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“The lack of rights for temporary migrant workers in the Asia Pacific region, the issue of Visa 457 workers in Australia”

Thanks for the chance to speak to you and I have prepared a paper which I don't think I will have time to go through in full. It should be available if anyone wants a copy. There are two areas that I would like to cover in my talk and that is the operation of the temporary 457 Visa in Australia and also some of the trends with temporary migrant labour across the Asia Pacific.

The Sydney Morning Herald this week had an exposé which revealed to Australians the situation surrounding the tragic deaths of three particular temporary migrant workers in our country. Just to go to Mr Go from Northern China, from Inner Mongolia who died in early June. He died alone in outback Queensland in a Cyprus pine forest where he was doing work he was not trained to do and that work led to his death because a tree came down and trapped him. He apparently lay injured for many hours and died a pretty lonely death before people came later to find the situation and to find Mr Go dead.

Similarly the Herald gave us details of the situation of the two Filipino workers, one who died in the outback of the Northern Territory, whose job was looking after cattle and another who died around the same time on a worksite North of Perth, crushed to death in a stone mason yard by tons of building materials. A lot of Australians, for the first time got a real picture, a true picture of what is going on with the 457 program in our country this week. But there are a range of visas, not just 457 that are being used in Australia today and the best estimates are that we have gone from using around 100, 000 temporary visa workers from around a decade ago to around 500, 000 today, half a million.

Now that is not a scientific number because there is no transparency at the department of immigration, and it is impossible to get precise figures so that may well be a conservative estimate. That is the number of visas being granted annually. As to the number of persons who are here, because some of these visas are four year visas I haven't been able to find anyone, academics or anyone who can estimate that number. If the Department of Immigration has the information, they certainly won't make it available.

Has our economy grown by 400% from 100, 000 to 500, 000? Have we grown by that in GDP in 10 years? Of course not, but guest labour has grown in that dimension and is

now across a major scale in our cities and particularly in country towns and regional areas. Australian employers are thirsty for what they see as cheap compliant labour that these temporary visa workers often represent. In the Herald this week, we had the exposé of these tragic deaths, if you turned to the financial press this week in the Financial Review on the very same day you see on the very same day business men saying they want more of these temporary visas and they want them more user friendly and more rapidly able to be turned around and introduced.

Temporary migration is now a much bigger instrument in our migration program than permanent migration. Permanent migration has been the migration story of our history and a very successful history by and large but now temporary migration dwarfs permanent migration. How did this come about? There is a long history but a major turning point was in the dying days of the last federal labour government under Keating, when then Minister Balkus decided in his wisdom to have an inquiry and appointed Neville Roach, the CEO of a multinational corporation, Fujitsu Corporation, to conduct an enquiry into entry arrangements into Australia under temporary visas. Now not surprisingly, knowing Mr Roach's background he went along with the globalization recipe that was so popular at the time under the labour government and other major political parties and he came out recommending a completely deregulated system of visa entry sweeping away all the past regulations because he was wedded to the globalization principle, the free movement of labour and capital.

Now labour lost government shortly after the Roach enquiry came down, but the new Minister Ruddock under a Howard government adopted the proposals with zeal.

So what are these temporary visa workers doing?

The majority are workers on either short or long stay visas, who possess skills ranging from semi-skilled people they are meat workers, they are cooks to construction operatives through to highly skilled people, like scientists and doctors etcetera. But it is not simply workers with skills, it is also the unskilled. We have at the moment 135, 000 visas granted for working holiday makers and they have now been extended from 1 to 2 years. We also have around 200, 000 students who can work 20 hours per week unlimited during vacations and today the 1st of September, a new temporary visa comes into action known as the graduate skills working visa which will allow overseas graduates, whether they be at University, Tafe or private colleges, whether they are doing high level skill training or very low level skill training it allows them to stay a further 18 months and worked in skilled or unskilled jobs.

The reality of all this there is a surge in our labour market which you see in cafes, in restaurants, in hotels, in all kinds of major events. You often see youngsters from overseas who are almost inevitably working on casual rates or informal arrangement, fruit is being picked, cattle tended, labour performed across a range of tasks in rural and

regional areas. We find these are mostly non-union workers filling these jobs. Broadly they rarely have an understanding or acknowledge the impact that the visa program they are under is having on local labour conditions.

In the case of the backpackers in the mid 1990s there were 25 000 and as I have told you, it is 135 000 today.

But it is in the area of the 457 Visa where the impact has been the greatest. The numbers, there are 105, 000 primary and secondary applicants in the last year. How has this come about?

First and foremost the impact of the 457 Visa and the growth of it has come about because the Howard government in the early part of this decade, decided to abandon the principle of labour market testing. That is the principle that employers must seek to source labour locally before they turn to sponsoring overseas workers. If you are in Bendigo you must seek to find out if there are boiler workers available to do this work in Bendigo before you go looking for boiler makers in Beijing. Well that principle was removed by the Howard Government. To add to the problem the government has stopped any serious enforcement of the legislative requirement that sponsors have a demonstrated training record of Australians. We now see major companies who don't train anyone locally, who access this Visa very readily.

