



Chair: Brian Howe AO
Deputy Chair: Paul Munro

Level 6 365 Queen Street
 Melbourne Victoria 3000

T 1300 362 223 (toll free)

W securejobs.org.au

E inquiry@securejobs.org.au

Independent Inquiry into Insecure Work in Australia

Written submission cover sheet

Please ensure this cover sheet is included or attached to submissions made in response to the Terms of Reference. Before submitting your submission please read the Inquiry's web site - <http://securejobs.org.au/independent-inquiry-into-insecure-work-in-australia/> - which has important details on the closing date; publication of submissions; confidential information; and privacy.

PUBLICATION DETAILS					
The Inquiry intends to publish submissions on its website, but reserves the right not to publish any submission, or part of a submission. If you wish to make a submission to the Inquiry, you must include your full name, address, and contact details. The 'name for publication' below will be used to label submissions. Generally this should be the same as the name of the individual, group or organisation making the submission.					
Name for identifying submission on website			Federation of Ethnic Communities' Councils of Australia (FECCA)		
CONFIDENTIAL INFORMATION					
All submissions will be treated as non-confidential information and may be published on the website and in the inquiry's report along with your name, unless specifically requested. If you regard your submission as being confidential, clearly mark so below. If your submission is marked as confidential, it will not be published and your name will not be published online or in any reports of the Panel, although the Panel or the staff assisting the Panel may still contact you for the purposes of the Inquiry. You can read our privacy statement at http://securejobs.org.au/independent-inquiry-into-insecure-work-in-australia/privacy/					
Do you wish for your submission to remain confidential?				Yes / No	
CONTACT DETAILS					
The personal information you supply in your submission will be used for the purposes of conducting the Inquiry including the preparation of reports. You may be contacted by the Panel or the staff assisting the Panel for the purposes of the Inquiry. Unless your submission to the Inquiry is marked as confidential, it will be published on the website along with your name. In addition, unless your submission is marked as confidential, your name may be mentioned in references to your submission by the Panel including in any reports it publishes.					
CONTACT PERSON					
Organisation name (if relevant) Federation of Ethnic Communities' Councils of Australia (FECCA)					
First name	Pino		Surname	Migliorino	
Phone	02 6282 5755	Mobile		Email	pino@culper.com.au
Street address		Unit 1, Phipps Close			
Suburb	Deakin	State	ACT	Postcode	2600

FECCA Submission to the

Independent Inquiry into

Insecure Work in Australia

January 2011

Contents

Contents	3
About FECCA	4
Introduction	4
Recommendations	6
The extent of insecure work in Australia	8
The causes of insecure work and its prevalence in modern Australia.....	9
The workers that are most at risk of insecure work and why	9
The level of compliance with applicable labour laws and any barriers to their effective enforcement	12
The effect of insecure work on:.....	13
Financial security	13
Occupational health and safety of workers and workplaces.....	13
Wellbeing and health of workers outside the workplace, including impact on family and other relationships	14
Training and skills development.....	14
Career progression and opportunities	15
Regional communities	16
Social inclusion	16
Community organisations.....	17
The social and economic cost of insecure work to employees, employers, government, and the Australian community	17
The rights and entitlements/working conditions that can best assist to provide security for workers	17
Relevant international human rights and labour standards.	18
International examples of effective measures that can be taken.....	18
FECCA does not have an evidence base nor the capacity to comment on this point...18	
Protections that currently exist that could be effective if better enforced and/or which require amendment	19
Additional measures that can be taken by.....	19
Unions	19
Employers	20
Government.....	21
References.....	22

About FECCA

FECCA is the national peak body representing Australians from culturally and linguistically diverse (CALD) backgrounds. FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to government and the broader community. FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism so as to build a productive and culturally rich Australian society. FECCA's policies are designed around the concepts of empowerment and inclusion, and are formulated with the common good of all Australians in mind.

Introduction

*'The ability to achieve employment commensurate to one's qualifications and expectations is crucial for developing the feeling of inclusion and belonging.'*¹

FECCA commends the Australian Council of Trade Unions (ACTU) for undertaking this Independent Inquiry into Insecure Work in Australia and for their commitment to consulting widely through a range of consultation formats. FECCA is pleased to provide feedback and also looks forward to contributing to ACTU's upcoming public hearings.

