



Meat the Reality: Unpacking the exploitation of PALM Scheme workers in Australia's meat industry

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Acknowledgement of Country

We acknowledge the Wurundjeri people of the Kulin Nations as the traditional owners of the land on which RMIT University stands. We respectfully recognise Elders both past and present. We recognise that this land always was and always will be Aboriginal and Torres Strait Islander land because sovereignty has never been ceded. We acknowledge the role of the colonial legal system in establishing, entrenching, and continuing the oppression and injustice experienced by First Nations peoples.

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Table of Abbreviations

Abbreviation	Full Form
ABF	Australian Border Force
ANZSCO	Australian and New Zealand Standard Classification of Occupations
CSDDD	Corporate Sustainability Due Diligence Directive
DEWR	Department of Employment and Workplace Relations
DFAT	Department of Foreign Affairs and Trade
FEG	Fair Entitlements Guarantee
FIP	FIP Group (labour hire provider mentioned in the context of PALM Scheme workers)
FWA	Fair Work Act
FWO	Fair Work Ombudsman
MSA	Modern Slavery Act
NSW MSA	Modern Slavery Act 2018 (New South Wales)
PALM	Pacific Australia Labour Mobility
PAR	Participatory Action Research
PICSA	Pacific Island Council of South Australia
PNG	Papua New Guinea
PLS	Pacific Labour Scheme
PVW	Protecting Vulnerable Workers (as in Fair Work Amendment (Protecting Vulnerable Workers) Act)
SWP	Seasonal Worker Programme
TVET	Technical and Vocational Education and Training

Introduction

Beneath the surface of juicy steaks and glossy supermarket shelves lies a grim reality marked by exploitation and precariousness for migrant workers. This report finds that the industry thrives on the backs of vulnerable workers, predominantly from Timor-Leste and Pacific Island nations, who come to Australia on the Pacific Australia Labour Mobility (PALM) scheme.¹ These workers are subjected to sub-minimum wages, sham contracts, and punitive deductions. The PALM Scheme reflects historical patterns of exploitation, drawing comparisons to the 'blackbirding' era.

Despite its critical economic importance, the industry's reliance on vulnerable workers highlights a stark contradiction between its global success and the exploitation underpinning its operations. The meat processing industry in Australia is a significant economic sector, with a turnover of approximately \$75.4 billion in the 2021-2022 financial year.² This industry not only plays a crucial role in the domestic economy but also has a substantial impact on international markets, with Australia being a leading exporter of beef, sheep meat, and goat meat. In 2022, the export value of red meat and livestock rose by 17% year-on-year, totalling \$17.6 billion, and Australia

was the world's largest exporter of sheep meat and goat meat during this period.³ PALM workers constitute around 23% of Australia's meat processing workforce.⁴ Between January 2020 and June 2024, the percentage of PALM scheme workers (both short term and long term) employed in the meat processing sector varied between 38% and 65%.⁵ By October 2022, near the end of the COVID pandemic, the meat processing sector accounted for 71% of long-term PALM Scheme workers, surpassing the agriculture sector (20%), signifying a shift from the scheme's earlier focus on agriculture.⁶

Our investigation illuminates the lived experiences of these often-overlooked meat workers. Using the innovative photovoice methodology, we invited participants to capture their lived experiences via photography, amplifying their voices and highlighting their struggles and resilience. The report builds on our previous research on modern slavery reporting in the sector, a wealth of reports and academic literature, media probes, submissions to senate committees established by the government, and investigations by the Fair Work Ombudsman (FWO) by bringing the voices of PALM workers to life and making a range of policy recommendations.⁷ Throughout

1 A PALM Scheme worker is a 'citizen of a PALM scheme participating country who is issued an approved offer of employment in accordance with the PALM scheme deed and who is granted a PALM stream - temporary work (international relations) visa (subclass 403) or who holds a pandemic event (subclass 408) visa': Australian Government, Department of Employment and Workplace Relations, Pacific Australia Labour Mobility (PALM) Scheme Data: January to June 2024 (Commonwealth of Australia, August 2024).

2 IBIS World, 'C1111 - Meat Processing in Australia' (2024) <<https://my.ibisworld.com/au/en/industry/c1111/performance>>.

3 Meat and Livestock Australia, 'State of the Industry Reports' (2022) <<https://www.mla.com.au/prices-markets/Trends-analysis/state-of-the-industry-reports/>>.

4 The Australia Institute, 'PALM Visa Conditions Exploit Pacific Neighbours Working in Lucrative Australian Industries' (Web Page, 21 September 2024) <<https://australiainstitute.org.au/post/palm-visa-conditions-exploit-pacific-neighbours-working-in-lucrative-australian-industries/>>.

5 Holly Lawton, 'Pacific Labour Scheme: beefing up Australia's meat industry' (2020) DevPolicy Blog. Australian Government, Department of Employment and Workplace Relations, *Pacific Australia Labour Mobility (PALM) Scheme Data: January to June 2024* (Commonwealth of Australia, August 2024).

6 Pacific Australia Labour Mobility, 'The Long Term PALM Scheme: Triple Win During The COVID-19 Pandemic and Beyond (2023) <https://devpolicy.org/2022-Australasian-AID-Conference/presentations/PALM-scheme-during-COVID-19_CShilito.pdf>.

this report we compare our findings with this extant evidence.

While important recent changes to the PALM Visa Scheme were designed to address the lack of portability of working visas,⁸ dependence on employers has been described as being analogous to indentured labour by both Nationals Senator Matt Canavan⁹ and Labour MP Stephen Lawrence who said “as a matter of principle no worker should be indentured to a particular employer”.¹⁰ The findings arising from our novel research method support this characterisation but offer a more nuanced perspective on the profound lack of freedom felt by PALM Scheme workers in the meat industry.

The participants in our study were sent to isolated rural towns, far from familiar faces, and placed in shared housing with strangers. Most rarely see daylight, as their physically demanding shifts are often extended with overtime. Stripped of the full tenancy rights enjoyed by most Australians, they endure high rents that are automatically deducted from their wages.

Compounding this hardship, they are burdened with more physically onerous work tasks—a demand fuelled by racial stereotypes about their strength—yet they earn less than colleagues on other visa schemes. This stark inequity leaves them with scant freedom, little leisure, and the oppressive sense that their lives are consumed entirely by work.

Our report also finds a range of unscrupulous practices such as unpaid driving duties and ‘training’ stints, incorrect pay, and heavy deductions for transport, in addition to housing. These practices further exacerbate their exploitative situation, which is a result of systemic problems rather than isolated incidents.¹¹

In summary, the report finds that the PALM Scheme research participants experienced:

- **Restricted Freedoms:** Workers experienced limitations on their personal freedoms.
- **Long Working Hours:** Many reported extended working hours with significant unpaid work.
- **High Rent and Limited**

7 Senate Standing Committee on Education and Employment, ‘A national disgrace: The exploitation of temporary work visa holders’ (2016); Fair Work Ombudsman, ‘A report on the Fair Work Ombudsman’s Inquiry into the labour procurement arrangements of the Baiada Group in New South Wales’ (2015); Farbenblum, Bassina, and Laurie Berg. “Migrant workers’ access to remedy for exploitation in Australia: the role of the national Fair Work Ombudsman.” *Australian Journal of Human Rights* 23.3 (2017): 310-331; Jodie Gunders and Arlie Felton-Taylor, ‘Australia’s biggest meat processors at odds over JobKeeper’s influence on job cuts’ (ABC News, 2020); Caro Meldrum-Hanna et al, ‘Labour exploitation, slave-like conditions found on farms supplying biggest supermarkets’, (ABC News, 2015); Fair Work Ombudsman, ‘A report on the Fair Work Ombudsman’s Inquiry into the labour procurement arrangements of the Baiada Group in New South Wales’ (2015).

8 See PALM (2023) *Budget 2023–24 – PALM Scheme reforms FAQs*, <<https://www.palmscheme.gov.au/resources/budget-2023-24-palm-scheme-reforms-faqs>>.

9 Thompson (2022) *Coalition senator likens government’s seasonal worker scheme to indentured labour*, <<https://www.smh.com.au/politics/federal/coalition-senator-likens-government-s-seasonal-worker-scheme-to-indentured-labour-20220202-p59tbi.html>>.

10 Parliament of New South Wales, Legislative Council Hansard, 18 September 2024 available at <<https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1820781676-96865>>.

