

Reforms for a Fairer Deal for People coming from the Pacific Islands to Work in Australia

February 2023

Do to others as you would have them do to you.

Luke 6:31

Look! The wages you failed to pay the workers who mowed your fields are crying out against you. The cries of the harvesters have reached the ears of the Lord Almighty. James 5:4

It has been the custom hitherto for men to hold us as their own property, which is pitiable enough, considering that Christ has delivered and redeemed us all, without exception, by the shedding of his precious blood, the lowly as well as the great. Accordingly, it is consistent with Scripture that we should be free and should wish to be so.

From the Twelve Articles of the Swabian Peasants calling for their liberation from exploitation, 1 March 1525

Our Pacific neighbours have had unemployment problems due to limited economic development opportunities. For example, even before the COVID-19 pandemic, the Solomon Islands government reported that 18,000 people reached working age each year, but only 3,000 new jobs were created. The impact of COVID-19 only made the situation worse. Thus, being able to have people go overseas to work and send money back to their families in the Pacific is vital to addressing the problems of poverty in the Pacific Islands. People working overseas and sending money home are now the most significant foreign income source for Fiji, Samoa, Timor-Leste, Tonga, and Vanuatu.

The Australian Government set up the Seasonal Worker Programme (SWP) in 2012 to allow people from the Pacific Islands and Timor-Leste to work on Australian farms for six months. Since then, the Programme has been expanded and re-named. It is now called the Pacific Australia Labour Mobility (PALM) scheme. It has two streams. One that allows people from the Pacific Islands and Timor Leste to come and work in placements for up to nine months, mainly on farms. The second stream enables people to come and work for three to four years in Australia. Workers on the second stream mostly go into meat processing and aged care facilities. As of December 2022, there were 33,713 workers from ten countries in Australia on the PALM scheme.



There have been some problems with exploitation on the PALM scheme. However, the people on the program are given employment safeguards against exploitation that do not exist for other people from overseas working on farms. In addition, people in the PALM scheme are provided with access to unions and community groups, including churches, to ensure they are treated fairly. Churches across the country, including Uniting Churches, provide support and friendship to workers in their local area.

However, further reforms are needed to the PALM scheme to make it fairer for the workers. These reforms include:

- Employers should be required to pay workers 30 hours a week even if the employer failed to provide at least 30 of work a week. There should be an exemption only where the employer can demonstrate that they could not offer 30 hours of work due to circumstances beyond their control. Currently, a significant problem exists where workers are brought to Australia and then provided with inadequate work due to poor



management by the employer. Too often, employers may bring over more workers than they need, and workers can then find they only get one or two days of work a week. Instead of being able to earn money to send home to their families, almost all their pay goes on paying rent and paying for a hire vehicle.

- Workers should have access to Medicare. Currently, workers only have access to medical care through private health insurance. Like many Australians, the workers find navigating the private health insurance system hard. The JIM Cluster know workers who have died from preventable health complications because they struggled to navigate the private health insurance system. To make access to Medicare work, the Australian Government needs to fund the health screening of workers before they come to Australia. Such a measure is required to avoid people coming to Australia solely to get treatment for a pre-existing medical need.
- It should be made easy for workers to be transferred between Approved Employers to ensure that they are kept in work.
- An employer that terminates a worker should be required to provide evidence to justify the termination, given the cost to a worker to be brought to Australia and then to be unfairly terminated. Unlike other workers in Australia, a worker on the PALM scheme who is terminated cannot find a job under another employer, as they are only allowed to work for the Approved Employer that sponsored them to come to Australia. Under Australian law, workers cannot challenge an unfair dismissal in the first six months of their employment or 12 months if they work for a small business.

What You Can Do

Write polite and respectful letters to:

The Hon. Tony Burke MP

Minister for Employment and Workplace Relations
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Senator The Hon. Penny Wong

Minister for Foreign Affairs
PO Box 6100
Senate
Parliament House
Canberra ACT 2600

Salutation: Dear Minister

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Points to make in your letters:

- Welcome the Government's commitment to increase the number of workers coming from the Pacific Islands and Timor-Leste to work on the Pacific Australia Labour Mobility (PALM) scheme.
- Agree that this is how the government should find people to work on Australian farms. It makes a real difference to the lives of people in the Pacific Islands and Timor-Leste while meeting the labour needs of Australian farms.
- Ask that they implement further reforms to make the PALM scheme fairer:
 - Employers should be required to pay workers for 30 hours a week even if the employer fails to provide at least 30 of work a week. There should be an exemption only where the employer can demonstrate that they could not offer 30 hours of work due to circumstances beyond their control.
 - Workers should have access to Medicare. To make this work, the Australian Government needs to fund the health screening of workers before they come to Australia.
 - It should be made easy for workers to be transferred between Approved Employers to ensure they are kept in work.
 - An employer that terminates a worker should be required to provide evidence to justify the termination, given the cost to a worker being brought to Australia. Unlike other workers in Australia, a worker on the PALM scheme who is terminated cannot find a job under another employer.