FECCA believes that employment is an effective way of empowering individuals and it assists in creating dignity, self-confidence and stability. It also benefits the physical and mental health and well-being of individuals and families. These positive consequences are integral for CALD community participation and social inclusion beyond the immediate settlement period and throughout the life course.²

At the same time, FECCA recognises that these benefits are not equally manifest across Australia's workforce. Many people from a CALD background are employed in insecure work, which is often low paid, unsustainable, dangerous and isolating. Across the literature in this area and in FECCA's experience, ethnic minorities who have originated from a non-English speaking background often have less

¹ Val Colic-Peisker 2011, 'Ethnics' and 'Anglos' in the Labour Force: Advancing Australia Fair?', *Journal of Intercultural Studies*, Vol. 32, No. 6, p. 639.

² FECCA 2011, *Settlement is a Life-Long Process*, Submission to the Department of Immigration and Citizenship on Achieving social inclusion and participation for new and emerging communities beyond the immediate settlement period, FECCA, Canberra, p. 13.

employment opportunities and overall poorer employment outcomes in comparison to native English speaking or Australian born jobseekers and those employed.³ Moreover, because of this disparity, CALD workers are also more vulnerable to economic upheavals such as the global financial crisis.⁴ Such vulnerability is often the result of low English literacy levels, social isolation, limited information provision in culturally and linguistically sensitive formats and broader intersectional access and equity issues. The negative impacts of Australia's insecure employment on CALD employees not only affects individuals and their workplaces but, on a much larger scale, impacts Australia's productivity, welfare systems and social cohesion.

CALD communities have had an extended history of participation in insecure or precarious employment in Australia. The 1950s, 60s and 70s saw non-English speaking background (NESB) employees over-represented in working class construction and manufacturing industries.⁵ During the late 1970s Australia placed importance on skilled migration and, subsequently, low skill migration declined and greater protections began to be established.⁶ Although certain standards have improved somewhat in the precarious employment arena, the increasing push for labour flexibility and wage restraints, as well as the emphasis on production, have added additional challenges and barriers to many CALD employees.

FECCA will use this opportunity to explore the issues which face members of our constituency who have had experiences with insecure work conditions. Information for this report has been sourced from FECCA's annual Access and Equity consultations⁷ and recent reports. In the past year FECCA has consulted with approximately 300 CALD community leaders and representatives, service providers, field experts, non-government and government organisations. Consultations were conducted across the country in metropolitan and regional areas. These consultations, which sought to establish the level of accessibility and equitability of core government services, have identified key issues relating to insecure and poor employment options. By utilising such data, FECCA will provide insight into the specific challenges and barriers experienced by CALD jobseekers and employers, as

³ Castles et al. 1992, Ho and Alcorso 2004, Hawthorne 2005 in Colic-Peisker 2011, op. cit, p. 638.

⁴ DIAC 2001, 'Fact Sheet 14 - Migrant Labour Market Outcomes', DIAC website, accessed 2/05/11: <<http://www.immi.gov.au/media/fact-sheets/14labour.htm>> in FECCA 2011, *The Quest for a Level Playing Field: Access and Equity Report 2011*, FECCA, Canberra, p. 31.

⁵ Castles et al. 1992, Jupp 2002 cited in Val Colic-Peisker 2011, op. cit, p. 638.

⁶ Ibid.

⁷ For full report please see

<http://www.fecca.org.au/images/stories/documents/Submissions/2011/submissions_2011060.pdf>.

well as recommend ways in which to promote more sustainable, respectful and safe working environments.

