

**UNCLASSIFIED****AFP REPORTING PROCESSES FOR FAIR WORK INSPECTORS****Introduction**

Human trafficking, slavery and slavery-like practices are happening here in Australia.

Australia has a National Action Plan as part of its strategy to combat human trafficking and slavery. The Interdepartmental Committee (IDC) on human trafficking and slavery contributes to the governance and monitoring of the National Action Plan. The Fair Work Ombudsman (FWO) is a member agency of the IDC.

The Australian Federal Police (AFP) is the lead agency for investigating this crime type but the reality is that state and territory police, and Commonwealth agencies with a first response capacity, will be more likely to come across this crime type in their day to day duties. This includes the role of Fair Work Inspectors (FWIs).

It is therefore important that as a FWI, you know what human trafficking is; what the indicators are; where you may see indicators; and most importantly, the process to be taken if human trafficking is suspected.

**What is human trafficking and slavery?**

**Human trafficking** is the physical movement of people across or within borders by coercing, threatening or deceiving them, for the purpose of exploiting them when they reach their destination.

In essence, human trafficking is the **ongoing exploitation of a person**.

**Slavery** occurs when a person exercises the rights of ownership over another person. It includes the buying/selling of a person, known as chattel slavery, and circumstances where someone exercises the power to:

- Make a person an object of purchase
- Use a person or their labour in a substantially unrestricted manner
- Control or restrict a person's movements, or
- Use a person's services without commensurate compensation

**Human trafficking, slavery and slavery-like crime types**

Australia has the full offence of trafficking in persons in its legislation but has gone further in criminalising the end purpose of trafficking by creating nine different exploitative crime types. These crime types are in the *Criminal Code Act 1995* (Commonwealth). They are categorised in two Divisions:

- Division 270 - Slavery and slavery-like offences; and
- Division 271 - Trafficking in persons offences;

Division 270 - Slavery and slavery-like offences	Division 271 - Trafficking in persons offences
Slavery	Trafficking in persons
Servitude (e.g. sexual or domestic)	Organ trafficking
Forced Marriage	Harbouring a victim
Forced Labour	
Deceptive Recruiting	
Debt Bondage	

Of these nine different human trafficking and slavery crime types, FWIs are more likely to see Forced Labour as opposed to Forced Marriage, but it is important to understand that you may also see a

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combination of the other crime types and that they may cross-over. For example, someone who is being underpaid may be a victim of forced labour, but they may also be a victim of deceptive recruiting and debt bondage.

## **Indicators of human trafficking or slavery**

Indicators are signs that a person may be trafficked. The indicators of human trafficking can be very subtle. It's important when going about your day to day business to look a little deeper and ask more questions when you don't think things are quite right.

The AFP provides guidance on the indicators of human trafficking and slavery like practices to assist in the identification of these crimes.

Recognising these indicators will help identify potential victims and assist you to access the help they need.

It is important to understand that there is no complete or definitive list of indicators, as human trafficking and slavery can present quite differently depending on circumstances. FWIs may also see different indicators to what police may see.

There will be times when an indicator/s are present but human trafficking is not necessarily occurring. While this makes it difficult to ascertain if human trafficking is or isn't happening, it is not the role of FWIs to identify with certainty that human trafficking or slavery is occurring. Your role is to understand what human trafficking, slavery and slavery-like practices are, so that when you conduct inspections, identify indicators, or suspect that something is not right, you record as much information as possible and **report that information to the AFP.**

Recording as much detail as possible plays a significant role in helping the AFP assess the information, and serves as important evidence should an investigation into human trafficking or slavery take place.

The following are some of the general and labour exploitation indicators that FWO staff **may** encounter:

- Deceived about the nature of their job, location or employer
- Be under the perception that they are bonded by debt and not free to cease work
- Feel they cannot leave their work environment or accommodation
- Show signs their movements are being controlled
- Show fear, anxiety, distress or nervousness
- Be subjected to violence or threats of violence against themselves or against their family members and loved ones
- Not be in possession of their passports or other travel or identity documents, as these are being held by someone else
- Be distrustful of authorities
- Have no access or control of their earnings
- Have same story; same address as others (coached)
- Holding no key to where they live
- Be threatened with being handed over to the authorities
- Have little to no understanding of work rights and entitlements
- Be subject to security measures designed to keep them on work premises
- Notices have been posted in languages other than the local language
- There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages
- Live in groups in the same place where they work and leave those premises infrequently
- Work excessively long hours over long periods
- Work in an environment where workplace laws are being breached

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- Have no choice of accommodation or accommodation is poor quality, multi-occupancy accommodation
- Dependent on the employer for a number of services, including work, transportation and accommodation
- Allow others to speak for them when addressed directly

A list of some known indicators, as provided by the AFP, is available at **Appendix 1**.

## Collecting information

While the FWO does not investigate human trafficking matters, the agency's unique position enables the collection, observation and provision of valuable information to the AFP that they may not be able to otherwise obtain. This is because FWIs may see and hear things which may not be present by the time the AFP gets to the scene.

FWIs can collect information to support an AFP investigation through their processes and questioning and making **detailed observations** of:

- people;
- their behaviour;
- the environment.

Taking detailed notes provides the AFP with a more comprehensive picture of what may have been occurring.

It is highly desirable to **take photos**, if legislative powers allow. Photographs provide detail and a snapshot in time.

The following table suggests **some** indicators/clues that you **may** see and record when human trafficking or slavery may be present. Staff may see others, or a line of questioning may provide other useful information.

PEOPLE	WHO IS PRESENT? EVERYONE SHOULD BE CONSIDERED BECAUSE OFFENDER/S MAY BE HIDING AMONGST VICTIM/S
	<b>Identity</b> <ul style="list-style-type: none"> <li>• Name/Address/DOB</li> <li>• Documents supporting identity, noting any reference numbers (e.g. licence number; passport number) NOTE: These <b>should be sighted</b> where possible and photographed</li> <li>• Do they have these documents with them? Are they able to readily access them?</li> </ul>
	<b>Description of person</b> <ul style="list-style-type: none"> <li>• Physical (height; weight; build; hair colour; tattoos; scars)</li> <li>• Clothing (colour; logos; brand)</li> </ul>
	<b>Condition of person (health)</b> <ul style="list-style-type: none"> <li>• Are they injured? What is the injury? When did it happen?</li> <li>• Any apparent bruises? (where; size)</li> <li>• Malnourished</li> <li>• Access to food/water?</li> </ul> <p><b>*If there are concerns regarding imminent danger, call triple 000</b></p>
	<b>Work contract/Banking records</b> <ul style="list-style-type: none"> <li>• Do they have a work contract? Have a look at it. Does it make sense and seem reasonable?</li> <li>• Do they understand the nature of the contract? Can the person actually read it? (language/literacy issues)</li> <li>• Do they have a copy of the contract?</li> <li>• Terms of the contract (hours; pay; nature of work)</li> <li>• Can you get a copy or take a photograph?</li> <li>• Are there any banking records?</li> </ul>
	<b>General questioning/observations of the person</b> <ul style="list-style-type: none"> <li>• How do they get to and from the place?</li> <li>• Do they owe a debt to anyone? (to who; how much; how paid; when paid)</li> <li>• How did they come to be at the premises/area?</li> <li>• How did they get to Australia? (if applicable); Who picked them up?</li> </ul>