11 Matt Withers, ‘Promoted as a win-win, Australia’s Pacific island guest worker scheme is putting those workers at risk’ (The Conversation, 2024) <<https://theconversation.com/promoted-as-a-win-win-australias-pacific-island-guest-worker-scheme-is-putting-those-workers-at-risk-240333>>; Stephen Dziedzic, ‘Timor-Leste president slams exploitation in Australia’s PALM scheme’ (ABC News, 2024) <<https://www.abc.net.au/news/2024-10-09/ramos-horta-speech/104450934>>; Adele Ferguson, ‘Australia’s PALM working visa scheme is a ‘modern day slavery risk’, advocates say. The system needs to change-and fast’ (ABC News, 2024) <<https://www.abc.net.au/news/2024-10-11/australia-palm-working-visa-scheme-exploitation-calls-reform/104450508>>.

Accommodation Use: Workers paid high rent but had restricted access to their residences.

- **Lower Pay Rates:** PALM Scheme workers received lower pay than others in the same workplace.
- **Unpaid Overtime:** Overtime work was often unpaid.
- **Deductions from Wages:** Deductions, including for rent, left workers with minimal take-home pay.
- **Deception:** Workers felt misled by promises made during briefings that did not match the reality of their work conditions and pay.

This report ends by making seven key recommendations for reforming law and policy to improve the rights and conditions of PALM workers and other vulnerable groups in the meat processing industry and beyond:

1. **Reform Migration Laws and the PALM Scheme:** Introduce reforms to increase worker-driven mobility, ensuring fair compensation, transparent deductions, and guaranteed minimum hours. Establish pathways to permanent residency for PALM workers.
2. **Extend the Fair Entitlements Guarantee Scheme:** Ensure PALM workers can access support under the scheme when employers face insolvency, providing timely recovery of unpaid wages and entitlements.
3. **Streamline Access to Superannuation:** Simplify superannuation transfers for PALM workers, reduce taxes on Departing Australia Superannuation Payments (DASP), and designate trusted superannuation funds as default options.
4. **Strengthen Labour Hire Licensing:** Establish a single national labour hire licensing scheme with specific compliance requirements for PALM Scheme labour hire providers to ensure fair treatment and accommodation standards.
5. **Reform the Fair Work Act and Enhance the Role of the Fair Work**

Ombudsman: Strengthen penalties for non-compliance with the Fair Work Act, establish a PALM Worker Support Unit within the Fair Work Ombudsman, and implement an advisory committee to address systemic issues.

6. **Harness the Power of the Anti-Slavery Commissioner:** Publish guidelines on high-quality modern slavery statements, launch targeted industry education campaigns, recommend penalties for non-compliance, and facilitate the development of a voluntary code of practice for the meat sector.
7. **Foster Decent Work in Pacific Island Countries:** Redirect aid to support decent work initiatives, develop technical education partnerships, and fund climate adaptation projects to protect livelihoods and create new green jobs in Pacific nations.

These targeted actions will help address the systemic challenges facing PALM workers and promote fair treatment and transparency across industries.

The report ends by making a range of recommendations for legal and policy reform based on our analysis of the laws which shape PALM Scheme worker conditions. It aims not just to document injustices but to call for a transformative approach to policies that genuinely prioritises worker voices and ensures fair, safe, and dignified working conditions.

The report is structured as follows: Part One provides a snapshot of the meat processing workforce in Australia and the history of migration from the Pacific Islands. It then describes the method used in our study. Part Two describes the findings, presenting poignant photos taken by the research participants to convey their experience of working in Australia. Part Three compares these findings with the law's objectives, assessing modern slavery, workplace and migration laws. Finally, recommendations are made.



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Part One: Context and Methods

Part One describes the size of the meat processing industry and contextualises current labour practices in relation to the history of migrant work from the Pacific Islands. It then describes the method applied to collect the data for this report and introduces the participants in our study.

Behind the Counter: The Meat Processing Workforce in Australia

The meat processing workforce, as a cornerstone of Australia's meat industry, is heavily reliant on migrant workers, particularly through the PALM scheme, to address persistent labour shortages and sustain its economic output. According to 2020-21 data, there were approximately 61,000 meat processing workers in Australia during the height of the COVID-19 pandemic.¹² Within the meat industry, which includes all aspects of production such as livestock and poultry farming, approximately 31,200 of these workers were in processing roles, with the remainder working in wholesaling and retailing.¹³ Earlier data from 2018-19 suggests that the processing sector generated 2.4% more indirect jobs for every person directly employed, bringing the total number of processing workers (direct and indirect) to around 74,900.¹⁴ Male workers fill approximately 77% of red meat processing jobs and 64% of poultry meat processing jobs in the industry.¹⁵

Echoes of Blackbirding: The Shadow of Exploitation in Modern Pacific Labour Mobility

The historical exploitation of Pacific Island labourers casts a long shadow over modern Australian labour practices, with the PALM Scheme representing the latest evolution of Pacific labour migration.¹⁶ Australian industries have used labour from the Pacific Islands in different forms since the late 1800s to address domestic labour shortages. The late nineteenth and early twentieth centuries was a dark period in the history of Pacific labour; over 55,000 Pacific Islanders worked in Queensland and New South Wales, and many were indentured, exploited and treated like slaves.¹⁷ This report suggests ways that Australia can break with that shameful history.

The current era of Pacific labour migration commenced with the Pacific Seasonal Worker Pilot Scheme in 2008, which in 2012 became the Seasonal Worker Programme (SWP). This was followed by the Pacific Labour Scheme (PLS) in 2018, and in 2021, the Pacific Australia Labour Mobility (PALM) scheme was announced to align the two schemes which were being overseen by two different federal government departments.¹⁸

The PALM Scheme allows eligible Australian businesses to hire workers from nine Pacific Island countries and Timor-Leste subject to labour market testing.¹⁹ The nine Pacific Island countries are Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon

12 Meat & Livestock Australia (2022), above n (3).

13 Ibid.

14 Tim Calabria, 'Poultry Processing in Australia' (2022) *IBIS World*; *IBIS World, Meat Processing and Poultry Processing in Australia -Key Statistics, March & July 2022*

15 Ibid.

16 Kirstie Petrou, and John Connell, *Pacific Islands Guestworkers in Australia: The New Blackbirds?* Singapore: Springer Nature Singapore, 2023 <<https://doi.org/10.1007/978-981-19-5387-3>>.

17 Lindy Kanan and Judy Putt, 'Safety and wellbeing in Australia's Pacific labour mobility scheme' (2023).

18 Ibid.

19 Iain Campbell, 'Harvest Labour Markets in Australia: Alleged Labour Shortages and Employer Demand for Temporary Migrant Workers' (2019) 84 *Journal of Australian Political Economy* 46.



Figure 1: The 10 countries participating in the PALM Scheme.²⁰

Islands, Tonga, Tuvalu and Vanuatu.²¹

Employers throughout Australia are eligible to hire workers under the PALM scheme for agricultural roles, while work in other sectors must be based in regional or rural areas.²² To recruit workers through the scheme, employers, including labour hire companies, must first become an Approved Employer.

This process involves submitting an online application, signing an Approved Employer Deed of Agreement with the Department of Employment and Workplace Relations and registering as a temporary activities sponsor with the Department of Home Affairs to sponsor workers' visas. Approved Employer guidelines under the Deed provide instructions to help employers meet their obligations.²³ The number of PALM Scheme

workers rapidly increased following the 2020 COVID-19 border closures, and by June 2024, of a total of 34,230 PALM Scheme workers, 12,755 long term (1-4 years) visa holders and 170 short term visa holders were employed in the meat-processing industry.²⁴ These workers on temporary visas augment the existing Pacific diaspora, which according to 2021 census data includes around 335,000 people.²⁵

In 2020, five states in Australia had PLS representation in the meat industry, with New South Wales having the highest concentration of workers (44%), followed by Queensland (20%).²⁶ The industry is heavily gendered, as only 7% of meat workers are women. Only 39% of women participate in the programme when the meat processing

20 Agri Labour Australia, 'Pacific Australia Labour Mobility (PALM) Scheme' (Web Page) <https://www.agrilabour.com.au/our-difference/programs-initiatives/pacific-australia-labour-mobility-scheme/>.

