

New strategy to raise international students' awareness of workplace rights

25 September 2017

The Fair Work Ombudsman is reaching out to international students to encourage them to seek free help from the agency if they experience any issues while working in Australia.

The agency has launched a new strategy aimed at raising awareness of workplace rights among international students, who make up a large proportion of temporary entrants to Australia – numbering more than 560,000 as at July 2017.

In an [open letter to international students \(www.fairwork.gov.au/about-us/our-role/corporate/open-letter-to-international-students/default\)](http://www.fairwork.gov.au/about-us/our-role/corporate/open-letter-to-international-students/default) published today, Fair Work Ombudsman Natalie James is encouraging international students to get informed about their workplace rights and, if unsure, seek help.

Ms James has also urged international students to speak up if they have any concerns in relation to their employment, underlining that they have the same workplace rights as all other workers in Australia.

“The number of international students reporting issues to the Fair Work Ombudsman is disproportionately low compared to other categories of visa holders, despite the fact that international students represent a significant proportion of overseas visitors with work rights,” Ms James said.

“We know that international students can be reluctant to speak out when something is wrong, making them particularly vulnerable to exploitation. This is especially the case when students think that seeking assistance will damage future job prospects or lead to the cancellation of their visa.

“We’ve seen cases where employers have threatened international students with deportation for working more than the number of hours permitted under their visa when they have raised questions about their entitlements.

“In some cases these same employers have altered payslips and underpaid hourly rates in order to disguise the number of hours the student has worked,” Ms James said.

“I would like to reassure international students that in line with an agreement between my agency and the Department of Immigration and Border Protection, you can seek our assistance without fear of your visa being cancelled, even if you’ve worked more hours than you should have under your visa.”

The conduct against international students the Fair Work Ombudsman sees is often serious and highly exploitative.

This is reflected by the large percentage of cases the Fair Work Ombudsman files in court that involve one or more international students, despite the low numbers of international students reporting issues to the agency.

Last financial year, 49 per cent of litigations the Fair Work Ombudsman filed in court involved a visa holder – over a third of these involving an international student.

Research commissioned by the Fair Work Ombudsman found that many international students were not aware of their rights under Australian workplace laws and did not know where to go for help.

Some students told researchers they had been subject to intimidation by their employers, who threatened to deport or “blacklist” them for future work if they complained.

“The research showed that when it comes to international students in the Australian workplace, 60 per cent believe that if they report a workplace issue to their employer the situation will either remain the same, or get worse,” Ms James said.

“Our international student strategy focuses on raising international students’ awareness of their workplace rights and letting them know that they can come to the Fair Work Ombudsman for free advice and assistance.

“We know that it can be difficult to understand what is right or wrong at work, or to speak up if you are concerned.

“This is why we are committed to making it as easy as possible for international students to access the help they need,” Ms James said.

Ms James encourages all international students to get informed by visiting the Fair Work Ombudsman website, which has information available in 30 different languages.

Resources available on the website to help workers understand their rights and entitlements include the Pay and Conditions Tool at www.fairwork.gov.au/pay (<http://www.fairwork.gov.au/pay>) , which can be used to calculate the correct pay rates that apply to their work.

The Fair Work Ombudsman also recently launched its popular Anonymous Report function in 16 languages other than English, enabling non-English speakers to report potential workplace breaches in their own language, without being identified. The tool can be accessed at www.fairwork.gov.au/inlanguageanonymousreport (<http://www.fairwork.gov.au/inlanguageanonymousreport>) .

The Fair Work Ombudsman's 'Record My Hours' app is aimed at tackling the persistent problem of underpayment of young workers and migrant workers around the country. The app, which equips workers with a record of the time they spend at their workplace by using geofencing technology to register when they arrive at work and when they leave, is available for download from iTunes or Google Play stores.

International students seeking assistance can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 or our Translating and Interpreting Service on 13 14 50.

Below is a list of some recent matters investigated by the Fair Work Ombudsman involving international students:

- [Meatball and Wine Bar faces court for allegedly underpaying 26 workers, including visa holders \(www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/august-2017/20170822-the-meatball-and-wine-bar-litigation\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/august-2017/20170822-the-meatball-and-wine-bar-litigation)
- [Pizza Hut franchisee underpaid staff almost \\$20,000 \(www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/august-2017/20170811-ambeshwar-pizza-hut-newcastle-eu\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/august-2017/20170811-ambeshwar-pizza-hut-newcastle-eu)
- [Joint operation uncovers alleged exploitation of overseas workers at Melbourne restaurants \(www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/july-2017/20170717-ye-shao-litigations-mr\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/july-2017/20170717-ye-shao-litigations-mr)
- [Melbourne cafe operator back in Court after 54 employees allegedly underpaid \\$73,000 \(www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/july-2017/20170703-ital-one-holdings-cafe-baci-litigation\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/july-2017/20170703-ital-one-holdings-cafe-baci-litigation)
- [Penalties for blatant contraventions in popular Perth restaurant chain \(http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/june-2017/20160601-hans-cafe-penalty\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/june-2017/20160601-hans-cafe-penalty)
- [\\$72 000 in penalties after international student exploited, dismissed by text message \(http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/march-2017/20170327-golden-vision-2nd-penalty-mr\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/march-2017/20170327-golden-vision-2nd-penalty-mr)
- [Brisbane 7-Eleven outlet faces Court action \(http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/november-2016/20161118-s-and-a-enterprises-litigation\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/november-2016/20161118-s-and-a-enterprises-litigation)
- [Cleaning operator penalised for refusing to back-pay international students \(http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/november-2016/20161102-green-clean-penalty\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/november-2016/20161102-green-clean-penalty)
- [Labour-hire contractor signs workplace pact after underpaying Korean workers thousands of dollars \(http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/september-2016/20160921-boonah-packing-eu-presser\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/september-2016/20160921-boonah-packing-eu-presser)

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Media inquiries:

Ryan Pedler, Assistant Director - Media

Mobile: 0411 430 902

ryan.pedler@fwo.gov.au (<mailto:ryan.pedler@fwo.gov.au>)

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.