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	<ul style="list-style-type: none"> <li>Any vehicles present? Registration number</li> <li>Does the story sound rehearsed? Are others using the same information?</li> <li>Where are they physically located? Who are they standing with? What do they have on them? (money; ID cards; phone numbers)</li> </ul>
<b>BEHAVIOUR</b>	<b>BODY LANGUAGE</b>
	<p><b>Demeanour of person/s (possible victim)</b></p> <ul style="list-style-type: none"> <li>Scared/fearful; facial expressions; submissive posture</li> <li>Change in demeanour when certain person/s appear (e.g. attempting to hide; not wanting to engage)</li> </ul> <p><b>Demeanour of person/s (possible offender)</b></p> <ul style="list-style-type: none"> <li>Confident (may be very compliant for authorities to expedite the process)</li> <li>Talk to others in language other than English</li> <li>Eye contact and facial expressions towards others; staring others down</li> <li>Hand gestures; nervous rubbing of hands</li> </ul>
	<p><b>Control</b></p> <ul style="list-style-type: none"> <li>Do they appear free to leave?</li> <li>Who is doing the talking? Are they talking on behalf of others? When a question is asked, who takes over?</li> <li>Who has control of the money?</li> <li>Are they able to do normal life activities? (send emails; use their phone; walk to the shop)</li> <li>Are they familiar with their surroundings? (local shops; medical centre/doctor)</li> <li>Who has control of keys? (vehicles; residences)</li> </ul>
	<p><b>Who is friends/acquaintances with who?</b></p> <ul style="list-style-type: none"> <li>Who is standing with who?</li> <li>What do people know about each other? (full names; addresses; family)</li> </ul>
<b>ENVIRONMENT</b>	<b>HAVE A LOOK AROUND</b>
	<p><b>What do you see?</b></p> <ul style="list-style-type: none"> <li>Locks on doors; bars on windows</li> <li>Sleeping quarters (multiple persons in small room; mattress/es on floor; no proper bedding; sleeping quarters at work site/working residence)</li> <li>Location of luggage (living out of suitcase; may be in another person's room – no access to same)</li> <li>Passport/identity documents in a locked receptacle and not accessible by owner</li> <li>Notes on notice boards or common areas in other languages (may be a list of stringent rules)</li> <li>Any vehicles which appear to carry people to and from address (registration noted; vehicle type/contents of vehicle)</li> </ul>

**Reporting process**

All cases with indicators of human trafficking **must** be reported to the AFP. The AFP is responsible for formally investigating all human trafficking, slavery and slavery-like offences.

When FWO staff identify potential human trafficking and slavery, it is important to remember to:

- treat any possible victim/s with respect and dignity;
- be conscious they may be fearful of authorities; and
- obtain an interpreter if required.

There are specified timeframes for responding to information concerning trafficking indicators and these are detailed below.

**Options for reporting information to the AFP**

Information should be forwarded to the AFP via the appropriate templates. Depending on the type of information available, this will be either through the *Agency Report a Crime* form or an *Information Report – FWO to AFP* form.

The table below sets out two options for the reporting of information to the AFP and the characteristics associated with each option. This is provided by way of guidance only and is not intended to be prescriptive. You are encouraged to work with your Assistant Director and use common sense when determining the report type.

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	<b>Report for Investigation</b>	<b>Information report</b>
<b>Completeness of information</b>	<p>Indicators of human trafficking are present and there is supporting information.</p> <p>Formal reports <b>should include</b>:</p> <ul style="list-style-type: none"> <li>clearly specified indicators of human trafficking</li> <li>substantiative details such as the suspected victim's and/or offender's identities</li> <li>specific addresses and locations</li> </ul>	<p>Indicators of human trafficking are present, however supporting information is unsubstantiated, incomplete or lacking in detail.</p> <p>Allegations <b>do not</b> have an identified victim, offender or specific address and/or location.</p> <p>No imminent danger.</p>
<b>Reliability/credibility of information</b>	<p>Information at least partially verified through FWO systems/investigation/field activities.</p> <p>Information is accurate and current, to the best of the FWO's knowledge.</p> <p>Source of information is credible (for example, provided by another Government department, a local council, or a community legal centre and/or source credibility has been confirmed through their willingness to engage with FWIs, or through other means).</p>	<p>Information may not be verified, and the credibility of the source may be unknown (for example, an anonymous source).</p> <p>The information may be old or out-of-date (for example, a caller to the Infoline reflecting on something they observed in a workplace a number of years ago).</p>
<b>Action being requested of the AFP</b>	<p>The FWO considers that AFP investigation is desirable.</p> <p>(Please note: even where a report for investigation is made, the AFP retains discretion to not initiate an investigation).</p>	<p>The FWO is not suggesting any action be taken by the AFP.</p>
<b>Action being taken by the FWO</b>	<p>The FWO has an ongoing or completed investigation into the matter or is seeking a joint investigation with the AFP</p>	<p>The FWO has assessed the information in accordance with its Compliance and Enforcement Policy and is not actioning the information.</p>
<b>Report sent to AFP by</b>	<p>Director of Enforcement Team 3</p> <p>OR</p> <p>Assistant Director of Enforcement Team 3</p> <p>OR</p> <p>Team Leader of Visa Compliance and Resources</p>	<p>Director of Enforcement Team 3</p> <p>OR</p> <p>Assistant Director of Enforcement Team 3</p> <p>OR</p> <p>Team Leader of Visa Compliance and Resources</p>
<b>Timeframe for report</b>	<p>By phone – as soon as practicable (within 24 hours); or <b>at first opportunity on same business day if there is an imminent risk</b></p> <p>AND</p> <p>By form – within 2 business days</p>	<p>By form – within 2 business days</p>

**UNCLASSIFIED****Completing a report for investigation**

If suspected victims are at risk of immediate harm or are minors, FWIs should immediately call state/territory police (000) to respond. A subsequent report should be made to the AFP on 131 AFP (131 237) referencing the state/territory police point of contact.

If you and your Assistant Director determine that a report for investigation is appropriate, you must also consider whether the suspected victim is in **imminent danger**.

Your safety and that of the victim is paramount. All situations will be different, and a common-sense approach should be adopted. If you are in the field and you are in danger, move to safety and call police.

Await police arrival to provide details to them.

Contact the AFP as soon as it is practical and safe to do so.

If there is **no imminent danger** but an investigation report is appropriate, liaise with the Director or Assistant Director of Enforcement Team 3 or the Team Leader of Visa Compliance and Resources who will contact the AFP by telephone as a matter of priority. If the above persons are not available, contact the AFP yourself.

In addition:

- Ring the AFP by phone **at first opportunity on same business day if there is imminent risk, or as soon as practicable (within 24 hours)** where the person is not at imminent risk
- Complete the *Agency Report a Crime* form in writing within **two business days**. The form is available from the AFP's website at <https://www.afp.gov.au/our-services/national-policing-services> (AFP webpage > Services > National Policing Services > scroll down to Australian Government Departments or agencies > [Agency report a crime form](#)).
- Send the completed form to the Visa Compliance and Resources mailbox (s.47E(d) - Operations of agencies), copying in the Director of Enforcement Team 3. **Only the Director or Assistant Director of Enforcement Team 3 or the Team Leader of Visa Compliance and Resources are to send reports for investigation to the AFP.**
- The form is to be sent to the AFP National Operations State Service Centre (NOSSC) and the relevant regional command (using the contact details listed on the *Agency Report a Crime* form) via the Visa and Compliance Resources mailbox, copying in the Director of Enforcement Team 3. The relevant regional command is defined by the location where the indicators have been identified.

A final determination on the appropriateness of the investigation report will be made by Enforcement Team 3. If an Information Report is considered more appropriate, Enforcement Team 3 will notify you and request that you complete the appropriate form.

The FWO can continue to investigate suspected breaches of workplace laws when a report is made to the AFP, unless otherwise advised by the AFP. Where the FWO continues to investigate, the FWO should periodically update the AFP on the progress and outcome of its investigation.

Following receipt, the AFP will advise the FWO of:

- Its decision to investigate the matter, or otherwise.
- Any impact of the AFP's investigation on the FWO's investigation (if applicable).
- The progress and outcome of the AFP's investigation (where appropriate to do so).

**Completing an information report**

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If you and your Assistant Director determine that an information report is appropriate, proceed as follows:

- Complete the *Information Report - FWO to AFP* form within **two business days**.
- Send the completed form to the Visa Compliance and Resources mailbox (s.47E(d) - Operations of agencies), copying in the Director of Enforcement Team 3. **Only the Director and Assistant Director of Enforcement Team 3 or the Team Leader of Visa Compliance and Resources are to send information reports to the AFP.**
- Information reports are to be sent to the AFP National Operations State Service Centre (NOSSC) (using the contact details listed on the AFP's website at <https://www.afp.gov.au/our-services/national-policing-services>) via the Visa and Compliance Resources mailbox, copying in the Director of Enforcement Team 3.

Documents released by the Fair Work Ombudsman under the Freedom of Information Act



**UNCLASSIFIED****APPENDIX 1: INDICATORS OF HUMAN TRAFFICKING**

The below indicators relate to Human Trafficking, Slavery and Slavery-like practices which are comprehensively criminalised under Divisions 270 and 271 of the Criminal Code Act.

This list is not exhaustive. The indicators listed below are NOT present in all situations involving human trafficking and/or slavery. The presence or absence of any of the indicators neither proves nor disproves that human trafficking and/or slavery is taking place, their presence should lead to investigation.