21 Ibid.

22 Pacific Australia Labour Mobility, 'Recruitment' (2022) available at < <https://www.palmscheme.gov.au/recruitment>>.

23 See the PALM Scheme Approved Employer Guidelines, 1 July 2024, available at <<https://www.palm-scheme.gov.au/resources/palm-scheme-approved-employer-guidelines>>.

24 Australian Government, Department of Employment and Workplace Relations, '54% of PALM Scheme workers now work in agriculture' *Pacific Australia Labour Mobility (PALM) Scheme Data: January to June 2024* (Commonwealth of Australia, August 2024).

25 Kanan and Putt (n 17).

26 Lawton (n 5).

industry is excluded. The overall female participation rate in the PLS is 17.8%.²⁷

While the PALM Scheme departs in important ways from ‘blackbirding’ practices that took place in the past,²⁸ concerns about how migrant workers are treated in Australia, and specifically about how PALM Scheme workers navigate conditions of egregious exploitation whilst they are in Australia, have been raised since the program’s inception.²⁹

These concerns led to policy changes in the new PALM Scheme that explicitly aimed to reduce worker exploitation.³⁰ The consolidation under a single administrative framework aimed to simplify the process for workers and employers. The scheme also now covers a wider range of employment sectors beyond seasonal work, offering more diverse opportunities for workers, as we describe in further detail later in this report.³¹ ‘Portability’ arrangements in the new Approved Employer Deed of Agreement (introduced from 1 July 2023) allow workers to transfer between employers. However, our study shows that in practical terms, it remains near impossible to move employers, regardless of the worker’s experience.

Part Three of this report discusses the additional changes to the PALM scheme that are outlined in the new Approved Employer Deed and Guidelines. Our study aims to examine how much these changes have helped to reduce the exploitation of PALM Scheme workers.

The project method: ‘Seeing the whole picture’

With so little known about whether the new PALM Scheme is benefiting workers since improvements to the scheme, particularly from the workers’ own perspective, the project utilised Participatory Action Research (PAR) to address the lack of knowledge about pathways in and out of modern slavery and other forms of exploitation within the Australian meat industry. PAR, a flexible and empowering research method, focuses on the lived experiences of vulnerable and marginalised workers, allowing them to generate and control their own knowledge.³² This approach aims to equalise power dynamics between powerful systems and disenfranchised individuals, such as meat workers who have faced labour rights breaches.³³ The technique does not allow us to generalise across the entire population of PALM Scheme workers – we rely on larger studies to do that - but rather to bore into hitherto unexplored details of the workers’ lives.

The study employed the photovoice technique,³⁴ an innovative PAR method where participants use photography to convey their realities in a more authentic and unfiltered manner compared to traditional research methods. Photovoice empowers participants by giving them control over which photos to take and share, thus shaping their narratives. Unlike traditional

27 This is similar to the rate under the SWP (17.9% in 2018-19): Ibid.

28 “Blackbirding refers to the practice of kidnapping Pacific Islanders and using them as forced labour, in particular on sugar and cotton plantations in Australia” (Oxford Languages 2023).

29 Kanan and Putt (2023), above n (17); Alexia Adhikari, Lilia Anderson and Morgan Harrington, ‘The PALM scheme-Labour rights for our Pacific partners’ (The Australia Institute, 2023).

30 Parliament of Australia, ‘The Pacific Australia Labour Mobility scheme: A quick guide’ (September 2023) <https://www.apf.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/pubs/rp/rp2324/Quick_Guides/PALMscheme>.

31 Guideline reference 3.7 of the PALM Scheme Approved Employer Guidelines, 1 July 2024, p. 29.

32 Sara Kindon, Rachel Pain and Mike Kesby, ‘Participatory Action Research: Origins, Approaches and Methods’ in Sara Kindon, Rachel Pain and Mike Kesby (eds), *Participatory Action Research Approaches and Methods* (Routledge, 2007) 35.

33 Rachel Keighley et al, ‘Participatory Action Research: Developing a Collaborative Approach to Modern Slavery Research with Survivors of Exploitation’ (2023) 16(3) *Methodological Innovations* 393.

34 Caroline Wang and Mary Ann Burris, ‘Photovoice: Concept, Methodology, and Use for Participatory Needs Assessment’ (1997) 24(3) *Health Education & Behavior* 369.

interviews, photovoice provides ‘in situ’ prompts and allows participants to drive the conversation through their explanations of the photos. This method also offers rich visual documentation.

Photovoice is particularly advantageous for participants who may have limited literacy or English proficiency. The photo prompts help elicit detailed descriptions of factors contributing to their vulnerability to labour law breaches, serving as effective conversation props. This method had not previously been used to investigate modern slavery in domestic supply chains, making it a novel and powerful tool for this study.

Despite choosing the method for these benefits, even the authors were shocked by how effective the method was in eliciting information we would not otherwise have heard from the workers. We continue to be haunted by the photos taken by the participants – not only because of their depiction of exploitation, but because of their melancholy and poetic nature.

How workers participated in the study

From some of Australia’s most remote regions, five meat workers who had journeyed from the Pacific Islands to work in rural abattoirs joined our project. The following selection criteria were applied for the nomination of workers: (1) experience of previous labour law breaches (2) completion of claims under the labour law; (3) exhaustion of all legal options to seek remedy, and; (4) a willingness to speak about their poor working conditions, any labour breaches and the process of seeking remedy. The participants were therefore selected for their firsthand experiences of labour exploitation and their recruitment was facilitated by the

Pacific Island Council of South Australia (PICSA). This non-profit organisation, driven by the collective voice of Pacific Islanders, champions their cause and ensures their voices are heard.

Our study unfolded over the months of November and December 2023. The study’s participants were empowered to use their mobile phones to capture the essence of their laborious journeys. Through the lens of their cameras, they documented symbols, places, and artifacts that narrated their struggles. Guided by four specific prompts, they painted a vivid picture of their working conditions and daily challenges. Each participant was then interviewed by Ema Moolchand, where the stories behind each image were meticulously explored. The research process culminated in a ‘talanoa session’³⁵—a focus group in the final week—where the participants shared and compared their lived experiences. This approach not only gathered poignant visual evidence but also fostered a collaborative spirit, enriching our understanding of their unique perspectives. Along the way, it also generated bonds between the participants, as they learned that their perspectives were shared across remote Australian PALM Scheme workers.

Because of the ethical risks entailed in a study of this type, the research was approved by the RMIT Human Research Ethics Committee: 2023-25523-20220.

The study employed an interpretive, qualitative analytic approach, utilising a form of thematic analysis to delve into the 20

35 At its core, *Talanoa* can be understood as a form of a conversation, a talk, an exchange of ideas or thinking, whether formal or informal. *Tala* means to inform, tell, relate and command, as well as to ask or apply. *Noa* means of any kind, ordinary, nothing in particular, purely imaginary or void. *Talanoa*, then, literally means talking about nothing in particular, and interacting without a rigid framework. As a methodological framework, *Talanoa* is particularly well-suited for researching Pacific issues. Its flexibility and relational nature align with Pacific cultural practices, fostering genuine connections through storytelling and shared experiences. This approach respects the values of Pacific communities, making it a more culturally relevant tool for inquiry and knowledge generation. See Timote Vaoleti, ‘Talanoa Research Methodology: A Developing Position on Pacific Research’ (2006) 12 *Waikato Journal of Education* 21.

Fieldwork Timeline

Activity 1	Prompts for photo capture	1 st week
	<ol style="list-style-type: none"> 1. What was your typical day as a meat worker? When did you start work, how did you get to work, what did you do after work? 2. How did you feel about your work? 3. What were the factors that contributed to or led to your work rights being breached? 4. What were the factors that helped you to get help and improve your situation? 	
Activity 2	Semi-structured interviews	2 nd week
Activity 3	Focus Group session	3 rd week

Figure 2: Fieldwork Timeline

images and narratives collected,³⁶ with the aim of exploring the pathways into and out of exploitation and modern slavery.³⁷ In reality, the stories only told us about pathways into exploitation, not out.

The findings of the photovoice project were then compared with data from larger studies, to ascertain whether the experiences of the study's participants are unique or indicative of wider trends.

Introducing the participants

To deepen our understanding of the data, this section introduces the participants whose voices shape this study. For their protection and privacy, pseudonyms are used throughout this description, as well as in the narratives and photo analysis. Through their stories, we gain a poignant glimpse into their lived experiences and the stark realities of their labour.

