

# WEstjustice

22 November 2016

Committee Secretary  
Senate Education and Employment Committees  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Committee Secretary,

## **WEstjustice Submission to the Corporate Avoidance of the Fair Work Act Inquiry**

Thank you for the opportunity to make a submission to the Committee's Corporate Avoidance of the Fair Work Act Inquiry.

Please find **enclosed** a copy of the WEstjustice Community Legal Centre Employment Law Project Final Report and overview: *Not Just Work – ending the exploitation of refugee and migrant workers*, launched Tuesday 15 November 2016 at the Fair Work Commission. We request that the Committee accepts the report as our submission.

Many aspects of the report are relevant to the Inquiry, but in particular we address the use of labour hire and sham contracting to avoid minimum entitlements and protections (TOR (a) and (f)) and the extent to which companies engage workers on visas to avoid Fair Work Act entitlements (TOR (h)). In respect of TOR (l), the *Not Just Work* report provides valuable insight into corporate avoidance of the Fair Work Act by employers of newly arrived and refugee workers more generally, including Australian citizens and permanent residents.

The exploitation of migrant workers in Australia is widespread. The *Not Just Work* report documents systemic exploitation across numerous industries. Current systems are failing to stop the abuse. Exploitation not only damages vulnerable workers, but undermines the workplace relations framework: businesses who do the right thing are undercut by those breaking the law.

Our findings are based on extensive research and practical experience, including face-to-face consultations, surveys, a literature review and a two-year pilot employment law legal service and community legal education program.

Importantly, the *Not Just Work* report provides ten critical steps to stop exploitation.

We would welcome the opportunity to meet and discuss key findings and recommendations with the Committee, if this would be of assistance.

Please let me know if you would like any further information.

Kind regards,



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