More information about the indicators of human trafficking are available on the [AFP's website](https://www.afp.gov.au/crimes/human-trafficking-and-people-smuggling/human-trafficking-and-slavery) at <https://www.afp.gov.au/crimes/human-trafficking-and-people-smuggling/human-trafficking-and-slavery>.

**GENERAL INDICATORS**

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| <ul style="list-style-type: none"> <li>• Be subjected to violence or threats of violence against themselves or against their family members and loved ones</li> </ul> <p>Suffer injuries that appear to be the result of an assault or application of control measures</p> <ul style="list-style-type: none"> <li>• Have no access or control of their earnings</li> <li>• Provided limited or substandard food</li> <li>• Be disciplined through punishment</li> <li>• Evidence of existing but untreated physical injuries/illnesses</li> <li>• Show signs their movements are being controlled</li> </ul> <p>Show fear, anxiety, distress or nervousness</p> <ul style="list-style-type: none"> <li>• Be threatened with being handed over to the authorities or threatened with deportation</li> <li>• Be afraid of revealing their immigration status</li> <li>• Not in possession of their passports or other travel or identity documents, as those documents are being held by someone else</li> <li>• Not know their home or work address; no key to own address</li> <li>• Unexpected financial pressures within the family unit</li> <li>• Deceived about the nature of their job, location, migration status or employer</li> <li>• Believe they must work against their will</li> <li>• Feel they cannot leave their work environment or accommodation</li> <li>• Have false identity or travel documents</li> <li>• Be unable to communicate freely with others</li> <li>• Respond as though coached by a third party</li> </ul> <p>Be under the perception that they are bonded by debt and not free to cease work</p> | <ul style="list-style-type: none"> <li>• Be under psychological or physical control of or surveillance by another person</li> <li>• Allow others to speak for them when addressed directly</li> <li>• Be forced to work under certain conditions/unable to negotiate working conditions</li> <li>• Transported between accommodation and work by organisers</li> <li>• Evidence of economic abuse, dowry abuse or financial gain from the arrangement</li> <li>• Noticeable deterioration in a person's self-esteem and appearance</li> <li>• Be distrustful of the authorities</li> <li>• Have limited or no social interaction</li> <li>• Be unfamiliar with the local language</li> <li>• Have poor social awareness</li> <li>• Have limited or no contact with their families or with people outside of their immediate environment</li> <li>• Received little or no payment for employment</li> <li>• Have no access to medical care</li> <li>• Excessive cost charged for accommodation or living expenses</li> <li>• Be in a situation of dependence</li> <li>• Have had their travel costs paid for by facilitators, whom they must payback by working or providing services</li> </ul> <p>Work excessively long hours over long periods</p> <ul style="list-style-type: none"> <li>• Not have any days off or adequate breaks</li> <li>• Live in poor or substandard accommodation</li> </ul> <p>Have acted on the basis of false promises</p> |
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**FORCED MARRIAGE**

People who are in or at risk of forced marriage may:

- |  |   |
|--|---|
| <p>Have a family history of elder siblings leaving education early, marrying early or indicating concerns of an early marriage</p> <ul style="list-style-type: none"> <li>• Have personal or family history of unwanted or early pregnancy</li> </ul> <p>Exhibit signs of depression, self-harm, attempted suicide, panic attacks, social isolation or substance abuse</p> | <ul style="list-style-type: none"> <li>• Have family with strong cultural or religious expectations</li> </ul> <p>Express concern regarding an upcoming family holiday or overseas travel</p> <ul style="list-style-type: none"> <li>• Make a sudden announcement they are engaged</li> <li>• Have been pressured to support their partner's visa to Australia</li> <li>• Have a history of female genital mutilation/circumcision</li> </ul> |
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<p>Have high level of control and restrictions exercised by family / community members over all aspects of life in and outside of the home e.g. surveillance, always accompanied, limited or no control of finances, limited or no control over life decisions, education and career choices</p> <p>Have communications monitored or restricted</p> <p>Have participated in an engagement or commitment ceremony (religious or cultural)</p> <ul style="list-style-type: none"> <li>Have extended or increased absence from education, a drop in performance or low motivation</li> <li>Exhibit poor or decreasing attendance or performance in the workplace</li> <li>Show evidence of family or domestic violence within the family unit</li> <li>Show evidence of running away from home or isolation from the community</li> <li>Have family with strong cultural or religious expectations</li> </ul> <p>Express concern regarding an upcoming family holiday or overseas travel</p>	<ul style="list-style-type: none"> <li>Show evidence of economic or dowry abuse including: <ul style="list-style-type: none"> <li>Family members or others seeking to gain financially from a proposed marriage or engagement <ul style="list-style-type: none"> <li>Ongoing demands for cash or material goods</li> <li>Threats made when financial obligations or arrangements are not met</li> </ul> </li> </ul> </li> <li>Demonstrate feelings of conflict or concern for the ramifications if they do not go ahead with an agreed marriage / engagement</li> <li>Have intergenerational and cultural conflict within the home</li> <li>Express concern of physical or psychological violence for not fulfilling family/community expectations</li> <li>Express feelings of shame or dishonour on the family if family / community expectations are not met</li> </ul>
<b>SEXUAL SERVITUDE (COMMERCIAL)</b>	
People who have been trafficked for sexual servitude may:	
<ul style="list-style-type: none"> <li>Move from one brothel to the next or work in various locations</li> <li>Be escorted to and from work and other outside activities</li> <li>Be unable to refuse unprotected and/or violent sex</li> <li>Show evidence they have been bought and sold</li> <li>Sleep where they work</li> <li>Live or travel in a group, sometimes with other women who do not speak the same language</li> <li>Have very few items of clothing or do not own 'seasonal' clothing</li> <li>Have no cash of their own or control of their earnings</li> </ul>	<ul style="list-style-type: none"> <li>Have injuries from unprotected and/or violent sex</li> <li>Be with groups of women are under the control of others</li> <li>Appear in advertisements for brothels or similar places offering the services of women from a particular ethnicity or nationality or provide services to a clientele of a particular ethnicity or nationality</li> </ul> <p>Be coerced into decisions regarding their sexual or reproductive health such as coercing a person into undergoing an abortion</p>
<b>SERVITUDE</b>	
People who have been trafficked for servitude may:	
<ul style="list-style-type: none"> <li>Live with a family</li> <li>Not eat with the rest of the family</li> <li>Have no private space</li> <li>Have few or no personal possessions or inappropriate clothing for the environment</li> <li>Sleep in a shared or inappropriate space</li> <li>Be forced to take drugs or alcohol to allow for greater control</li> <li>Have experienced sexual assault with partner or others</li> <li>Be reported missing by their employer/guardian even though they are still living in their employer/guardian's house</li> </ul>	<p>Be subjected to insults, abuse, threats or violence</p> <ul style="list-style-type: none"> <li>Never or rarely leave the house for social reasons</li> <li>Never leave the house without their employer/guardian</li> <li>Have an instilled fear of engaging with persons outside the household</li> <li>Show signs of domestic or family violence</li> <li>Make excuses for physical injuries incurred at home</li> <li>Be forced to undertake free or low paid domestic or other labour</li> </ul>
<b>CHILDREN</b>	
Children who have been trafficked may:	
<ul style="list-style-type: none"> <li>Have no access to their parents or guardians</li> </ul>	<ul style="list-style-type: none"> <li>Travel unaccompanied by adults with telephone numbers calling for taxis</li> </ul>