Wesser is from Papua New Guinea (PNG) where he used to work as a Loans Officer. He is married and has four young children. As the breadwinner of his family, he made the tough choice to leave them behind to

work at a lamb meat factory located in South Australia. He has been working in the loading area for the past 11 months and shared how the job he used to do back home was easier than what he is doing right now.

Taufa is from PNG, and married with two kids. His background is in logistics and procurement, along with academic qualifications in human resource management. For the past 10 months, he has been working in the cold room handling beef packing at an abattoir in Western Australia. He has recently been promoted to a different position within the same facility where he now monitors the CCTV loading of cargos for proper storage and shipment.

Jeremiah is from the Solomon Islands with an academic background in law and has prior experience as a hotel receptionist back home. It has been over a year that he has been working in the boning room at an abattoir in Western Australia.

Mafu is from Tonga and now in his third year in Australia. He works as a supervisor in the boning room of a meatworks in South Australia. Back home, he had a multifaceted

36 Naomi P Moller et al, 'Qualitative story completion for counseling psychology research: A creative method to interrogate dominant discourses' (2021) 68(3) *Journal of Counseling Psychology* 286.

37 Jang Youn Cho and Eun-Hee Lee, 'Reducing Confusion about Grounded Theory and Qualitative Content Analysis: Similarities and Differences' (2014) 19(32) *The Qualitative Report* 1 <https://doi.org/10.46743/2160-3715/2014.1028>.

experience, from clerking in the Tongan parliament to running his own tattoo and barbershop business.

Enele is from Tuvalu, and worked as a police officer for 12 years back home. He is the only participant who possessed prior butchery skills as he also worked in this industry in Fiji. He is currently in his third month in Australia and is working on the 'kill-floor' at an abattoir in South Australia.

In their narratives, participants revealed that *“when facing difficult things in the workplace, it is our family that pushes us to face all the challenges. As breadwinners, even if our rights have been breached, we have to work for our family.”* They all spoke of the project as a necessary space for expressing frustrations and pain that they feel as a meat worker.



Part Two: Findings

Part Two of our report highlights several significant findings: restricted personal freedoms, long working hours often involving substantial unpaid labour, high rent for limited accommodation use, and lower pay compared to other workers in the same workplace due to migration status. Workers also reported unpaid overtime and wage deductions, leaving them with minimal take-home pay. Many participants described feeling deceived, noting disparities between the promises made during briefings and the realities of their working conditions and compensation.

Chained Choices: PALM Workers' Restricted Freedoms

Participants' stories revealed significant constraints on their personal freedoms, curtailed at multiple levels.

- a) the freedom to move or search for work in Australian states beyond those to which they were initially contracted;
- b) the freedom to reject the role of Team Leaders;
- c) the freedom to enjoy leisure time or pursue activities that they wish due to post-work exhaustion;
- d) the freedom to fully enjoy tenancy rights in their rental accommodation as other migrants in Australia do.

Yet, the knowledge that their loved ones depend on their income compels them to accept the grim reality of constrained freedom.

The restrictions began at the outset of their time in Australia. All participants shared that only after being accepted into the PALM Scheme did they learn they had been assigned to the meat industry, without any

choice in the matter. They also had no say in their assignment to specific abattoirs in rural towns across South and Western Australia. Upon arrival, the lack of autonomy persisted, as employers alone determined workers' departmental assignments. Jeremiah's experience illustrates this stark reality: "[when they assigned me to the boning room], I was like I don't even know what a boning room is, until I went inside and I see oh, this is a boning room."

Their accounts highlight the limited autonomy workers have at the outset of their employment journey. Similar accounts of restricted choice regarding industry or place of work have long been documented in studies of the horticulture industry. These studies reveal that Pacific Island workers often endure conditions that reduce them to commodities, echoing the labour migration practices of the colonial era. This commodification begins as early as the application process for participation in the scheme.³⁸ Connell's 2006 study on Pacific Island workers' participation in labour migration schemes found that, at the local level, workers commonly had no choice in whether they participated. Village councils and leaders were typically responsible for recruitment and selection, particularly in countries such as Kiribati and Tuvalu. Petrou and Connell also observed that, in the Torres Islands, older men were often selected to work on farms because they were perceived as being more reliable and likely to bring back more money.³⁹

McKenzie et al.'s earlier study noted that in Tonga and Vanuatu, communities prioritised candidates who were hardworking, obedient, and not overly dependent on cigarettes, alcohol, or kava.⁴⁰

This pattern of constrained worker autonomy

38 Kirstie Petrou and John Connell, "We Don't Feel Free at All": Temporary ni-Vanuatu Workers in the Riverina, Australia' (2018) 27(1) *Rural Society* 66.

39 Kirstie Petrou and John Connell, *Pacific Islands guestworkers in Australia : the new blackbirds?* (Palgrave Macmillan, 2023).

40 David J McKenzie, Pilar Garcia Martinez and L Alan Winters, 'Who Is Coming from Vanuatu to New Zealand under the New Recognized Seasonal Employer Program?' (World Bank Policy Research Working Paper No 4699, World Bank, 2008).

is not unique to Pacific labour migration schemes. Guest worker programs in other countries reveal similar dynamics. For instance, Strauss and McGrath's 2017 study on Canada's Temporary Foreign Worker Program found workers were often unable to change their place of employment, creating conditions of an "unfree precariat."⁴¹

We suggest that the persistent lack of autonomy stems from the inherent power imbalance embedded in the design of the PALM scheme, limiting workers' choices over industries and restricting movement.

Pressed into unpaid leadership duties

Our study found that participants with strong educational backgrounds and proficient English skills were often assigned the role of 'Team Leader': an unpaid and time-consuming role.

In their home countries, workers typically relied on village chiefs to escalate concerns through established hierarchical channels. One participant explained:

"We have the chiefs... the village chief is the one who takes the concerns up to the district level, then the district chief takes it into the provincial level."

Under the PALM scheme, the appointment of Team Leaders appears to draw on this cultural framework. However, the role is rarely a matter of personal choice and is often decided by the community or group accompanying the worker to Australia. As Enele says,

"I became a team leader, as I was chosen by the group. Before coming, we had a vote in Tuvalu by all 18 team members".

For Jeremiah it was different,

"...we all gave applications through the Ministry of Labour back home. So during the screening and interview they select who will be the team leader. It is

decided by the Ministry. I heard they read my name and said, Jeremiah, you are the team leader for the group here in Western Australia. They just randomly chose—but I think (they chose me) because I have a good background in education. I have like a qualification but I was like asking myself, whoa, what I'm going to do... I feel nervous when I hear that they say you're going to be the Team leader."

Their narratives suggests that educational background and English proficiency significantly influence leadership roles. Our study also points out the additional responsibilities and pressures team leaders face. Wesser says he is the spokesman for his group:

"Before going for the monthly meetings (with the agent), we get together, note down the concerns of the boys and take their points to the meetings."

Taufa noted that while being a Team Leader is helpful in supporting workers, especially with language assistance, it can be difficult to fully represent workers' concerns if they are not from the same island as the Leader.

Our study also found that holding a driving licence is often an informal requirement for leadership. This adds to the burdens of Team Leaders, who frequently manage early-morning shifts and transport responsibilities. Among the five participants, four served as both Team Leaders and drivers, requiring them to handle workplace duties and transportation logistics, such as waking earlier than others and making multiple trips between accommodation and the abattoir. Enele's photograph, intended to depict a typical day in the life of a meatworker, underscores the extra demands placed on Team Leaders.

41 Kendra Strauss and Siobhán McGrath, 'Temporary migration, precarious employment and unfree labour relations: Exploring the 'continuum of exploitation'in Canada's Temporary Foreign Worker Program' (2017) 78 *Geoforum* 199-208.



Photo 1: Enele on the road at 5 am for colleague drop-offs before his 6 am shift at the abattoir begins.

“This picture is so meaningful because this is what we face on the ground. I have to drive to work because I have the drivers’ license—so it means you take people to work. It can be easy for them [agent] to make us do it, but it’s so challenging because I have to wake up early and prepare my things before I leave home. I also have to sacrifice a lot – I cannot even wake up 2 mins late on a day., I have to wake up early in

the morning at 4 o’clock. Then 5 o’clock sharp I have to start picking up workers from their households and drop them to work, then come back again – pick other workers and drop them to work. So there’s six households. I have one house where there’s only two people staying there, so I try to just fit them in the car to the next household where there are only 3 people inside, so I can start my own shift at 6 am’.