Recommendations

FECCA Recommends:

1. More research into experiences of CALD insecure workers. This needs to be disaggregated along the indicators of country of birth, cultural background, language, and for greater depth, factors such as gender and disability.
2. Research practices should be conducted in a culturally and linguistically sensitive manner that is respectful and valuing of participant's voices.
3. More research into the specific challenges and barriers which contribute to keeping CALD employees in insecure employment as well as research into effective or good practice pathways to more sustainable, safe and secure employment.
4. Culturally and linguistically sensitive information provision regarding worker rights within CALD communities. This should be conducted in multiple formats, including face-to-face community workshops.
5. Targeted pathway programs which assist those vulnerable to or currently employed in insecure work conditions to access training and skills development. This could be delivered through Job Services Australia.
6. The provision of culturally and linguistically sensitive information on Occupational Health and Safety to CALD workers across all industries, particularly those prone to insecure work conditions. This information should be presented in a number of formats, including face-to-face information sessions, and be conducted in a safe, respectful and accessible manner and environment.
7. That JSA providers look at innovative ways to create sustainable CALD jobseeker employment options. This means being attentive and mindful to the backgrounds of jobseekers and the possibilities these might hold.⁸
8. 'That greater respect and recognition be afforded to traditionally 'low skilled' jobs. This could entail creating new accreditation procedures which recognize traditional skills of new communities.'⁹

⁸ FECCA 2011, *The Quest for a Level Playing Field: Access and Equity Report 2011*, op. cit, p. 15.

⁹ Ibid., p. 15.

9. Greater support measures for secondary settlement. This could include liaison between CALD communities and services, particularly engagement and collaboration with local employment agencies, to determine needs and capacity.
10. That Australia becomes a signatory to the *Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.
11. Unions to provide accessible and equitable pathways to membership, information and events. This could be conducted through the provision of culturally competent and linguistically sensitive forms of information provision.
12. ACTU foster stronger connections with CALD communities, organisations and individuals, particularly those involved in insecure work. This may include engaging with community leaders to discuss specific barriers and challenges their community faces in regards to employment in and standards of insecure work.
13. Greater implementation of cultural competence training for employers. This training should also seek to promote and build systemic changes in organisations and industries.

1. The extent of insecure work in Australia

The extent of employees from a CALD background involved in insecure work is often referred to as an ‘invisible’ issue.^{10 11} ACTU states ‘around 40% of workers are engaged in insecure work arrangements such as casual work, fixed term work, contracting or labour hire.’¹² Within this data it is unclear how many of these workers are from a CALD background. While there is data that suggests such workers are overrepresented in insecure employment, it is often state or industry based and therefore lacks national significance.

This gap in research is predominantly due to limited disaggregation of statistics, such as country of birth and linguistic background. These factors are crucial to identifying and understanding intersectional social determinants which contribute to participation in insecure working arrangements. Including these factors in data collection is also integral to revealing not only the extent of CALD workers in this area but also fostering a deeper understanding of the unique challenges migrants and refugees face in participating in more sustainable and better quality employment.

FECCA Recommends:

1. More research into experiences of CALD insecure workers. This needs to be disaggregated along the indicators of country of birth, cultural background, language, and for greater depth, factors such as gender and disability.
2. Research practices should be conducted in a culturally and linguistically sensitive manner that is respectful and valuing of participant’s voices.

¹⁰ Elizabeth Hill 2005, ‘Organising ‘non-standard’ women workers for economic and social security in India and Australia’, *The Association of Industrial Relations Academics of Australia and New Zealand 19th Conference: reworking Work*, 9 – 11 February 2005, School of Economics and Political Science, The University of Sydney, p. 83, access 16/12/11: <http://airaanz.econ.usyd.edu.au/papers/Hill_Organising.pdf>.

¹¹ Victorian Immigrant and Refugee Women’s Coalition (VIRWC) 2010, *Heartbreak Hotels: The Crisis inside Melbourne’s Luxury Hotels*, VIRWC, Melbourne, p. 21.

¹² ACTU 2011, *Secure Jobs: Better Futures: Get the facts*, website, ACTU, accessed 16/12/11: <<http://securejobs.org.au/get-the-facts/>>.