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<ul style="list-style-type: none"> <li>• Look intimidated and behave in a way that does not correspond with behaviour typical of children their age</li> <li>• Have no friends of their own age</li> <li>• Have no access to education</li> <li>• Have no time for playing</li> <li>• Live apart from other children and in substandard accommodation</li> <li>• Eat apart from other members of the "family"</li> <li>• Be engaged in work that is not suitable for children</li> </ul>	<ul style="list-style-type: none"> <li>• Travel in groups with persons who are not relatives who may claim to have "found" the child</li> <li>• Possess child-sized clothing typically worn for doing manual or sex work</li> </ul> <p>Possess toys, beds and clothing in inappropriate places such as brothels and factories</p> <p>Be in an environment where the health and safety equipment is of poor quality, missing or modified so that it can be operated by children</p>
<b>LABOUR EXPLOITATION</b>	
People who have been trafficked for labour may:	
<ul style="list-style-type: none"> <li>• Work in unskilled manual labour for little or no pay</li> <li>• Be forced to work</li> <li>• Have little to no understanding of work rights and entitlements</li> <li>• Receive threats against joining a union</li> <li>• Work in environment where labour laws are being breached</li> <li>• Be subjected to security measures designed to keep them on the work premises</li> <li>• Lack basic training and professional licences</li> </ul> <p>Work where notices have been posted in languages other than the local language</p> <ul style="list-style-type: none"> <li>• Be disciplined through fines</li> </ul> <p>Have to pay for tools, food or accommodation or that those costs are being deducted from their wages.</p> <p>Have no choice of accommodation or accommodation is poor quality, multi-occupancy accommodation</p> <ul style="list-style-type: none"> <li>• Live in groups in the same place where they work and leave those premises infrequently, if at all</li> </ul>	<ul style="list-style-type: none"> <li>• Work in unsanitary and/or unsafe conditions</li> <li>• Not be dressed adequately for the work they do, for example, they may lack protective equipment or warm clothing</li> <li>• Forced to open bank accounts controlled by the employer</li> <li>• Have their passport and other personal documents kept by the employer and the worker is not allowed to have them when they want them</li> </ul> <p>Depend on their employer for a number of services, including work, transportation and accommodation.</p> <ul style="list-style-type: none"> <li>• Be in an environment where there are no health and safety notices</li> <li>• Have no labour contract</li> <li>• Have their movements and accessibility to transport tightly controlled</li> </ul> <p>Have an employer or manager who is unable to show the documents required for employing workers from other countries or records of wages paid to employees</p>

**UNCLASSIFIED****APPENDIX 2: INFORMATION REPORT FWO TO AFP**

**Fair Work**  
OMBUDSMAN

**Information Report (IR)**

**Date Reported to AFP:**


<b>Reporting Agency:</b>	Fair Work Ombudsman	
<b>Reporting Officer:</b>	Assistant Director – Overseas Workers Team <i>Name + phone + email</i>	
<b>Subject:</b>	Human Trafficking, Slavery or Slavery-like offence	
<b>Date received:</b>		
<b>Source of Information:</b>		
<b>Information (Summary including a list of evidence available):</b>		
<b>Human Trafficking and or Slavery-like practices</b> (Delete those not applicable below)		
<ul style="list-style-type: none"> <li>• <b>Forced Labour (Labour exploitation)</b> <ul style="list-style-type: none"> <li>○ (commercial setting)</li> <li>○ (private setting)</li> </ul> </li> <li>• <b>Servitude (Sexual exploitation)</b> <ul style="list-style-type: none"> <li>○ (commercial setting)</li> <li>○ (private setting)</li> </ul> </li> <li>• <b>Slavery</b></li> <li>• <b>Servitude (domestic)</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Forced Marriage</b></li> <li>• <b>Deceptive Recruiting</b></li> <li>• <b>Debt Bondage</b></li> <li>• <b>Harbouring a victim</b></li> <li>• <b>Organ trafficking</b></li> <li>• <b>Trafficking a person-</b> <ul style="list-style-type: none"> <li>○ exit offence (victim departing Australia)</li> </ul> </li> <li>• <b>Other:</b></li> </ul>	
<b>Indicators</b> (Specify these from the List of Indicators)		


# Human trafficking and modern slavery




 Module overview

 What is human trafficking and modern slavery?


 Knowledge check - What is human trafficking and modern slavery?

 Human trafficking and modern slavery indicators

 Knowledge check - Abdul's story

 Knowledge check - Marco's story (video)

 Knowledge check - Marco's story (questions)

 What is the FWO's role as part of the Australian Government response?

 Knowledge check - Role of organisations



What process should be followed if human trafficking/slavery is suspected?



Knowledge check - Raheti's story (video)



Knowledge check - Raheti's story (questions)



More information



Summary

Documents released by the Fair Work Ombudsman under the Freedom of Information Act

Lesson 1 of 14

## Module overview

---



Timothy Buckley was commissioned to produce this artwork, called 'Stepping Forward'. It represents taking the next step on the journey towards reconciliation and the potential possibilities where everyone is included.

---

The Fair Work Ombudsman acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, waters and community.

We pay our respect to them and their cultures, and Elders, past, present and future.



## **“Overview**

This module covers the following topics:

1. What is human trafficking and modern slavery?
2. How is human trafficking and/or modern slavery identified?
3. What is the FWO's role as part of the Australian Government response?
4. What process should a Fair Work Inspector (Inspector) follow when human trafficking and/or modern slavery is suspected?



## **“Learning outcomes**

On completion of this module, you will be able to:

- Explain what human trafficking and modern slavery is
- Recognise the indicators of human trafficking and modern slavery
- Collect information about people, their behaviour and the environment when human trafficking and/or modern slavery indicators are present
- Appropriately report suspected human trafficking and/or modern slavery cases to the Australian Federal Police (AFP).





**"Duration**

You should allow **60 mins** to complete this module."

CONTINUE

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# What is human trafficking and modern slavery?

**Human trafficking** is the physical movement of people across or within borders by coercing, threatening or deceiving them, for the purpose of exploiting them when they reach their destination. In essence, human trafficking is the ongoing exploitation of a person once they reach their destination country.

**Modern slavery** is a term used to describe serious criminal exploitation. Modern slavery describes situations where offenders use coercion, threats or deception to exploit victims and undermine their freedom.

Trafficking in persons is a criminal offence under the Criminal Code Act 1995 (Commonwealth). In fact, there are nine different exploitative crime types under the legislation.

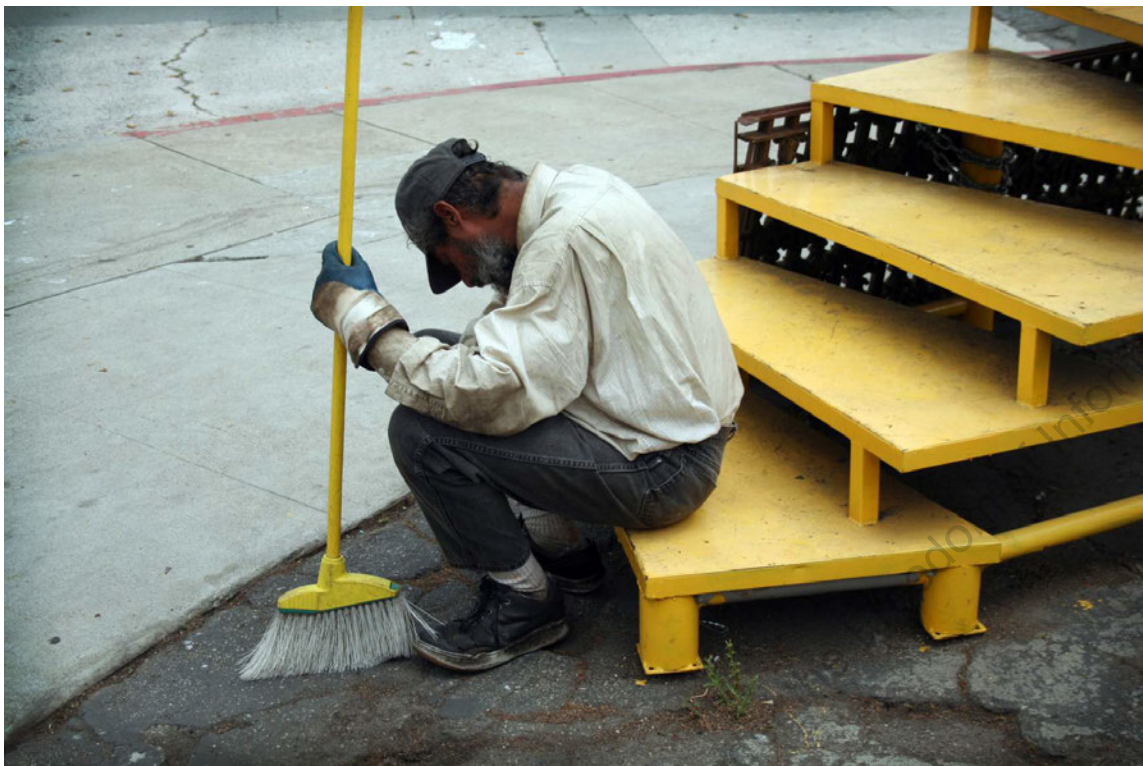
Click through each tab to learn more about the nine crime types:

SLAVERY	FORCED LABOUR	HUMAN TRAFFICKING	SERVITUDE	D RE
Slavery occurs when a person exercises the rights of ownership over another person. This includes the power to make the victim an object of purchase or to use their labour or services in a substantially unrestricted manner.				