Photo 2: Wesser's car departs at 4:20 am for colleague pick-ups and drop-offs at the abattoir.

Like Enele, Wesser shares a similar routine as a driver and team leader. He captured the below photo to convey his experience.

“As you can see, it’s early in the morning. That’s around 4.20 AM. As a meatworker I have to wake up very early around 3:00 am. I prepare myself, prepare my body, prepare my lunch and all this for the day. That’s the time I normally leave every day to work. These pictures speak about the time that as a meatworker, time has become a commodity to me. Well, so I have to use this time accordingly. We have been given a schedule for sure

and I have to be early so that I can finish my task and run ahead of the schedules. But that’s the time when I leave home and go to work. Well, but sometimes it’s really struggling for my body as a whole. We leave very early, coming back very late and we need rest as well. Being a meat worker is tough. I should say. I think that’s what the picture speaks for meat worker. I start work at 5AM. I work maximum 12 hours but sometimes I do overtime. Usually I would return home at 6 pm but when we’re behind schedule, most time we’re at home around 8 p.m.”

The interview sessions revealed that the responsibility of transporting colleagues extends beyond morning hours, with some workers also tasked with afternoon transport. Jeremiah shared his experience:

“I have to do two trips in the morning and two trips in the afternoon. The first trip will be 4.30 AM. Sometimes 4:15 A.M. And the second trip is at 5 o’clock. The distance is 10 kilometers. And I have to go drop off the first group in the morning because they start working at 5 AM. [In] our group, we are 29. So I have to drop those who work at five o’clock and I come back and pick those who work at 6 AM. And repeat the pick ups in the afternoon.”

All participants confirmed that they do not receive additional pay from their approved employers for their Team Leader responsibilities. In some cases, agents suggested that workers contribute to transportation costs as compensation for the designated Team Leader or driver. Enele explained:

“I don’t get paid for that, but our agent has mentioned this to all the boys to give like 20 bucks: \$10 for fuel and \$10 for me. And as far as I know, from the 17 boys, only 3 boys is giving me \$10. I can’t say much you know. But you know, I just can’t tell them to give me that. If I ask them, it will imply that I’m demanding them money, and but it’s not good to me.”

Not only are participants unpaid for their transport duties, but they also face salary deductions for using the van or car. For example, despite recently purchasing his own car, Enele felt ‘forced’ to continue using the company’s van. He explained his frustration:

“It’s like we are forced to do something...See now I got my own car

on Wednesday... I told the agent I was getting my car and I want to stop the van. And the agent tells me like, ‘no, you can’t return the van because it’s already been signed that they [the company] will be hiring the van for three months’. It’s like no use buying my car. We are like bound to something that you will be doing for three months even if you have your own car. And I don’t like it when the agent tells me straight no you cannot leave the van because it’s already been hired for three months. And the difficult thing is that I am the driver and I want to have time not to wake up early going to work.

I feel down. I cannot say much because she’s the agent and when she said that, I just stay silent, you know? I couldn’t go further to complain – I just go with a flow with it.”

A recent study on the well-being and safety of PALM workers revealed instances where refusing to drive colleagues due to illness resulted in termination of employment.⁴² When asked if they had ever declined to drive, all participants in this study stated they never refused, feeling a duty to support their community members. Enele expressed his motivation: *“I do it for the boys . . . because I am Tuvaluan, people say I have a lot of love inside my heart.”* This highlights the sense of community and altruism driving their willingness to undertake unpaid transport duties.

Differential pay rates and treatment linked to ethnicity and migrant status

Wage disparity and discrimination emerged as significant themes during the interviews and focus groups. This aligns with Australian studies that show employers regularly pay Pacific Island workers less than other workers.⁴³ While migrant workers are often viewed as a homogeneous group, this oversimplification ignores differences that

42 Kanan and Putt (n 17).

43 Rachel Smith, ‘The “Hidden Abodes” of Temporary Migration Programs’ (Blog Post, *FocaalBlog*, 12 October 2015) <https://www.focaalblog.com/2015/10/12/rachel-smith-the-hidden-abodes-of-temporary-migration-programs/>.

can create workplace tensions. Several international studies of the meat industry highlight how workers are stratified into ethnic and national groups.⁴⁴ Such practices reflect the experiences shared by our research participants. On the factory floor, this stratification creates challenges for migrant workers, who often push themselves to physical and mental extremes to maintain their position in the labour hierarchy. Workers valued for their strong work ethic often find this recognition entraps them, normalising long hours and poor conditions, leading to acceptance of lower wages compared to their counterparts. Studies of the German meat sector, for instance, reveal that the nationality of supervisors significantly affects job roles and pay. “Old” migrants—those who arrived earlier—often organise the labour process, favouring individuals from their own communities for better positions and wages. Similarly, differences in visa status and the ethnicity of labour hire agents exacerbate wage disparities among migrant workers in the same plant.⁴⁵

Echoing these dynamics, our participants

reported earning less than other migrant workers from countries such as the Philippines, Pakistan, Taiwan, Afghanistan, and New Zealand, despite performing the same or more demanding tasks. They were often told this was because of their “stronger build.” While qualifications and specialised skills, such as knife expertise, sometimes resulted in higher pay, participants with such skills still described earning less than others. This wage discrepancy highlights systemic inequities within the workforce, reflecting entrenched discrimination and unfair labour practices.

In the photograph below, Enele represents his feelings about discrimination using workplace objects. The pallets symbolise the migrant workers in his team from different countries and ethnicities, while the drums represent the Pacific Island workers. Despite performing identical tasks, the elevated pallets signify the higher wages of his colleagues, while the lower-positioned drums reflect the reduced pay and exclusion experienced by him and his Pacific Island peers.

44 Satnam Virdee, *Racism, class and the racialised outsider* (Bloomsbury Publishing, 2014); A Ramirez and J Chun, ‘Struggling against history: migrant farmworker organising in British Columbia’, *Unfree labour Struggles of migrant and immigrant workers in Canada* (PM Press, 2016) 87-104.

45 Peter Birke and Felix Bluhm, ‘Migrant Labour and Workers’ Struggles: The German Meatpacking Industry as Contested Terrain’ (2020) 11(1) *Global Labour Journal* 70.



Photo 3: Enele uses towering pallets and lower drums as a visual metaphor for perceived ethnic-based pay inequality.

“The drums and pallets are people who are working together but we have different ranks you know. Like some are much higher and some are lower. And so that’s what I feel at work... It’s just like that and I consider myself and the rest of my brothers that we just started work with, I compare us as the drums, we are just down there. That’s one thing I complain to our agent because it’s unfair -- so we (Pacific Islanders) were there for one month, and this Filipino guy came, he does the same job with us but was given the knife with the ‘blue helmet’- which means likes us he is still learning from this job we are doing.”

But you know it hurts me because I can do the job ... They are not giving me the chance to do it. Like we want to have the same wages, but hearing from other people, we are paid the lowest.

I asked one of the Filipino brothers, and he just told me, he earns \$32 per hour and I said ‘What? and he asked me, -- I told him, ‘I’m receiving like \$24 per hour’ - He said, ‘What?’ He was even shocked when I was telling him. We are doing the same

job, but sometimes he uses the knife, sometimes he does not use the knife.”

Wesser’s story reveals the depth of his feelings of exploitation. Despite his skills and experience, he feels marginalised and undervalued. He conveys his frustration through a poignant metaphor, comparing his opportunities to skimming the surface of the ocean—never diving into its full depths or potential.

“I feel like I’ve been exploited. After all the skills and experiences that I acquired, now I am capable of contributing to the company. But what I’ve seen right now is they are using us. Right now, I’m teaching two new employees from Pakistan. So they just started and getting paid higher than me. So, I’m loading containers, but I am on the forklift. So, the two boys, I’m training them how to put orders into the system. So, what I’m doing is more important than what they’re doing, but they just started and they get more than me. Right now I am under the 403 VISA and it holds us back from back from getting the benefits others have.”



Photo 4: Wesser's analogy of only skimming the sea's surface, unable to access the deeper 'richness'—a metaphor for missing out on bonuses."