2. The causes of insecure work and its prevalence in modern Australia

Intersectional barriers that contribute to the sustained prevalence of insecure work amongst certain CALD communities in modern Australia include:

- Low English proficiency
- Low literacy levels in English and in some cases, first language(s)
- Non-recognition of overseas qualifications and skills
- Lack of support for and access to upskilling opportunities; this can result in long term or permanent deskilling¹³
- Visa limitations
- Discrimination in the workforce
- Limited knowledge of Australian recruitment and workplace culture particularly in the arena of “soft skills” such as team performance and communication skills
- Fear of authority figures
- Limited systems knowledge
- Limited digital literacy
- Limited knowledge of rights and responsibilities in the Australian workforce setting, i.e. access to and knowledge of ombudsman, unions and other advocacy bodies
- Isolation from support networks
- Complex mental and physical health conditions

3. The workers that are most at risk of insecure work and why

FECCA’s Access and Equity consultations support the literature which demonstrates that migrant and refugee communities are generally more vulnerable to insecure employment conditions due to a range of intersectional and systemic barriers and challenges, many of which have been noted above.

¹³ Colic-Peisker 2011, op. cit.

Within these diverse groups, certain jobseekers and workers from non-English speaking backgrounds are particularly at risk of insecure employment. These include:

Refugee and humanitarian entrants

Refugee and humanitarian entrants, particularly during the initial years of settlement, are highly vulnerable to insecure employment conditions. This is often a result of extended periods spent in refugee camps where acquired skills can diminish. This factor may also be perpetuated by financial and housing insecurity, as well as limited recognition of skills and qualifications gained overseas. Low levels of English language and literacy also contribute to exclusion from sustainable employment options, as do recruitment and workplace discrimination and racism.

Women

Women from CALD backgrounds are over-represented in insecure employment fields, which include industries such as manufacturing, accommodation and food services, cleaning and labouring.¹⁴ This is a result of a number of intersectional factors including, but not limited to, level of English language proficiency, Australian skills recognition practices, and limited capacity to engage with training and bridging courses, which are often costly or located in areas difficult to access by public transport or without a car. Furthermore, cultural and religious attitudes toward women's roles and responsibilities, including domestic and child rearing duties, as well as access to education and employment in non-traditional fields, is also an influential factor. On top of this propensity for insecure work conditions, CALD women and women in general suffer the effects of Australia's gender wage gap, the costly nature of child care and the significantly lower accumulation of superannuation in comparison to men.¹⁵¹⁶

¹⁴ Multicultural Centre for Women's Health 2011, *On Her Way: Primary prevention of violence against immigrant and refugee women in Australia*, Multicultural Centre for Women's Health, Melbourne, p. 27.

¹⁵ Veronica Sheen 2010, 'The social risks of precarious employment for women', *6th International Policy and Research Conference on Social Security: Emerging trends in time of instability: New challenges and opportunities for social security*, ISSA, Luxembourg, 9-1 September 2010, p. 4, accessed 14/12/2011: <<http://apo.org.au/research/social-risks-precarious-employment-women>>.

¹⁶ Alexandra Heron 2005, 'Migrant Women and the Labour Market: Diversity and Challenges', *OECD and European Commission Seminar*, Brussels, 26-27 September 2005, p. 5, accessed 14/12/2011:

At FECCA's 2011 CALD women-specific Access and Equity consultation in Sydney, issues regarding insecure work were raised.¹⁷ Exploitation, low pay, sexual harassment, racism and discrimination were just a few of the issues identified by women attendees. Attendees also raised concern over placement in jobs which they considered outside of their range of experience, including meat processing factories and employment involving heavy lifting. This inappropriate placement has led to injuries, which the women said they are afraid to report out of fear that they would lose their job.

One of the most poignant stories told by an attendee detailed her experience with workplace bullying and the limited choice she was given in relation to double shifts. In her current job, she felt pushed into working extended hours, which impacted her social connectedness with family and community. The reason she did not complain about this was that she feared job loss and felt that the jobseeking and recruitment processes were too difficult and stressful to go through once again.

Older migrants

Older migrants may be more vulnerable to insecure work environments. In some cases this is a result of long term employment in insecure conditions, which can create career stagnation and limits upskilling opportunities. This susceptibility can also be a consequence of cultural attitudes towards ageing and new skill acquisition which discourage older migrants from actively pursuing upskilling opportunities.¹⁸ Concern has been raised over the increase of mechanisation and the exportation of labour overseas, which is inevitably leaving many older migrant workers unemployed or only able to work in other insecure industries suffering the same fate.