SLAVERY	FORCED LABOUR	HUMAN TRAFFICKING	SERVITUDE	D RE
---------	---------------	----------------------	-----------	---------

Forced labour occurs when the victim does not consider themselves free to cease providing their labour or services OR to leave their place or area of work because of the use of coercion, threats or deception. This is often referred to as 'serious labour exploitation' or 'criminal labour exploitation'.



SLAVERY	FORCED LABOUR	HUMAN TRAFFICKING	SERVITUDE	D RE
<p>Human trafficking is the recruitment, transportation, transfer, harbouring or receipt of persons by the threat or use of force, coercion, deception or other means for the purpose of exploitation.</p>				



SLAVERY	FORCED LABOUR	HUMAN TRAFFICKING	SERVITUDE	D RE
---------	---------------	----------------------	-----------	---------

Servitude occurs when the victim does not consider themselves free to cease providing their labour or services OR to leave their place or area of work because of the use of coercion, threats or deception. To be in a condition of servitude, the victim must also be significantly deprived of their personal freedom.



SLAVERY	FORCED LABOUR	HUMAN TRAFFICKING	SERVITUDE	D RE
<p>Deceptive recruiting occurs when the offender engages in conduct with the intention of inducing another person (the victim) to enter into an engagement to provide labour or services, and their conduct causes the victim to be deceived about the:</p> <ul style="list-style-type: none"><li>• extent to which they will be free to cease providing the labour or services, or free to leave the place of employment or place of their residence</li><li>• quantum or the existence of a debt owed or claimed to be owed in connection with the engagement</li><li>• fact that the engagement will involve exploitation, or the confiscation of the victim's travel or identity documents; or</li><li>• provision or nature of sexual services as part of the engagement.</li></ul>				



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CAREER OPPORTUNITY

● JOB AVAILABLE ●

CLEANERS

APPLY NOW

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SLAVERY	FORCED LABOUR	HUMAN TRAFFICKING	SERVITUDE	D RE
<p>Organ trafficking occurs when the offender assists with the transportation of a person (victim) and is reckless as to whether that transportation will result in the victim's organs being removed against their consent.</p>				





SLAVERY	FORCED LABOUR	HUMAN TRAFFICKING	SERVITUDE	D RE
---------	---------------	----------------------	-----------	---------

Forced marriage occurs when the victim gets married without freely and fully consenting because they have been coerced, threatened or deceived or because they are incapable of understanding the nature and effect of a marriage ceremony.



SLAVERY	FORCED LABOUR	HUMAN TRAFFICKING	SERVITUDE	D RE
---------	---------------	----------------------	-----------	---------

Debt bondage occurs when the victim pledges their services or the services of a third person as security for a real or purported debt where this debt is: manifestly excessive; or the reasonable value of their services is not applied to the debt; or the length and nature of their services are not limited or defined.



SLAVERY	FORCED LABOUR	HUMAN TRAFFICKING	SERVITUDE	D RE
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Harbouring a victim occurs when the offender harbours, receives or conceals another person (the victim) and the offender's actions assists a third person to commit any of the human trafficking, modern slavery or slavery-like crimes against the victim.



**"You might also be interested in:**

Read about the offences of human trafficking and modern slavery which are set out and defined in Division 270 and 271 of the [Criminal Code Act 1995](#). "

The legislative definitions of the nine crime types can be found in the following Sections of the Act:

- Slavery – Section 270.1
- Forced labour – Section 270.6
- Human trafficking – Section 271.2
- Servitude – Section 270.4

- Deceptive recruiting – Section 270.7
- Organ trafficking – Section 271.7A–E
- Forced marriage – Section 270.7A
- Debt bondage – Section 270.1A
- Harboursing a victim – Section 271.7F

Read about the [Modern Slavery Act 2018](#), which established Australia's national Modern Slavery Reporting Requirement.

Read about the number of people that live in modern slavery on the [Anti-Slavery Australia website](#).

Visit the [Australian Red Cross website](#) and then scroll down the page to watch videos on forced labour, servitude and forced marriage.

CONTINUE

Lesson 3 of 14

## Knowledge check – What is human trafficking and modern slavery?

---

There are 3 multiple choice questions.

You are required to get them all correct in order to continue.

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**Question**

**01/03**

**In essence, human trafficking is:**

---

- ☐ the buying or selling of a person
- ☐ being fearful of authorities
- ☐ the ongoing exploitation of a person once they reach their destination country

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**Question**

**02/03**

Where would you find the definitions of human trafficking, modern slavery and slavery-like practices?

---

- ☐ Fair Work Act 2009
- ☐ Criminal Code Act 1995
- ☐ Modern Slavery Act 2018

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**Question****03/03**

Which of the following crime types may constitute modern slavery?

*(select all that apply)*

---

☐

Slavery

☐

Servitude

☐

Forced labour

☐

Debt bondage

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# Human trafficking and modern slavery indicators

---

## How is human trafficking and modern slavery identified?

Expand each of the below to learn more about some of the human trafficking and slavery indicators that Inspectors may come across:

### Deceit —

A person may be deceived about the nature of their job, location or employer.

### Little or no pay —

A person may receive little or no pay as well as hold little or no understanding of their work rights and entitlements.

### Feel they cannot leave —

A person may feel they cannot leave their work environment or accommodation.

**Receive threats** —

A person may be subjected to violence or threats of violence against themselves or against their family members and loved ones.

**Forced to work** —

A person might be forced to work under certain conditions or unable to negotiate working conditions.

**Working in unsanitary and/or unsafe conditions** —

A person may be subjected to work in unsanitary and/or unsafe working conditions.

**Bonded by debt** —

A person might be under the perception that they are bonded by debt and not free to cease work.

## Fear

A person might display fear, anxiety, distress or nervousness.



### **"You might also be interested in:**

To assist in the identification of potential cases of human trafficking and slavery, the AFP provides guidance on the nine crime types and indicators.

For more information, refer to the [AFP's website](#) and the AFP's full list of [human trafficking and slavery indicators](#)."

CONTINUE

Lesson 5 of 14

## Knowledge check – Abdul's story

---

Read Abdul's story and answer the question.

You are required to answer the question correctly to continue.

Note: Abdul's story is provided c/o permission from Anti-Slavery Australia

Documents released by the Fair Work Ombudsman under the Freedom of Information Act

**Question****01/01**

Life in the construction industry in Indonesia is tough and the wages are low – even with 15 years' experience, 35-year-old Abdul struggled to support his wife and four children.

He heard about the work and pay conditions in other countries so when an international employment company visited his workplace, he was excited to hear what Australia had to offer.

Even though it meant leaving his wife and children, Abdul decided it would be just for a few years and the money he'd make would safeguard his family's future. He signed up with a construction labour contractor for sponsorship under the (then) 457 Visa scheme – he was led to believe he would work as a tradesperson on building sites in Canberra with decent wages, accommodation and time off on weekends.

The reality for Abdul was very different. He found himself corralled with other foreign workers in cramped conditions on his boss's rural property. The workers were driven to and from work each day in a van and had no opportunity to leave the property at other times. Abdul worked six days a week for a wage of \$250 but his boss deducted \$100 from this for food and accommodation as well as the cost of his weekly call to his family in Indonesia. He was also expected to do odd jobs on the property for no pay on his one day off. Abdul felt helpless and exploited:



*'I was not given any information about working conditions and fair rates of pay in Australia. Now that I know I feel like I have been taken advantage of. Because I was staying at my boss's house, I felt very isolated. There was no-one I could talk to about the problems at work.'*

Identify the indicators of potential human trafficking and/or modern slavery in Abdul's story. *(select all that apply)*