Wesser explained why he chose a picture of the sea to convey his feelings of exclusion:

"What the picture is showing is – it's the sea – we are just looking at the surface. Right now, as a meat worker, the company is not allowing me to dive into sea. So basically, like I'm still at the surface right now. What the sea holds inside is much wealthier you know! The richness in the sea like the bonuses and allowances I am entitled! They [company] just want me to be on the surface. That's the reason why I took this picture."

Seeking clarity, Wesser approached the agent who had hired him and received a response that underscored a systemic divide

rooted in employment arrangements rather than skills or expertise:

"The response is because I'm under LSA, who is my recruiting agent. LSA is subcontractor to JBS. Just because I am with LSA I am not entitled to that. Only their employees are."

This exchange highlighted the inequity between direct employees and subcontracted or agent workers. Despite performing the same tasks, subcontracted workers like Wesser do not receive equivalent bonuses. He illustrated the unfair bonus system, where tasks and rewards are differentiated by helmet colour. For example, his colleagues

wearing grey helmets but performing black-helmet roles miss out on a \$500 weekly bonus. Meanwhile, Wesser, despite his competence and dedication, remains on a lower pay scale ('level 4'). This inequity is further reinforced by the Australian and New Zealand Standard Classification of Occupations (ANZSCO) skill-level limits imposed by the PALM scheme. The ANZSCO categorises occupations based on the skill level typically required to competently perform their tasks. Under this system, most meat-processing workers under the PALM scheme are classified at skill levels 3 to 5, with the majority placed at level 5.⁴⁶ This classification effectively blocks opportunities for promotion, even for highly skilled and dedicated workers like Wesser.

In contrast to Wesser's depiction of exclusion and discrimination, Mafu used a poignant metaphor to illustrate his experience of inequity: the comparison of two identical iPhones. Though identical in brand and function, the two iPhones symbolise different visas. Workers on different visas, despite performing the same tasks, receive varying pay rates. This stark visual metaphor underscores the unjust disparity in the value assigned to workers based on their visa status, mirroring the inequity faced by workers doing the same job yet being remunerated differently.

46 Australian Bureau of Statistics, '8313 Meat, Poultry and Seafood Process Workers: ANZSCO – Australian and New Zealand Standard Classifications of Occupations' (2022) < <https://www.abs.gov.au/statistics/classifications/anzsco-australian-and-new-zealand-standard-classification-occupations/2022/browse-classification/8/83/831/8313>>.



Photo 5: Mafu's iPhones analogy for different visas and pay rates.

Mafu described his picture of two iPhones as a metaphor for discrimination:

"If you can see those two phones, they're both iPhones, they're both purple but there's different things, in terms of the numbers of the brand/model, one is just iPhone 8 and the other is iPhone 14. So, yeah, what I'm trying to say about those challenges at work here is we come from the Pacific Island, we are on the 403 visa and for those who came from other different countries they have different types of visas. But there are some visas for example the 482 is the field visa. When we came here, we do the same job with them, but they get paid higher. They get paid higher than us because of the visa. So there's the most challenging thing at work. It's most of us we came here on a 403 visa or a working holiday visa. The challenge at work is like we're doing the same job, but we're getting a different reward. Like the company is paying them more than us but we're doing the same exactly job. It's the most challenging. It's

not only for me my experience, but for all of us, we came on the 403 visas. So you know, the salary we get is dependent on the visa."

Mafu further articulated his sense of entrapment due to his visa status through another metaphor, captured in a photograph where he likened himself to a tree—resilient to challenges yet rooted in place, unable to move to another employer for better working conditions and entitlements.

The interviews revealed further instances of discrimination, with participants feeling that it was based on ethnicity and physical characteristics. Jeremiah noted significant disparities in job assignments, where roles designated to Pacific Island workers were not only physically demanding but also perceived as menial or low-skilled, such as cleaning duties.

For example, Jeremiah observed that while other ethnic groups were often assigned to more skilled and less physically taxing positions, Pacific Island workers were



Photo 6: Mafu as a tree – standing resilient to challenges but trapped due to visa limits.

relegated to arduous tasks. This pattern of discrimination underscores a broader issue within the industry, where workers' roles and opportunities are influenced by racial and ethnic biases. These biases exacerbate workers' vulnerabilities and perpetuate cycles of inequity.

The perpetuation of racial and ethnic

divides as a management strategy has been documented in various contexts.⁴⁷ Research within the United States poultry sector, for example, reveals complex dynamics of class formation, where both immigrant and African American workers report distinct experiences of racial discrimination.⁴⁸ Many workers perceive the differential treatment

47 Shae Frydenlund and Elizabeth Cullen Dunn, 'Refugees and racial capitalism: Meatpacking and the primitive accumulation of labor' (2022) 95 *Political Geography* 102575; Carrie Freshour, 'Cheap Meat and Cheap Work in the US Poultry Industry: Race, Gender, and Immigration in Corporate Strategies to Shape Labor' in Peter Alexander, Marcelo Ridenti and Rob Lambert (eds), *Global Meat: Social and Environmental Consequences of the Expanding Meat Industry* (Bloomsbury, 2019) 121.

48 Tristan Call and Angela Stuesse, 'Labor shortages and the unmaking of class in Mississippi's poultry plants' (2024) *Dialectical Anthropology* 1-26.

as a deliberate management strategy aimed at fostering division. In some cases, this discrimination is rationalised by attributing racial differences to work ethic or presumed solidarity between managers and workers of the same racial or ethnic background. Notably, Black workers have reported that Hispanic workers are treated more favourably by management due to a perception that they work harder and faster.⁴⁹

Our study similarly highlighted occupational segregation perpetuated by management. When questioned about discrimination, Jeremiah explained:

“One thing that I see is that our main supervisors are Chinese. Yeah, so one thing I’ve seen in our workplace is, they always put Asians on skilful and ‘easy’ jobs that are like cutting the meat and packing. The Islanders are always on jobs like cleaning and sweeping... stuff like that.”

When asked if he had ever discussed the allocation of tasks with supervisors, Jeremiah replied:

“No, but we are like just not confident to

talk, we just do the job.”

In accepting the heavier workloads assigned, participants in our study, including Wesser, Enele, and Jeremiah, navigated their workplace roles with care. They attempted to strike a balance between asserting their independence and conforming to external pressures, adapting to the demands placed upon them.

Unpaid overtime work

Unpaid overtime is a pervasive issue within the Australian meat industry, with unions and human rights organisations consistently reporting instances of “wage theft.”⁵⁰ Many meat workers are required to work overtime without receiving additional compensation.⁵¹

This was a major concern among participants in our study, who expressed frustration over not receiving the overtime rates specified in their contracts. This practice breaches their entitlements to penalty rates under the *Meat Industry Award 2020*. Jeremiah highlighted this issue with a photograph of a partially torn contract, symbolising how these practices violate the terms of his employment:

49 Call and Stuesse *ibid*.

50 Senate Standing Committee on Education and Employment (2016), above n (6); James C Murphy, Katie Lovelock and Emily Foley, ‘Agenda setting, framing and wage theft in Australia’ (2024) *Australian Journal of Political Science* 1-18.

51 Australasian Meat Industry Employees Union, ‘The Impact of Australia’s Temporary Work Visa Programs on the Australian Labour Market and on the Temporary Work Visa Holders’ (Submission to Senate Education and Employment Committees, 2015).



Photo 7: Jeremiah showing a partial contract breach over pay rates.

He described the photo as follows:

“So I chose this photo as I wrote ‘contract’ on the paper which appears to be broken a bit not fully broken. So, what I want to show in this photo is the situation that we went through whilst coming here. The contract that we have signed in Solomon Islands before we came here, it’s a bit breached. Like pay rate for example, our overtime hours – are not paid correctly, we are

getting normal rates even when we work overtime. In the first contract, it says that if you work over time hours, it will be paid over time rates. But when we came we found that when we work over time hours, we are just paid us normal rates. When we first came, they paid us overtime rates for the first few weeks but things just changed along the way when we continue to work.”

Enele shared similar experiences of unfair

pay for overtime, highlighting how his irregular hours led to discrepancies in his wages. Anticipating these irregularities, his contract included provisions to pay for unworked hours up to seven hours per day.