Youth

Concern over young CALD jobseekers being channelled into insecure employment by employment services, particularly Job Services Australia, was expressed by CALD community members in FECCA's Access and Equity

<http://sydney.edu.au/business/_data/assets/pdf_file/0016/44107/OECDEU_migrant_women_and_work.pdf>.

¹⁷ FECCA, Access and Equity CALD Women's Consultation, Campsie, 23/03/2011.

¹⁸ FECCA, Access and Equity Consultations 2010-2011, FECCA, Canberra.

consultations. This was a particular issue for new and emerging community (NEC) members, who felt that this process is isolating for youth and could limit their future professional development opportunities. FECCA's NEC Committee, which is comprised of NEC leaders and experts, has also raised concern over insecure and fluctuating employment patterns as barriers to participation and social inclusion.¹⁹

FECCA Recommends:

3. More research into the specific challenges and barriers which contribute to keeping CALD employees in insecure employment as well as research into effective or good practice pathways to more sustainable, safe and secure employment.
4. Culturally and linguistically sensitive information provision regarding worker rights within CALD communities. This should be conducted in multiple formats, including face-to-face community workshops.
5. Targeted pathway programs which assist those vulnerable to or currently employed in insecure work conditions to access training and skills development. This could be delivered through Job Services Australia.

4. The level of compliance with applicable labour laws and any barriers to their effective enforcement

FECCA does not have the capacity to make comment on the overall level of compliance of insecure workplaces with applicable labour laws but is aware of several barriers which restrict their full enforcement. Access and Equity consultations have revealed that productivity demands often jeopardize employees' physical and mental welfare. In addition, limited information in culturally and linguistically sensitive formats, as well as employer level of interest in distribution of this material, prevent CALD workers from recognising breaches of relevant industrial relations

¹⁹ FECCA 2011, *Settlement is a Life-Long Process*, op. cit, p. 22.

regulations in their workplace. This impacts on their capacity to report such occurrences.

5. The effect of insecure work on:

Financial security

Low wages, unpredictable and fluctuating working hours and limited paid leave entitlements are just some of the implications of insecure work which impacts on worker financial security. Keeping up with the costs of day-to-day living and affording basic necessities such as housing, groceries and transport can be difficult to manage with an unreliable income.²⁰ This financial insecurity can also have a detrimental effect on social connectedness and inclusion, which is also important to sustaining mental and physical health and wellbeing. For example, without financial stability workers and their families are restricted in their participation in community and social activities, including children's school excursions, organised sporting activities and community events, many of which have costs associated.²¹

For individuals and their families who are in the process of settling in Australia, establishing communities and networks, and who may have complex health and education needs, this financial insecurity can be particularly challenging and marginalising. Furthermore, CALD communities may have additional financial and communal obligations with regard to both Australia and abroad.

Occupational health and safety of workers and workplaces

Enabling knowledge of worker and workplace Occupational Health and Safety is critical to creating safe and healthy practices and spaces. In some cases, access to this information has been hindered by workload intensification, bullying on the part of employers and threats to employment security.²² For example, workers surveyed for the Victorian Immigrant and Refugee Women's Coalition Report entitled *Heartbreak Hotels: The Crisis inside Melbourne's Luxury Hotels* spoke of fearful and disempowering working

²⁰ Victorian Immigrant and Refugee Women's Coalition (VIRWC) 2010, op. cit, p. 10.

²¹ Ibid.

²² Ibid., p. 25-26.

environments which reduced their capacity to know that there are mandatory workplace standards and regulations to protect employees and also penalties and complaint avenues to guarantee this.²³

FECCA Recommends:

6. The provision of culturally and linguistically sensitive information on Occupational Health and Safety to CALD workers across all industries, particularly those prone to insecure work conditions. This information should be presented in a number of formats, including face-to-face information sessions, and be conducted in a safe, respectful and accessible manner and environment.