---

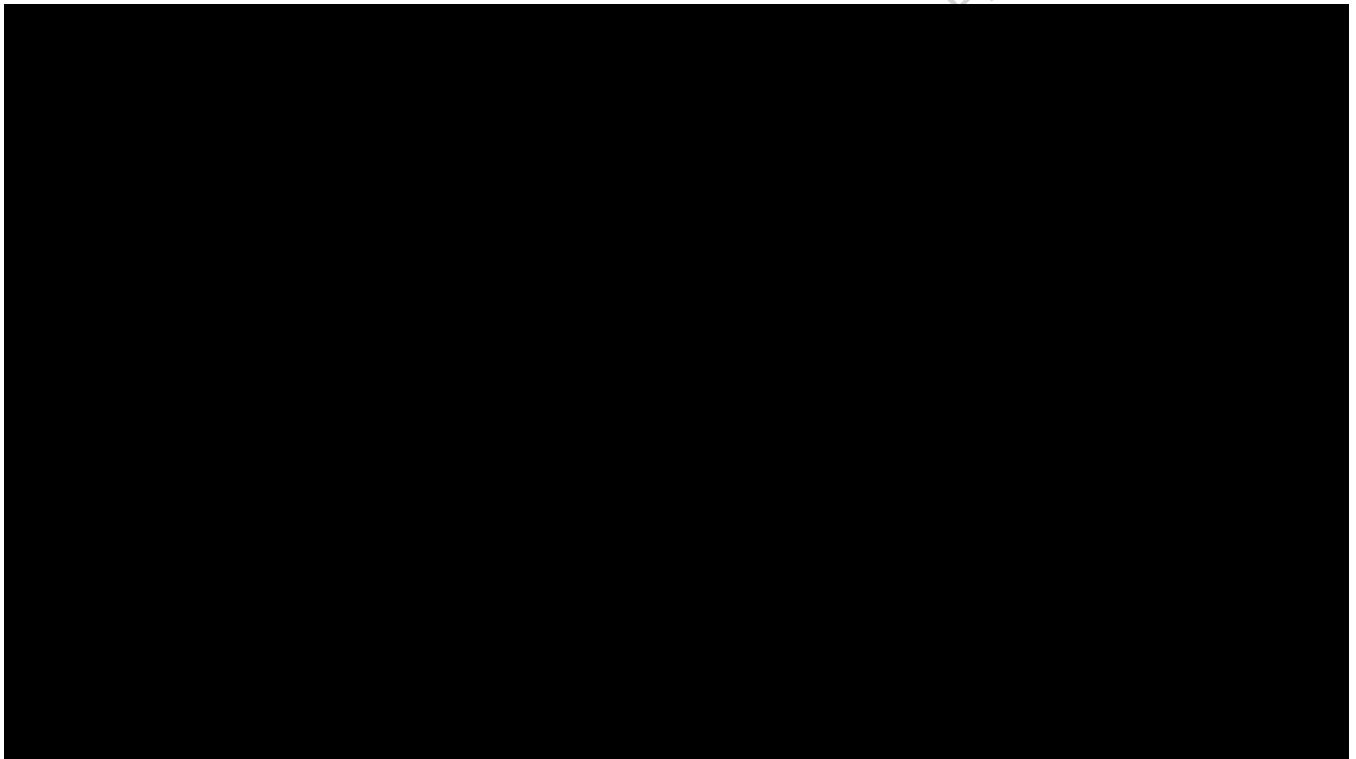
- ☐ Deceit about the nature and the location of the job
- ☐ Poor or substandard accommodation
- ☐ Receives little or no pay for work performed
- ☐ Little understanding of his work rights and entitlements
- ☐ Feelings of helplessness and exploitation

Lesson 6 of 14

## Knowledge check – Marco's story (video)

---

**Watch Marco's story below:**



View video transcript:



**Marco's story - video transcript.docx**

379.1 KB



CONTINUE

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Lesson 7 of 14

## Knowledge check – Marco's story (questions)

---

There are 3 multiple choice questions.

You are required to get them all correct in order to continue.

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**Question**

**01/03**

**Was the employee being forced to work 7am – 5pm, 6 days a week a potential indicator of human trafficking and/or slavery?**

---

☐ Yes

☐ No

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**Question**

**02/03**

Are deductions from employees' pay for transport and electricity costs permissible?

---

- ☐ Yes
- ☐ No
- ☐ Maybe

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**Question**

**03/03**

Can employers arrange and manage accommodation for their employees?

---

☐ Yes

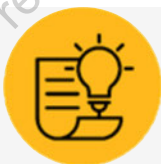
☐ No

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# What is the FWO's role as part of the Australian Government response?

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- The FWO's purpose is to promote harmonious, productive, cooperative and compliant workplace relations in Australia.
- We understand that to be an effective and efficient workplace regulator, we must be responsive to the evolving needs and expectations of the Australian Government and the community.
- While human trafficking and modern slavery does not fall within the FWO's operational remit, the FWO considers human trafficking, slavery and slavery-like practices to be serious crimes which require a coordinated whole-of-government response.
- As the workplace regulator, the FWO recognises that it may encounter potential victims and perpetrators of human trafficking and slavery as part of carrying out its responsibilities under the Fair Work Act 2009.
- In particular, the FWO may come across suspected human trafficking, slavery and slavery-like practices when providing advice or assistance to customers, or when investigating allegations of non-compliance with workplace laws. When this occurs, the FWO must report the relevant information to the AFP.



## **"You might also be interested in:**

In recent years, community, political and media commentary has highlighted that breaches of workplace laws and more serious crimes of slavery and



forced labour exist on the same spectrum of exploitation and that addressing non-compliance with workplace laws is an integral part of Australia's response to combatting modern slavery.

To respond to these serious crimes, the FWO is:

- Committed to supporting staff to recognise the indicators of human trafficking and slavery and report suspected instances to the AFP.
- A member of the Interdepartmental Committee on Human Trafficking and Slavery, which is responsible for overseeing Australia's response to human trafficking and slavery. This committee is chaired by the Attorney-General's Department.
- A member of the Interdepartmental Committee on Modern Slavery in Public Procurement whose purpose is to drive the strategic direction of the Australian Government's response to modern slavery risks in Commonwealth supply chains and operations, including the development of the Commonwealth's annual Modern Slavery Statement.
- A member of the National Roundtable on Human Trafficking and Slavery, a consultative mechanism between the Government and non-government organisations.

CONTINUE

Lesson 9 of 14

## Knowledge check – Role of organisations

---

Although this module focuses on the role of the FWO in identifying potential cases of human trafficking and/or slavery and reporting these to the AFP, it is useful to have awareness of how other organisations contribute to combating these crimes.

What are the different roles of Government and non-government organisations in relation to human trafficking and slavery?

There are five questions. For each question, select the organisation responsible for the role described.

You must answer all questions correctly to continue.

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**Question****01/05**

Leads Australia's broader criminal justice response to human trafficking and modern slavery, including developing legislation and implementing the National Action Plan to Combat Modern Slavery 2020-25.

---

- ☐ Attorney-General's Department
- ☐ Department of Foreign Affairs and Trade
- ☐ Australian Red Cross
- ☐ Anti-Slavery Australia
- ☐ Department of Home Affairs

**Question****02/05**

Administers the Human Trafficking Visa Framework, which provides alleged victims with a valid visa.

---

- ☐ Attorney-General's Department
- ☐ Department of Foreign Affairs and Trade
- ☐ Australian Red Cross
- ☐ Anti-Slavery Australia
- ☐ Department of Home Affairs

**Question****03/05**

A specialist legal research, policy and education centre dedicated to the abolition of human trafficking and modern slavery.

---

- ☐ Attorney-General's Department
- ☐ Department of Foreign Affairs and Trade
- ☐ Australian Red Cross
- ☐ Anti-Slavery Australia
- ☐ Department of Home Affairs

**Question****04/05**

A charity which provides support to people who have been impacted by trafficking. They provide casework support, accommodation, financial assistance, counselling and mental health support.

---

- ☐ Attorney-General's Department
- ☐ Department of Foreign Affairs and Trade
- ☐ Australian Red Cross
- ☐ Anti-Slavery Australia
- ☐ Department of Home Affairs

**Question****05/05**

Responsible for regional and international engagement on human trafficking and modern slavery, including through Australia's Ambassador for People Smuggling and Human Trafficking.

---

- ☐ Attorney-General's Department
- ☐ Department of Foreign Affairs and Trade
- ☐ Australian Red Cross
- ☐ Anti-Slavery Australia
- ☐ Department of Home Affairs

# What process should be followed if human trafficking/slavery is suspected?

## Collecting information

While the FWO does not investigate human trafficking matters, the agency's unique position enables the collection, observation and provision of valuable information to the AFP.

Inspectors may see and hear things which may not be present by the time the AFP gets to the scene.

Taking detailed notes provides the AFP with a more comprehensive picture of what may have been occurring.

PEOPLE	BEHAVIOUR	ENVIRONMENT
<p>Consider who is present. Everyone should be considered because offender/s may be hiding amongst victim/s. Information you might collect includes:</p> <ul style="list-style-type: none"><li>• Documents supporting identity</li><li>• A physical description of the person/s and their clothing</li><li>• The condition of the person/s, their health and any injuries or malnourishment</li><li>• Copies of work contracts and banking records</li></ul>		



- General observations of the person/s, including where there are located, who they are standing with, and what they may have on them.