Now skills are one issue, the other issue is money. The major flaw with this Visa is that the guest worker is paid a minimum salary level which, in most incidences is well below market rates of pay. There is a substantial economic incentive for employers to engage these temporary workers in most incidences on the other side there are the workers themselves. The 457 Visa workers' ability to stay in the country and hopefully one day gain permanent residency depends entirely upon the sponsoring employer maintaining the sponsorship. It is quite clear that for this reason most of these guest workers will put up with almost any hardship or abuse. For a guest worker to do otherwise and step forward and complain, contrary to Minister Andrew's assertions would be to take an extraordinary risk.

Our Prime Minister once famously told us "we will decide who comes here and the circumstances under which they will come". There is great irony that Mr Howard the master practitioner of dog whistle politics has presided over a massive expansion of working immigration to Australia and done so without proper policy mechanism to prevent exploitation. The abuses we have seen highlighted this week in the Herald are a direct result of this policy failure. It is prime face apparent that when a worker has a choice between compliance at work or deportation and where the worker lacks any meaningful power, the power to speak for safety, the power to ask the union for assistance anything other than strictly obeying the outcome of the boss, you know what the outcome will be. And of course for many of these workers, into the bargain they have little or no English. Recent calculations produced a startling fact that 457 Visa

workers are almost twice as likely to die in the workplace as workers who are Australian citizens.

After giving you this material you can see why our union this week, the CFMEU and we have been joined by other unions in demanding that there be an independent judicial enquiry into the operation of the 457 visa program.

But we know we will not get that from what came out this week and Minister Andrews dismissed the three deaths as isolated accidents. Under pressure from us he has revealed that in fact there have been 21 deaths of 457 workers in the recent period, but he insists that only three have died in the workplace. The journalist from the Sydney Morning Herald has pursued the Minister but he will not make any other information available. We have to trust him that all the other deaths were pure accidents, heart attacks and domestic incidences.

Let me now move to the question of regional labour flows. There is a two fold dynamic at play here. Many labour sending countries are increasingly reliant on exporting labour, the Philippines is but one of many examples. While in receiving countries guest workers now make up an important and growing part of the labour force, according to Doctor Stewart Rosemary the best estimate now puts the number of guest workers in the Singaporean and Malaysian economies at approximately 20 % of the work force there. That's one in five workers mainly in low skilled domestic jobs, manual labour etcetera, notably construction. There are other examples there is massive construction industry boom in the United Arab Emirates; the UAE would of course close down overnight without the vast number of construction guest workers from the South Asian Association of Regional Cooperation (SAARC) countries.

There are three types of countries involved in labour migration. Labour sending countries Fiji, Bangladesh, China, Indonesia, Nepal, the Philippines, Sri Lanka etcetera. Labour receiving countries, Australia, New Zealand, The Middle East, Brunei, Taiwan, Japan, Singapore etcetera and countries that send and receive labour, India, Malaysia, Pakistan, Thailand etcetera.

The migration of workers from labour sending countries is usually a result of high levels of domestic unemployment and under employment and a high incidence of poverty. On the other hand labour receiving countries mainly do so because of labour shortages. A basic contradiction lies at the heart of the issue. Namely while employers want to use migrant workers to lower standards applying to local workers, those workers used as guest labour are invariably earning more than they would in their home country or country of origin and the remittances going back are a valuable source of income for dependent families and poor nations alike. Many Asian nations are promoting and fostering the use of their labour force as guest labour because of the national income it generates. For example it is the number one foreign income earner in Bangladesh and

now in the Philippines as well. Very few countries in our region have ratified the relevant International Labour Organisation conventions, such as convention 97 and 143. In many countries migrant workers are generally employed in jobs that local workers do not want to take up i.e. low skilled manual jobs. Though often employers make the claim knowing that they will not offer local workers higher rates of pay for the arduous work involved. The migration of labour puts economic pressure on the families of workers especially where they have to raise moneys to pay for travel expenses and commissions to labour hire agencies and other middle men.

The issue of guest worker labour migration is now big business in both labour sending and labour receiving countries. To put another angle on this, India which is both a labour sending and receiving country only three years ago was having remittances of over \$US 12 billion, remitted home by guest workers according to my comrades at the construction workers federation of India. It is clear this is now a vast structural issue in the region. We should not forget that while this situation is all about big economic issues it also involves millions of working people and their families. Achieving a system that is just and fair will not be easy. Our union says that in Australia, a better system that gets rid of exploitation and does no damage to conditions and wages of local workers is possible, but will take real political leadership.

More broadly at a time of skill shortages in Australia, a most advanced economy, what is needed here a balanced approach that obliges employers to train skilled workers and a permanent migration program that is responsive to the economic and social needs of our society. There will remain a place for temporary migration but it must be strongly regulated to avoid the crude exploitation we are currently experiencing. Thanks very much.