur François Crepeau on the human rights of migrants, P21, June 2017) see also (Josephite Counter-Trafficking Project 2020)¹⁴.

As noted above, public awareness of the exploitation of vulnerable migrant workers is currently focused on wage theft. However, that focus belies the more nuanced insights into the primary issues facing vulnerable migrant workers in the Hunter region as gleaned from the in-depth interviews. The most pressing issues concern English literacy, affordable housing, visa status of migrants in contrast to refugees, lack of recognition or absence of qualifications, and access to vocational training. Integral to achieving these aims is access for vulnerable migrant workers and refugees to reliable information predeparture and upon arrival in Australia. To address these issues, respondents suggested a range of integrated responses that included;

- Worker awareness: education campaigns in worker languages and comprehensible to the workers
- Political engagement: harnessing windows of political will to address vulnerability and exploitation of migrant workers
- Media scrutiny: amplification of issues through the media

- Regulation of labour hire companies: a national labour hire licensing scheme
- Supply chain scrutiny: harnessing scrutiny of supply chains through major corporations such as supermarkets
- Immigration: visas that provide stability and certainty
- Investor activism: divestment of substandard labour practices through shareholder advocacy (e.g. superfund divestment in property portfolios to reduce impact of exploitative contract cleaning)
- Alliance model: an alliance approach to harnessing community investment in issues, or tapping into alliance networks for issues focused not-for-profits to develop networked, collaborative approaches to social problems
- Funding: sustainable funding for employment settlement services
- Frontline worker perspectives should be sought where it is feasible and safe for those workers to share their perspectives through an informed consent process.

The growing likelihood of climate-related catastrophes will disproportionately affect vulnerable migrant workers and refugees because of the location, quality, and condition of their housing, making them more vulnerable to dislocation and its concomitant privations. As such, Covid-19, climate catastrophes and conflict will continue to disrupt global labour and goods supply chains. Therefore, how these issues impact the flow and conditions of migrant workers in the Hunter region and Australia will require ongoing research.

¹⁴ The Special Rapporteur recommended that the government implement 'firewalls' between public services and immigration enforcement, offering better access to effective labour inspection, access to justice, and to other public services such as housing and healthcare...for all migrants regardless of status, without fear of detection, detention and deportation." (Report of UN Special Rapporteur François Crepeau on the human rights of migrants, P21, June 2017).

Appendix I: Method

News media database search

Keyword searches were conducted up to June 14, 2022, using the ProQuest Australia and New Zealand News stand Database; a database that focuses on Australian and New Zealand news media reportage. The keywords used for the search were taken from relevant terminology within modern slavery legislation (*Modern Slavery Act 2018 (Cth)*; *Modern Slavery Act 2018 (NSW)*) and literature on vulnerable workers and modern slavery. All searches contained the parameter that the Hunter region was referred to or that the article was published within the Hunter region, meaning that the total sample (n=51) were relevant to the Hunter region or Newcastle.

The keywords used for the media searches were: 'modern slavery', 'forced labour', 'wage theft', 'human trafficking', 'unethical labour', 'slavery', 'exploit*', 'supply chain', 'migrant', 'forced marriage', 'debt bondage', 'servitude', 'sex trafficking'.

A total of forty-four searches were conducted, which were separated into three stages. The first stage was conducted to establish the level of grey literature, the second stage was to compartmentalise the returns of the initial search based on different subjects within the broad body of modern slavery, and the third stage was to thoroughly analyse and thematise the findings.

The keyword searches of the first stage enabled a broad sweep of the issues and the ProQuest Database returned (n=3000) results which were skimmed for relevance to worker exploitation in the Hunter region and sorted into more specific topics. The sample size of (n=3000) was narrowed to a more manageable and topical sample of (n=374). This sample was then thoroughly analysed for themes relating to modern slavery and worker exploitation in the Hunter region which resulted in a total sample of (n=51) highly relevant articles¹⁵.

The search generated a comprehensive range of local, state and national public and commercial media reports on the Hunter region. In addition to *The Newcastle Herald*, the sources included *The Age*, *The Sydney Morning Herald*, *The Australian*, *ABC Premium News*, *ABC Regional News*, *The Canberra Times*, *Sun Herald*, *Maitland Mercury*, *The Scone Advocate*, *Australian Associated Press*, *The Courier Mail*, and *The Muswellbrook Chronicle* and *Upper Hunter Advertiser*.

The analysis was conducted using the TRAAP framework, which evaluates the relevance of a source through analysing its Timeliness, Relevance, Authority (Author credentials), Accuracy, and Purpose. Authority and Accuracy were commented on if there are evident issues (e.g., if government officials comment on false information, particularly emotive writing etc.), or if statistics or legislation are referred to. If the article was eligible for further analysis based on the TRAAP framework (i.e., deemed to be potentially useful), a summary of the article was included as part of the analysis of the results.

Limitations

Database searches do not always pick up all media reports on a given topic, but they do provide a more reliable method than a search through a search engine, and crucially, given that paywalls are now the norm, access to the full text articles. Some articles were referred to by articles returned by the ProQuest keyword search, but were not available in the ProQuest Database. These articles were acquired through an online search using the information obtained through the ProQuest Database. One way of further increasing the validity and reliability of qualitative research is to analyse a wide range of evidence that allows for researchers to consider the impacts of a phenomena from a range of perspectives (Sarantakos 2013) in order to increase the reliability of the findings (Denzin 1989). This literature review has drawn on news media, parliamentary and relevant agency stakeholder reports, and academic research to that end, and has been triangulated with the findings from the in-depth interviews.

¹⁵ Several articles contained multiple themes pertinent to modern slavery and as such, the themes exceed the number of articles used in the media analysis.

Appendix II: Resources to combat exploitation of vulnerable migrant workers

Hunter

<https://www.hunterworkers.com.au/>

<https://www.thehca.org.au/>

<https://huntermulticultural.org.au/>

<https://www.hunterfuturepreneurs.com.au/>

<https://nsservices.com.au/>

<https://www.zarashouse.org.au/>

<https://www.catholiccare.org.au/>

General

https://www.unionsnsw.org.au/free_vis_a_dvice_and_help/

<https://thriverefugeeenterprise.org.au/>

<https://www.cleaningaccountability.org.au/>

<https://unitedworkers.org.au/>

<https://www.freedomid.org/>

References

(NOTE: some of the links to news articles are behind paywalls but have been included here for use by future researchers if they would like to access the articles directly through the publisher.)

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