#### PEOPLE

#### BEHAVIOUR

#### ENVIRONMENT

Look at body language and demeanour. Information you might collect includes:

- The demeanour of the possible victim/s, their facial expressions, posture and any changes when certain person/s appear
- The demeanour of the possible offender/s, including eye contact, facial expressions toward others and hand gestures
- Observations about control, freedom to leave, who has control of the money, and who is friends/acquaintances with who.

**PEOPLE****BEHAVIOUR****ENVIRONMENT**

Have a look around. What do you see? Information you might collect includes:

- The presence of locks on doors or bars on windows
- Sleeping quarters with multiple persons sleeping in small rooms, no proper bedding or mattress/s on the floor
- Identity documents in locked receptacles
- Notices in common areas in other languages
- The details of vehicles which appear to carry people to and from the address.



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*Note: this information on the importance of interpreters is provided c/o permission from the AFP's 'Look a Little Deeper' human trafficking and slavery program.*

### **The importance of interpreters**

- Victims of human trafficking may speak little to no English. Even those who appear fluent may not necessarily be able to understand what you are saying or properly explain what has happened to them. Therefore, it is important to use a qualified interpreter.
- Avoid using unqualified interpreters (for example, family members, friends or associates of the victim), as this may impact the victim's account of what happened and create issues if a matter goes to court.

- There have also been occasions where recruiters pretend to phone a friend to do the interpreting, but they are actually calling the trafficker.
- Although using a qualified interpreter takes longer, the information you obtain will be far more accurate and credible, and it provides the best opportunity for a successful prosecution.

## Reporting process

- All cases with indicators of human trafficking and/or modern slavery must be reported to the AFP.
- The AFP is responsible for formally investigating all human trafficking, modern slavery and slavery-like offences.
- Inspectors can report a suspected case of human trafficking and/or modern slavery to the AFP even if they are not certain that it is occurring.
- Information should be forwarded to the AFP via the appropriate templates. Depending on the type of information available, this will be either through the Agency Report a Crime form or an Information Report form. Inspectors are encouraged to work with their Assistant Director and use common sense when determining the report type.







Refer to the AFP reporting processes documents on the Human Trafficking and Modern Slavery intranet page for more details about:

- collecting information to support an AFP investigation
- the options for reporting information to the AFP; and
- how to complete a report for investigation or an information report.

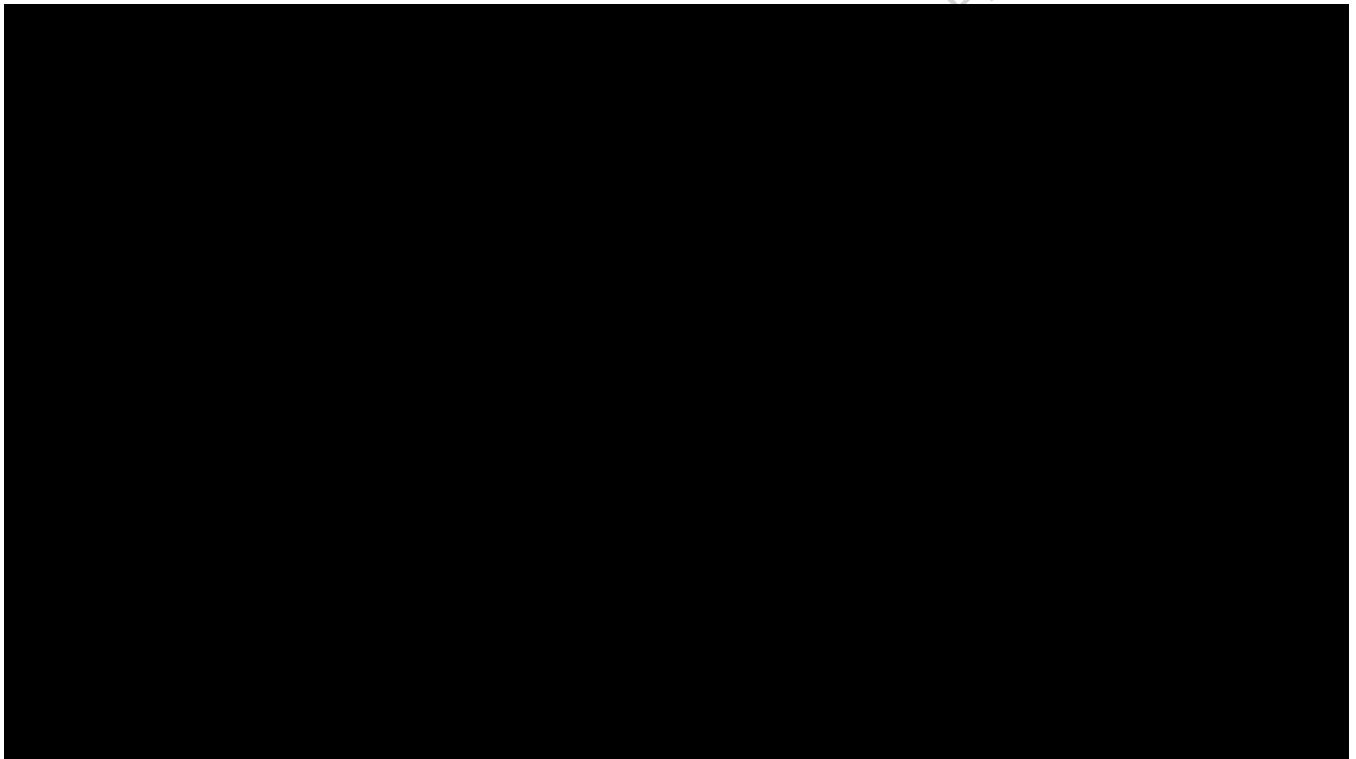
CONTINUE

Lesson 11 of 14

## Knowledge check – Raheti's story (video)

---

**Watch Raheti's story below:**



View video transcript:



**Raheti's story - transcript.docx**

383.7 KB



CONTINUE

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Lesson 12 of 14

## Knowledge check – Raheti's story (questions)

---

There are 3 multiple choice questions.

You are required to get them all correct in order to continue.

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**Question**

**01/03**

**Should an employee have access to their passport and other identity documents?**

---

☐ Yes

☐ No

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**Question**

**02/03**

**Was the employer's job advertisement deceptive?**

---

☐ Yes

☐ No

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**Question**

**03/03**

**Did the Inspectors gather enough evidence to complete an information or investigation report to the AFP?**

---

☐ Yes

☐ No

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Lesson 13 of 14

## More information

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"For more information, please see:

- Human trafficking and modern slavery information contained on the Human Trafficking and Modern Slavery intranet page, including:
  - AFP reporting processes for reporting potential cases of human trafficking and modern slavery to the AFP.
- [Australian Federal Police](#)
- [Anti-Slavery Australia](#)

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CONTINUE

Documents released by the Fair Work Ombudsman under the Freedom of Information Act

Lesson 14 of 14

## Summary

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Congratulations, you have successfully completed the eLearning module on human trafficking and modern slavery for Fair Work Inspectors.

If you have any questions, please contact the International Labour Strategy team.

**Select the Exit button to exit the course:**

EXIT



**AUSTRALIAN FEDERAL POLICE**

**FAIR WORK OMBUDSMAN**

**TRANSCRIPT**

**Look a little deeper**

**Scenario number 5**

**Farm – Fair Work Inspectors**

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**Tom:** What's going on over there?

**Max (to workers):** This is unbelievable! We're late!

**Chris:** Yeah, I think we might go have a chat with them.

**John:** Hi I'm John Wilson the owner.

**Alex:** Hi John, I'm Alex we're from the Fair Work Ombudsman. We're here to conduct the audit we spoke about on the phone. These are my colleagues Kate, Tom and Chris.

**John:** Thank you. I think I've got all the documents you want together, they're in the office, if you would like to come in?

**Alex:** That would be great. Can you tell us a bit about your operations here?

**John:** We're an orange orchard. We distribute oranges to supermarkets around the nation and maybe getting into export, probably next year.

**Alex:** Ok great. Can you tell us how many workers you've got here today?

**John:** We have about twenty, I think. One group's turned up, maybe eight to ten. Our farmhand contractor Max looks after that side. To be honest I don't really know.

