

Temporary Migrant Workers - The Challenge for the AMIEU

The AMIEU has welcomed into its ranks many new members in recent times from all over the world.

It is most likely that a skills shortage exists in some areas of Australia in the meat industry. To date, many overseas workers being legitimately sponsored by meat companies properly utilizing temporary visas have joined the AMIEU and pose no threat to our established wages and conditions.

However, the ease at which these sponsored visas are available is also being misused and abused by some unscrupulous employers. The challenge for the AMIEU is to prevent this misuse from affecting our member's job security, wages and conditions, rights to fair employment, training and promotion opportunities.

In summary, the AMIEU's key objectives in the face of this challenge are to agitate and campaign for the following objectives:-

- No visas should be granted where there are Australian workers qualified and available to fill a vacancy;
- Where an Australian worker could be trained in a short period of time to cover a vacancy, this should occur before resort is had to overseas labour;
- If overseas workers are utilized, it should not be on the basis of bringing them in to the country and then training them to do the job- such a process should have been undertaken with local labour;
- Overseas workers should not be brought into Australia to perform work which is not regarded as skilled work;
- Overseas workers should not be exploited by employers and have the right to the prevailing rate of pay, decent accommodation and fair and ethical treatment in relation to other expenses that arise from their status as overseas workers. If this is achieved, it will protect the workers concerned and also eliminate a view that they are a cheap form of alternative labour;
- Overseas workers should not be discouraged from joining the Union and their right to join the Union should be made known to them.

Why is it so Easy to Obtain Overseas Workers?

The Howard government has in place an extremely loose set of regulations which regulate how an employer may sponsor overseas workers into Australia on sub-class 457 Business (Long Stay) Visas.

In summary, to obtain employer sponsored work visas for up to four years, it is as easy as filling in a form online. An employer only has to spin a yarn demonstrating how “Australia benefits” from the use of overseas labour and the “commitment” of the employer to training Australian workers.

No serious investigation of the information provided by the employer is undertaken. No serious monitoring of how the employer is living up to its promises occurs.

Even worse, there is a special category known as “certified regional employment”.

Here, a “regional certifying authority” certifies the application as being “certified regional employment”. One of the requirements is that the regional certifying authority must be satisfied that there are no Australian workers available to do the job. So far so good you might think. But the Howard government has empowered employer organizations (bosses’ Unions) to make this decision in some cases! A conflict of interest perhaps?

Once the application is stamped off as certified regional employment, temporary migrant workers in this category receive less by way of guarantees of income than standard 457 Visas.

All in all, it is the opinion of the AMIEU that Howard is using migrant workers as a threat to Unionists in Australia to undermine wages and conditions. In times of high employment and labour shortages, our bargaining power is enhanced. Mr. Howard is deliberately adopting a “floodgates” approach to temporary migrant labour in order to attack Australian workers by stealth.

Abuses of the System

The system is being rorted by some employers. In the meat industry, employers are theoretically only able to obtain sponsorship of overseas workers if they meet the skill equivalent of a tradesperson.

At a Senate Committee meeting of the Commonwealth Parliament on 22 May this year, representatives of the Department of Immigration and Multicultural Affairs made it clear that the only overseas workers holding the equivalent of AQFIII certificate in the following classifications were entitled to be sponsored into Australia: trade qualified butchers, slaughterers, smallgoods makers and trade qualified supervisors.

Boners and Slicers do not qualify for sponsorship- not even for “regional certified employment”. The bottom line is that only classification in an abattoir that overseas workers can be properly sponsored is slaughterers holding an AQFIII certificate.

The Department’s position is also that “they should not have been given a visa if they did not have the relevant skill level at the time the visa was granted”.

What is occurring in practice is that some workers are brought in as skilled workers at tradesperson level and then promptly put to work in semi-skilled occupations or work outside the current regulations (i.e. Boning and Slicing) where approval could never have been granted.

This is happening at Wagstaff at Cranbourne, T & R at Murray Bridge, Pyramid Hill (Victoria), G & K O'Connor at Pakenham and many other sheds around Australia.

It appears also that many of the AQFIII certificates are being supplied overseas without the necessary training and skills being achieved, in the opinion of the Union.

The Warnambool College of TAFE has been paid \$500,000 to \$600,000 by some Australian labour hire companies to train and assess overseas workers in China to AQFIII certificate level.

The Union has learned that other TAFE colleges have been offered similar jobs in China to train workers to AQFIII certificate- with a time frame of two weeks! Those colleges (rightly) refused on the grounds that it was not possible.

The Warnambool college of TAFE asked MINTRAC (Meat Industry Training and Advisory Council) for approval of this work in China but MINTRAC refused to endorse it.

The Union has information that Chinese workers have paid huge sums of money to Chinese migration agents to be selected to come to Australia under this scheme. Some have mortgaged their family property, others have agreed to have ongoing amounts deducted from their Australian pay to pay back these migration vultures. This is a situation that the Department of Immigration says it has no control over.

This debt obligation forces the worker into a situation in Australia where they are at the mercy of their employer for fear of being sent home with a huge debt to pay.

On top of this and in contravention of the regulations, many overseas workers are having deductions taken from their wages each week for such things as employer provided accommodation (at exorbitant rates), training (which they shouldn't need), fees to employment agents who arranged the work for them (8% per week from gross wages) and transport etc. so that as little as \$50 per week may be the worker's net pay!

Workers who arrive in Australia under these circumstances are being used as slave labour. None of this is the fault of the Chinese workers or any other foreign workers who come to Australia under these circumstances. It is clearly the fault of the Howard government that has devised this strategy to be used in conjunction with the WorkChoices legislation, to assist greedy and unscrupulous employers to lower wages and conditions in Australia.

The AMIEU Response

The Federal Executive of the AMIEU has formulated a response to this situation. In summary, the strategy is:

- All members of the Federal Executive (Branch Secretaries) have been authorized to make use of the media to highlight the abuses of the system that are occurring. The objective is to make this situation a campaign issue in the lead up to the next election.
- The AMIEU is currently lobbying State governments for consultation/representation on regional certifying authorities. The objective is to prevent a regional certifying

authority from forming a view that no Australian workers are available to fill a job vacancy (on the word of the boss) when in fact the true position is that the Boss just doesn't want Union labour at the shed.

- The AMIEU is lobbying State governments to utilize what remaining power they have over industrial relations to make legislation protecting migrant workers from exploitation from the "body hire" agents in third world countries who are marketing migrant labour to employers. The objective is to protect migrant workers and also make sure they are not seen by employers as a cheap alternative form of labour.
- The AMIEU will continue to welcome migrant workers into its ranks who are being properly sponsored by employers on the right wages and conditions. The AMIEU will fight to protect these workers from exploitation/abuse also. The objective is to protect these workers and also makes sure they are not a cheaper alternative to Australian unionists.

GRAHAM BIRD
FEDERAL SECRETARY
A.M.I.E.U.

LEE NORRIS
NATIONAL ORGANISER
A.M.I.E.U.