However, in practice, overtime on longer days was used to offset shorter working hours elsewhere, without being paid at the correct rates. He described this as unjust:

“In the contract, it says if you work 7 hours and if those 7 hours are not completed, the company will pay for the rest of the hours. But in a particular week, involving 5 working days, sometimes 2 days of the week we work 2 hours extra as overtime – whilst the other 3 days we complete only 5 or 6 hours of work but when our pay comes they don’t pay us the overtime rate – I say to myself that’s not right. If we work extra hours, we’re supposed to be paid for that because it was outside of working hours but now they are taking our overtime for that particular day to cover for the days we did not complete 7

hours of work irrespective of the contract which stipulates they will pay us. Back at home, when we have overtime for a day, we are being paid for that, you know?”

Long hours and little leisure time

All participants in the study described having little leisure time, often feeling too exhausted to engage in activities beyond work. These anti-social conditions were worsened by early morning shifts. Most participants reported waking at 3 or 4 a.m. to prepare for work and often working 8 to 9.5 hours daily. Frequent overtime extended total hours to 14–16 hours per day.

Mafu, a supervisor, spoke about how relentless hours limited his ability to enjoy personal time. Supervisors often work longer hours than their teams, arriving early to set up machinery and staying late to prepare for nightly cleaning. As a result, while his team worked 9.5-hour days on average, Mafu worked approximately 12 hours daily.



Photo 8: Mafu's daily view as he leaves and returns home in endless darkness.

Mafu explained:

"This picture is the view from my house. Every morning I wake up to go to work, I see that light and every time I come back from work I see the same light. It's like telling me that my working life here is basically I leave my house it's the morning, and when I come back, it's night and I'm working six days every week.

I feel like the day is not enough. Because when you go back home, you have to rush when you do everything. We need to get our food ready for the next day and also have to get some sleep for

work. Then when you wake up, you have to go to work again. You just cannot do anything to enjoy the working days."

Relentless pressure

Most participants described the unrelenting pressure of their work, with one likening it to working "like robots." They reported feeling overwhelmed by the expectation to perform physically demanding jobs that should have been distributed among more workers.

The time pressure faced by meat workers is well-documented in occupational health and safety literature, often linked to high production quotas.⁵² This pressure limits

⁵² Athena K. Ramos et al, 'Health and Well-Being of Hispanic/Latino Meatpacking Workers in Nebraska: An Application of the Health Belief Model' (Pt SAGE Publications) (2021) 69(12) *Workplace health & safety*

workers' access to breaks and health facilities, exacerbating stress and exhaustion.⁵³

Participants in our study described tolerating high level of stress and exhaustion to meet the tight deadlines for the tasks. Jeremiah explained:

"The jobs we do are very heavy jobs. We can say it's hard labour. I feel that

our work rights are not respected in this matter. Some of the jobs that we do, it should be done by like two or three people but only one person is doing it. And you have to do it fast according to the time that you have to follow"

He illustrated the pressure he feels through the below photograph:



Photo 9: Jeremiah against the clock – Capturing the moment at 5:25 pm, marking the end of a long, pressure-filled day at the abattoir.

Jeremiah vividly described the unyielding demands of his work, where an alarm dictates the pace every five seconds, accompanied by a relentless flow of beef down the production line:

"My typical day as a meat worker feels like I have to follow time all through the day- because time is running for me. When you work in an abattoir time is precious. Like the way your body moves, the way your hand moves, you have to be fast. Because you have to cope up with the time, we have to do the job before the time lapses. What I mean by this is for example, when they push the 130 kg beef to come into the boning room, there's an alarm that beeps every

after five seconds, then suddenly you see another beef coming in and like everything follows the alarm. So those of us who are cutting the beef -- boning and packing, we have to be fast and be following the alarm that is moving the beef into the boning room. I feel like I'm being under pressure as well at times. And sometimes, we have to be careful because it's so easy to hurt yourself or for an accident happening to you."

Wesser faces similar pressures, albeit in a different form. As a forklift driver, he often steps into dual roles, working as a clerk when the regular clerks are on leave. Despite taking on additional responsibilities, his pay remains tied to his primary forklift role:

564-572; Elsa Underhill and Michael Quinlan, 'The struggle to regulate precarious work arrangements to minimise their adverse effects on health and safety in Australia' (2024) 54(2) *International Journal of Social Determinants of Health and Health Services* 87-94.; Matt McConnell, "When we're dead and buried, our bones will keep hurting": Workers' rights under threat in US meat and poultry plants" (Human Rights Watch, 2019) <<https://www.hrw.org/report/2019/09/04/when-were-dead-and-buried-our-bones-will-keep-hurting/workers-rights-under-threat>>. Athena K Ramos et al, "No somos máquinas"(We are not machines): Worker perspectives of safety culture in meatpacking plants in the Midwest' (2021) 64(2) *American journal of industrial medicine* 84-96.

53 Douglas H Constance, Jin Young Choi and Mary K Hendrickson, 'The Southern Model Revisited: The Intersection of Race, Ethnicity, Immigration, and Health and Safety in Poultry Processing' (2023) 15(18) *Sustainability* 13945.

“So right now we have two clerks leaving for their annual leave. So they got me into doing the clerk’s tasks again. I’m doing both (clerk + forklift)— the clerk task is more stressful than the forklift. The salary stays the same. At times I feel bad about it because what a real clerk would do, he would be paid much more, but on the other hand its another experience for me again. that’s what I’m trying to do - to acquire much experience right now. I’ve been asking the company if they could provide us with certificates and all this – to give us references on the tasks that we are doing. At least to

give us recognition so when the contract is over, we have references like to apply for another job and all this. But yeah, I think it’s hard to do 2 jobs at the same time. Right now, the forklift that I drive is a different type of forklift where there’s only two of us driving – a New Zealander and myself. So for example, tomorrow, the New Zealander will have his day off. So there’ll be no one to drive the forklift. So I have to go out drive the forklift, finish up the order then I have to go in and do the paper work (clerk work) again.”



Photo 10: “Taufa describes his work in the abattoir’s freezer like these cattle in the sun: heavy and intense, where despite the cold, he sweats under the weight of his tasks.”

Taufa described the paradox of working in a freezer room, where intense physical labor leaves workers drenched in sweat despite the icy environment:

“Working in the abattoir’s freezer room feels paradoxical. It’s as if we’re out in the sun, like the cattle in this picture— big, heavy, and sweating—even though we’re surrounded by ice. Each day is a race against time to meet our quotas; it’s not like office work where you can just pick up where you left off the next day. For us, if the order says packing/ palletising for 500, we need to complete that 500 by day’s end. It’s a tough job. We don’t move the beef one piece at a time;

instead, we lift entire boxes onto pallets, sometimes stacking the equivalent of three or four cows on a single pallet. Despite the cold, you end up feeling the heat, sweating through the workload as the picture vividly illustrates. It’s a sunny scene, but for us, it’s all in the freezer.”

Limited tenancy rights and high rent

In a photo analysis session, Enele shared his frustrations about tenancy rules at his accommodation, particularly a policy prohibiting alcohol consumption. This rule also bars workers from returning to the premises if they have consumed alcohol, requiring them to stay elsewhere, such as motels. Enele felt the policy reinforced