Wellbeing and health of workers outside the workplace, including impact on family and other relationships

The nature and effects of insecure employment, which include demanding work hours, stress, physical injury and financial insecurity, inhibit the capacity for employees to engage, contribute and build family and community relationships both within and outside their workspaces. With many CALD communities valuing collectivity over individualism, family and community relationships are seen as not only crucial for the preservation of culture and language but also for enabling a sense of belonging, participation and contribution to Australia.

Training and skills development

Access and Equity consultations revealed a distinct need for more accessible and equitable upskilling, skills recognition and training and bridging opportunities for CALD jobseekers and employees. This gap was experienced across all employment sectors but has specific ramifications for CALD employees in insecure work. Career stagnation, skills reduction and inability to enter more sustainable work opportunities are just some of the effects of this gap.

²³ Victorian Immigrant and Refugee Women's Coalition (VIRWC) 2010, op. cit.

FECCA acknowledges that insecure work is often taken up as a necessity or as a result of limited options but also recognises that many of the refugees and migrants employed in this area already have qualifications and skills which could be built upon to create more sustainable, safe and rewarding job opportunities. Providing accessible and equitable training and skills development pathways can lead to improving quality of life, reducing isolation and, fundamentally, can assist in the settlement and social inclusion of migrants and refugees who are keen to participate fully in Australia's social, cultural and economic successes.

FECCA recommends:

7. That JSA providers look at innovative ways to create sustainable CALD jobseeker employment options. This means being attentive and mindful to the backgrounds of jobseekers and the possibilities these might hold.²⁴

Career progression and opportunities

Insecure work has the ability to hinder career progression and opportunities. Workers in many insecure jobs are considered expendable and there is little recognition of the skills needed for and acquired in such employment. For example, Access and Equity consultations conducted in early 2011 in Mildura found that migrant and refugee seasonal workers in the region were suffering as a result of these factors. Many of these workers had worked several seasons for the same employee but because of the seasonal nature of the work, its perceived 'unskilled' character and competition with international students during harvest times, opportunities to progress, gain permanency or have increased wages were not made available.

FECCA Recommends:

8. 'That greater respect and recognition be afforded to traditionally 'low skilled' jobs. This could entail creating new accreditation procedures which recognize traditional skills of new communities.'²⁵

²⁴ FECCA 2011, *The Quest for a Level Playing Field: Access and Equity Report 2011*, op. cit, p. 15.

²⁵ Ibid., p. 15.

Regional communities

FECCA's consultations have identified that CALD communities and, in particular, refugee and humanitarian entrants, living in regional areas are often recruited for and engaged in insecure employment.²⁶ This includes seasonal harvest work and factory based production. Given the insecurity of these industries some regional CALD communities are facing financial hardship, inability to access adequate and sustainable housing and difficulty with wider community engagement.

Insecure work in regional areas is also contributing to secondary resettlement patterns for migrant and refugee groups. Individuals and their families are relocating to regional areas to find more work, often in notoriously insecure industries. With some groups having moved for both community and work related reasons, others are becoming increasingly isolated as they leave their families in metropolitan areas in search of work in regional areas. This isolation and settlement pattern has impacted local community services and their capacity to cater for the sometimes complex needs of NEC groups, in particular, moving spontaneously to regional areas.

FECCA Recommends:

9. Greater support measures for secondary settlement. This could include liaison between CALD communities and services, particularly engagement and collaboration with local employment agencies, to determine needs and capacity.

Social inclusion

Many of the features and conditions of insecure work environments do not promote social inclusion. Isolation, racism, bullying, instability and low pay do not create feelings of belonging nor do they foster trust and feelings of security. They impact on an employee's ability to speak out, particularly if they have added intersectional barriers such as language, literacy and limited systems knowledge, and they do not create opportunities by which employees can shape their own and their families' life outcomes.

²⁶ FECCA 2011, Access and Equity Consultations: Mildura and Wagga Wagga, FECCA, Canberra.