**Tom:** Right ok, Chris and I will go and have a chat to Max and the workers.

**John:** All the documents I think you wanted are here Kate.

**Kate:** Thank you John.

**Max (to workers):** Good oranges on the top, bad ones on the bottom because you want the people to see the good ones, so it looks like we've got a bumper crop this year, alright? No worries, good stuff.

**Tom:** G'day, I'm Tom and this is Chris we're inspectors with the Fair Work Ombudsman. Can I start with your name thanks?

**Max:** Yeah sure, I'm Max, Max Jenkins. I'm the farmhand supervisor here.

**Tom:** What does your role involve Max?

**Max:** I basically look after the workers. I recruit them, I drive them around, pick them up, I also look after their wages too.

**Tom:** How many workers do you look after?

**Max:** I've got twenty-two on the books so far. I've just dropped off the first bus load this morning, about to go pick up another bus load now.

**Chris:** Ok and where are those workers?

**Max:** They're in the city actually, in a backpacker's joint. Most of them stay there. I get a pretty good deal with the owner. It's actually my brother.

**Chris:** No worries Max. Well, we might have a chat with some of the other workers and then we'll come back to you for some more details.

**Max:** Some of them don't speak English that well but I understand, so if you need me to interpret, I can help you out there.

**Chris:** All good, thanks Max, we'll take it from here. If we need an interpreter, we'll just use our interpreting service.

**Chris:** G'day, I'm Tom and this is Chris. We're inspectors with the Office of the Fair Work Ombudsman. We're just here today to ask you a few questions to make sure you are getting your correct minimum workplace entitlements. Can I grab your name please?

**Marco:** Marco.

**Tom:** Do you mind if we grab a seat?

**Marco:** Sit, sit.

**Tom:** What are your duties here? What do you do?

**Marco:** I pick oranges, as many boxes as I can fill in one day.

**Tom:** Okay and how long do you work? What are your hours?

**Marco:** Today we start late because there was a flat tyre. Normally 7 in the morning until 5 in the afternoon.

**Tom:** How many days per week do you do that?

**Marco:** We work 6 days a week and we have a day off to rest on Sunday.

**Tom:** Are you a permanent worker here?

**Marco:** I've been here 3 months.

**Tom:** And do you have a piecework agreement?

**Marco:** No.

**Tom:** Do you have a piece of paper that tells you what your hours are and how much you will be getting paid?

**Marco:** No.

**Tom:** How long will you stay and work here?

**Marco:** Maybe until the big bill is paid off.

**Tom:** How much do you get paid?

**Marco:** If I can fill 5 boxes of oranges per hour, I get \$600 a week but all of us must give \$300 to the boss for the big bill.

**Tom:** What's the big bill?

**Marco:** I don't know, we all just have to pay.

**Tom:** Right. Who is the boss that requires you to pay this?

**Marco:** Max.

**Chris:** Marco, when we came in this morning Max seemed angry. What was going on there?

**Marco:** He was angry because the wheel was flat, broken and he said he's going to deport us.

**Chris:** Okay Marco, we might just get a few details off you and then we will chat to some of the other workers here.

**Kate:** The records seem to be pretty good but the owner doesn't seem to know much about the workers. He leaves it all to the supervisor Max.

**Chris:** Yes, Max concerns me. He's seems to be in charge of everything for the workers, from their accommodation to their pay. Tom and I spoke to one of the workers, they didn't know what a piecework agreement was or a payslip. I don't think he's even seen one before.

**Tom:** Yeah, okay. Their wages seem ok but he does take about half out for some big bill. We asked Max about it and he said it's to cover transport costs and electricity.

**Chris:** One of the workers said the big bill is thousands of dollars each but he didn't know what was for. I reckon we get as much information as possible.

**Alex:** Alright, well let's get copies of these records, details for all the workers, we'll take some photos and I'd like to ask Max a few more questions. Then we can take all of this back to our Assistant Director.

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**AUSTRALIAN FEDERAL POLICE**

**FAIR WORK OMBUDSMAN**

**TRANSCRIPT**

**Look a little deeper**

**Scenario number 6**

**Restaurant – Fair Work Inspectors**

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**Owner:** Good morning. Table for two?

**Emma:** Hi, I'm Emma and this is Matt, we're from the Fair Work Ombudsman. I was wondering if there was a manager or an owner I could speak to please.

**Owner:** I am the owner. You're talking to him.

**Emma:** Oh great and what was your name?

**Owner:** Ben, Benji Jaleros. What is this about? I don't understand. We are very busy. It is nearly lunch time.

**Emma:** It's nice to meet you. As I said, my name is Emma and this is Matt. We're from the Fair Work Ombudsman. Here's our identification. We've received some information that there might be some non-compliance with workplace laws in this restaurant.

**Owner:** Non-compliance? I don't understand. Someone is making up these stories. I run a good shop. Everybody gets paid. What is the problem?

**Emma:** I understand that Ben but when we receive this kind of information, we need to follow up to make sure everything is ok. So we will be checking to see if you're paying your workers correctly.

**Owner:** Pay? Of course, everyone gets paid. This is my shop.

**Emma:** So my colleague Matt would also like to have a chat with some of your workers here today. How many do you have on shift at the moment?

**Owner:** Four but only one right now. He is very busy. He can't be talking right now.

**Matt:** I will need to talk to him. Thank you.

**Owner:** Raheti, come. These people want to talk to you, but remember we are very busy ok? Don't be talking too long.

**Emma:** Okay, so Matt will have a chat to him and while he does that could I please have a look at your employment records Ben? We might also need to provide you with a formal notice to produce us with the same information so we can review it in more detail when we are back at the office.

**Owner:** Raheti, remember, we are very busy yeah?

**Matt:** Hi, it was Raheti was it? My name is Matt. I'm from the Fair Work Ombudsman. I have to show you that. We're here today just to have a bit of a chat about your conditions of employment and some of the work you do here. You're not in any trouble, but I might just start with your full name and address.

**Raheti:** I am Raheti. Raheti Donetchva. I live behind.

**Matt:** Behind the shop?

**Raheti:** Yes.

**Matt:** Is there accommodation back here?

**Raheti:** Yes.

**Matt:** Okay. I thought it was a shop front.

**Matt:** How long have you worked here Raheti?

**Raheti:** 12 months.

**Matt:** When you started, how did you actually find the job?

**Raheti:** I see job in the paper and I think I am going to be working near the Sydney Opera House in a big restaurant. I'm a qualified chef but I am not cooking here. I do the cleaning and the waiting of the tables. One day boss say maybe I will be doing the cooking but now I peel the potatoes, clean the scallops. Only 12 more months then I can go home to my family.

**Matt:** Do you know how much you're being paid?

**Raheti:** \$250

**Matt:** Okay is that \$250 a day?

**Raheti:** \$250 a week. \$50 for the bed and maybe \$10 if I need to get mop and cloth, then I keep the rest.

**Matt:** How many hours a week are you working?

**Raheti:** 10, 12 hours, sometimes 14 hours a day. Depending if people are not coming for their shift.

**Emma:** So how long have you owned this place Ben?

**Owner:** 5 years.

**Emma:** Whose passports are they?

**Owner:** My staff. I keep them in here for safe keeping.

**Emma:** What happens when they need their passports?

**Owner:** They come to me and then I give them their passports.

**Emma:** Okay. Do you have a list of your workers for me Ben, like a roster?

**Owner:** Roster? What do I need a roster for? I know where my workers are. When I want them to work, they work.

**Emma:** Do you have Raheti's pay slips available?

**Owner:** The payslips are right here.

**Emma:** So how'd you go with that employee?

**Matt:** Yeah I'm a bit concerned about what's going on here. I think there potentially could be some trafficking indicators. So yeah, talking to Raheti, he's a qualified chef and thinks he's coming out to work at some of the top restaurants in Sydney. He's

applied through an ad in his local paper. But he's only getting \$250 a week. That's before his accommodation and his cleaning stuff is getting taken out of that. And he's living out the back of the shop.

**Emma:** Yeah look, I saw an ad on Ben's desk. I couldn't read it but think it might be the same one. I also saw some passports in his cupboard, which he tells me he has for safe keeping. It could be true. I don't know, something doesn't feel right.

**Matt:** Whether it's trafficking or not, it's not really for us to decide, all we can do is take photos, get as much evidence as we can while we're here. If something does turn out, then we've grabbed what we can.

**Emma:** I agree, then we can pass that on to our Assistant Director.

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