CALD 457 visa holders are a particularly clear example of how social inclusion can be impacted by insecure work conditions. FECCA recognises that ACTU is aware that insecure working conditions have particular impacts on 457 visa holders²⁷. CALD 457 visa holders are brought to Australia to assist in building the economy, infrastructure and other fundamental areas but they are often not afforded access to many essential services, such as Medicare, Centrelink and crisis accommodation. When combined with social, cultural and linguistic marginalisation, poor living standards and low pay, this isolates workers and diminishes the value of their contribution to Australia.

Community organisations

Access and Equity consultations have shown that community organisations are providing financial, material and information support, outside of their capacity, to CALD insecure workers and their families, particularly individuals on temporary visas.

6. The social and economic cost of insecure work to employees, employers, government, and the Australian community

FECCA does not have an evidence base to comment on this point in economic terms. Many of the social costs have already been highlighted throughout the paper including social inclusion issues.

7. The rights and entitlements/working conditions that can best assist to provide security for workers;

Access to and knowledge of workplace rights and entitlements is crucial to employment safety and security. Having rights and entitlements, such as sick, carer's and annual leave, enables and assists workers to not only maintain a life work balance but also feel their work is valued and secure, their rights are respected and their employer recognises that their life extends beyond the workplace.

²⁷ See <<http://www.actu.org.au/Issues/TemporaryOverseasWorkers.aspx>>.

In regard to CALD insecure workers, FECCA has found through Access and Equity consultations that in some cases legislated rights and entitlements are not implemented by employers and made known, through accessible formats, to workers.

'If you don't know what your rights are, you are not going to enforce them.' –
Access and Equity Consultation participant, Darwin

This has impacted employee's ability to exercise their rights, access available entitlements and has, in some cases, generated stressful, dangerous and discriminatory workplace practices. This includes instances where injured workers have continued to work due to fear of job loss and little knowledge of worker's compensation.

8. Relevant international human rights and labour standards.

Australia is not yet a signatory to the *Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. As a signatory to this Convention Australia would have to report and implement measures that seek to improve the human rights of migrant workers and their families.

FECCA Recommends:

10. That Australia becomes a signatory to the *Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.

9. International examples of effective measures that can be taken

FECCA does not have an evidence base nor the capacity to comment on this point.

10. Protections that currently exist that could be effective if better enforced and/or which require amendment

The *Fair Work Act 2009* is an essential protection for insecure workers and those vulnerable to such employment. Its forthcoming review offers the opportunity to strengthen protections and build on measures which create greater employment sustainability and equity.

The *Occupational Health and Safety Act 1991* is also a key protection for insecure employees which should be better implemented and promoted within and outside of workplaces in culturally and linguistically sensitive formats.

The current Consolidation of Commonwealth anti-discrimination laws paves the way for greater protection against discriminatory behaviours. Through this process FECCA anticipates the strengthening of protections.

11. Additional measures that can be taken by

Unions

*‘Tell us about unions. What the role of unions are.’ – Access and Equity
Consultations participants, Darwin*

Access and Equity consultation attendees expressed an eagerness to engage with unions and speak out about insecure work environments and instances of bullying and discrimination. Currently, insecure work environments are not facilitating this engagement due to a variety of reasons, including intensive workloads, bullying and fear of loss of jobs. Not being able to influence workplace standards, report illegal practices, or engage in dialogue is fundamentally antithetical to the government’s Social Inclusion agenda which stipulates that all Australians should be able to contribute and have their voices heard.²⁸

²⁸ Australian Government 2011, *The Social Inclusion Agenda*, website, Australian Government, Canberra, accessed 14/12/22: <<http://www.socialinclusion.gov.au/>>.

FECCA Recommends:

11. That unions provide accessible and equitable pathways to membership, information and events. This could be conducted through the provision of culturally competent and linguistically sensitive forms of information provision.
12. That ACTU foster stronger connections with CALD communities, organisations and individuals, particularly those involved in insecure work. This may include engaging with community leaders to discuss specific barriers and challenges their community faces in regards to employment in and standards of insecure work.

Employers

In FECCA's consultations one of the key issues that has emerged is a lack of culturally competent recruitment practices, workplaces and organisational structures. This has had a direct impact on the level of accessibility and equitability in the jobs market for CALD jobseekers and also contributes to discrimination and marginalisation of many CALD workers and their over representation and stagnation in insecure work environments. Not only does a culturally competent workplace strive for the elimination of discrimination and racism but also, by doing so, foster respectful relationships between employers, employees and clientele.

Consultations revealed that implementing and sustaining cultural competence is often dependant on the level of managerial interest. Given this, employers are critical players in the creation of culturally competent structures. By taking responsibility for maintaining culturally competent workspaces and equitable treatment of workers across sectors, particularly those with a propensity for insecure conditions, employers can take steps towards supporting workers.

Furthermore, FECCA advocates for cultural competency to become a core organisational value in all sectors. We would argue that being able to access and be employed in culturally competent services and workplaces is a right of all Australians. Cultural competency has to be recognised as a fundamental

step towards identifying and strengthening a rights based model for CALD workers.

FECCA Recommends:

13. Greater implementation of cultural competence training for employers. This training should also seek to promote and build systemic changes in organisations and industries.

Government

FECCA urges the government to take strong leadership in the promotion of employment conditions and pathways which support, respect and value the contributions of all employees. Insecure work has the capacity to create instability and social exclusion. The government has a responsibility to promote sustainable pathways for contributing and participating in Australian economic life.

Current and future movements by the government to create more sustainable pathways to employment should be formulated and implemented in consultation with the jobseekers and their communities who are directly affected. This includes incorporating the voices and concerns of CALD communities, leaders and organisations that have knowledge on the specific barriers and challenges which account for over representation in insecure work and hinder participation in long term quality employment.

References

ACTU 2011, Secure Jobs: Better Futures: Get the facts, website, ACTU, accessed 16/12/11: <<http://securejobs.org.au/get-the-facts/>>.

Australian Government 2011, *The Social Inclusion Agenda*, website, Australian Government, Canberra, accessed 14/12/22: <<http://www.socialinclusion.gov.au/>>.

Colic-Peisker ,V. 2011, ‘Ethnics’ and ‘Anglos’ in the Labour Force: Advancing Australia Fair?’, *Journal of Intercultural Studies*, Vol. 32, No. 6.

FECCA 2010-2011, Access and Equity Consultations 2010-2011, FECCA, Canberra.

FECCA 2011, Access and Equity Consultations: Mildura and Wagga Wagga, FECCA, Canberra.

FECCA 2011, *Settlement is a Life-Long Process*, Submission to the Department of Immigration and Citizenship on Achieving social inclusion and participation for new and emerging communities beyond the immediate settlement period, FECCA, Canberra.

FECCA 2011, *The Quest for a Level Playing Field: Access and Equity Report 2011*, FECCA, Canberra.

FECCA, Access and Equity CALD Women’s Consultation, Campsie, 23/03/2011.

Heron, A. 2005, ‘Migrant Women and the Labour Market: Diversity and Challenges’, *OECD and European Commission Seminar*, Brussels, 26-27 September 2005, accessed 14/12/2011: <http://sydney.edu.au/business/data/assets/pdf_file/0016/44107/OECD_EU_migrant_women_and_work.pdf>.

Hill, E 2005, ‘Organising ‘non-standard’ women workers for economic and social security in India and Australia’, *The Association of Industrial Relations Academics of Australia and New Zealand 19th Conference: reworking Work*, 9 – 11 February 2005, School of Economics and Political Science, The

University of Sydney, access 16/12/11:
<http://airaanz.econ.usyd.edu.au/papers/Hill_Organising.pdf>.

Multicultural Centre for Women's Health 2011, *On Her Way: Primary prevention of violence against immigrant and refugee women in Australia* Multicultural Centre for Women's Health, Melbourne.

Sheen, V. 2010, 'The social risks of precarious employment for women', 6th *International Policy and Research Conference on Social Security: Emerging trends in time of instability: New challenges and opportunities for social security*, ISSA, Luxemburg, 9-1 September 2010, accessed 14/12/2011: <<http://apo.org.au/research/social-risks-precarious-employment-women>>.

Victorian Immigrant and Refugee Women's Coalition (VIRWC) 2010, *Heartbreak Hotels: The Crisis inside Melbourne's Luxury Hotels*, VIRWC, Melbourne.