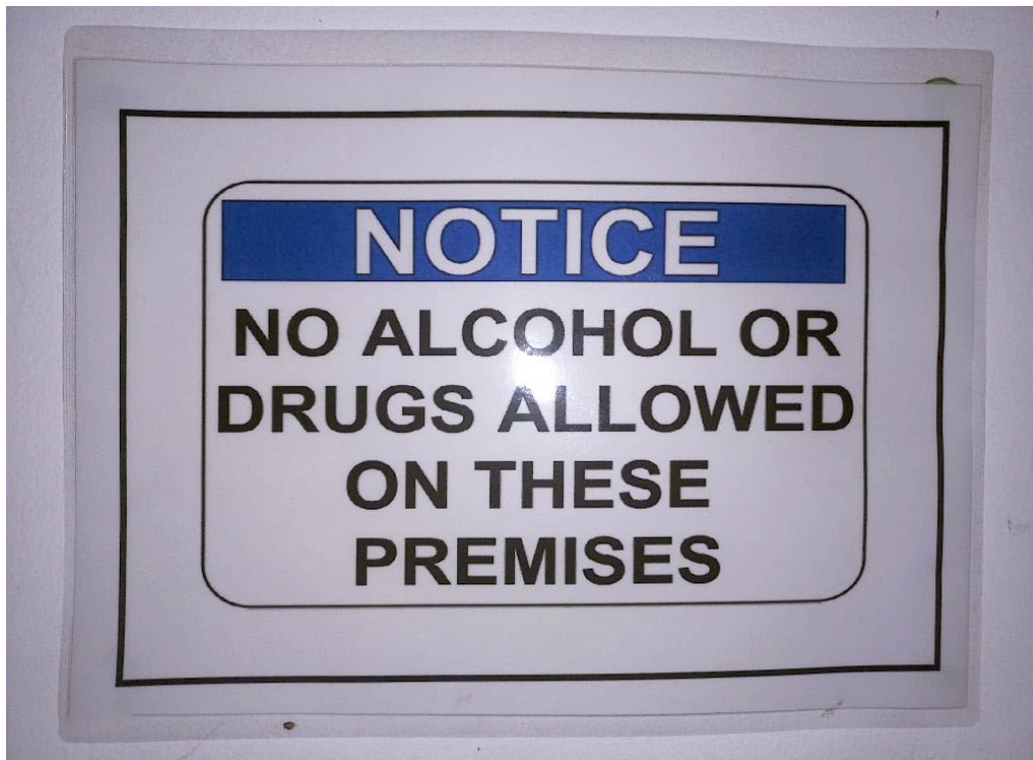


Photo 11: The strict policy imposed at Enele's accommodation.

discriminatory stereotypes about Pacific Islanders:

While Enele saw the rule as discriminatory, it stemmed partly from concerns raised during the 2021 Naracoorte Initiative, which sought to address challenges faced by workers, including alcohol-related incidents like dangerous driving and violence.⁵⁴

Hidden Costs: The Burden of Deductions

A common source of frustration for all workers was the size of deductions from their pay, their lack of prior knowledge about these deductions, and their ongoing difficulty in understanding how deductions were calculated. Deductions refer to the money taken from workers' pay for expenses such as airfare, accommodation, and transport to work. The size of these deductions often leaves workers with very little take-home pay. This issue of large deductions from meat workers' pay has been documented by Petrou and Connell and is a widespread practice for migrant workers across various visa categories.

A lengthy discussion about deductions

unfolded during the **talanoa** (focus group). For instance, during the **talanoa** session, Enele, a recent arrival under the scheme, assumed that certain deductions should have ceased. Wesser and Taufu, his more experienced peers, clarified the ongoing nature of these deductions, explaining the process and expectations more clearly to him.

Labour hire agents were frequently blamed for failing to properly set expectations about the extent of deductions. Additionally, employers were sometimes found to incorrectly deduct amounts from workers' pay. This was evident in workers' narratives, where they reported being charged unreasonable amounts for expenses such as transport. For example, Enele noticed discrepancies in van usage charges among workers, exposing a lack of fairness in how these costs were allocated. He questioned the rationale behind the set deduction rates, pointing out that the calculations often did not add up, particularly as the number of van users increased. This highlighted broader concerns over the transparency and justification of deductions. These issues underscored the workers'

54 Kanan and Putt (n17).

struggles to retain enough of their earnings to achieve their primary goal of supporting their families back home. Enele's statement below illustrates the confusion and difficulty workers experience in understanding how deductions are calculated:

"It was like 11 people were using the van and they have a deduction of \$44 per person per week. So, now there's 18 of us using the van and we are receiving \$32.16. So I calculated like the agent has just made like \$5.10 per person extra from each of us. I already talked to her and asked her why \$32 when there are 18 of us. I told her, we supposed to be deducted like \$26 per week. She said "No, it's too cheap." The amount she gave is 32. It doesn't make sense, like why \$32? Because if you multiply 32 by 18, will be more (\$576). It just does not make sense, she does not own the vehicle you know. They're hired from the rental. It doesn't make any sense here as she's making money off us. As I mentioned earlier, the employer is making money from whatever we have. But the purpose of coming to Australia is for us to work and send money back home for our family. We see that we are not having that amount of money because of these 'little little' things that are chewing our salary. If she's our agent, she has to stand for us."

The lack of clear information about how deductions are applied left participants feeling humiliated and upset, making it the primary source of tension with employers. Consistent with the accounts shared by our participants, studies conducted by Dr. Withers highlight that high accommodation deductions are common for Pacific Island workers, even when they are required to share a room with multiple individuals.⁵⁵ Withers documented the case of a Tongan abattoir worker who reported significant

deductions during the initial stages of his employment. From a gross weekly pay of \$740, he was left with only \$150.⁵⁶ This amount was insufficient to send money back home, cover weekly grocery expenses, or allow for any recreational spending, leaving the worker financially strained.⁵⁷

When asked about deduction rates and his remaining income, Wesser stated:

"After the deductions, sending money back home, and paying all the bills, I still have a budget for the next week. We are paid weekly. I usually have around \$200 left after deductions, but more often, I'm left with just \$100 for myself after sending money home and paying bills."

From Briefing to Reality: Broken Promises in Australia

Participants in our study frequently described discrepancies between the wages they were promised and what they actually received. Taufa, for example, shared that during his pre-departure briefing in PNG, he was promised an hourly wage of \$23. However, upon arriving in Australia, he was paid \$21.50 for the first three months. Only after raising concerns about being paid below the minimum wage was his pay adjusted to \$23.80, aligning with Australia's minimum wage at the time.

The role of labour hire agents added another layer of confusion for workers, making it unclear who was responsible for ensuring their employment rights. One participant initially believed that FIP Group (an approved employer) was his direct employer as a Tuvalu worker in Australia.⁵⁸ However, upon arrival, he realised that FIP's role was primarily to provide staffing for the meat processing company where he worked. This revealed a two-tiered employment system, which made it difficult for workers to identify their actual "approved employer." This was

55 Matt Withers, 'Depletion through transnational social reproduction: guestworker migration and uneven development in the South Pacific' (2024) 4(1) *Work in the Global Economy* 30-51.

56 Ibid.

57 Ibid.

58 See FIP Group, 'About Us' (2023) <<https://www.fipgroup.com.au/about-us?source=bing.com>>.

particularly challenging for those wishing to lodge complaints or seek changes in employment due to issues like excessive deductions. Another participant described the frustrating cycle of attempting to resolve deductions, where the labour hire agent would deflect responsibility to the approved employer, and vice versa. This left the worker in limbo, with no clear resolution. Persistent follow-ups and emails were often necessary

to obtain a response.

The experiences of participants in our study align with findings from other research, which reveal widespread malpractice by labour hire agents⁵⁹ and significant barriers to holding any entity accountable.⁶⁰

59 Joanne McCarthy, 'Employers should face criminal action for deliberate exploitation of employees, says NSW opposition' (The Newcastle Herald, 2018) at <<https://www.newcastleherald.com.au/story/5399546/labor-flags-new-wage-theft-laws-when-workers-underpaid/>>; Caitlin Reid, 'We want our Saturdays back: JBS Scone employees strike in the hope of securing a fairer deal' (Muswellbrook Chronicle, 2018) at <<https://www.muswellbrookchronicle.com.au/story/5511799/scone-meat-workers-walk-off-the-job-photos-video/>>; Justin Ellis and Mr Ben Mulholland, 'Vulnerable Migrant Workers in the Hunter Region'; Eugene Schofield-Georgeson, 'Industrial legislation in Australia, 2020' (2021) 63(3) *Journal of Industrial Relations* 377-394; Laurie Berg, Bassina Farbenblum and Catherine Hemingway, 'Submission to the Attorney-General's Department's Review of Australia's Modern Slavery Act 2018' (2022).

60 Anthony Forsyth, 'The Identity of the "Employer" in Australian Labour Law: Moving Beyond the Unitary Conception of the Employer' (2020) 13(1) *Italian Labour Law e-Journal* 13.





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Part Three: Butchered Rights

Part Three of this report examines whether Australian laws effectively address the exploitation of PALM Scheme meat workers, as detailed in Part Two. The PALM Scheme pledges to uphold Australian employment laws for PALM workers equally.⁶¹ Legislative reforms, including amendments to the *Fair Work Act 2009 (Cth)* and the introduction of modern slavery laws, aim to improve conditions for vulnerable workers. However, have these changes successfully achieved their intended outcomes? This section evaluates the efficacy of these legal measures in addressing exploitation and ensuring fairness for PALM Scheme workers.

The Modern Slavery Act 2018

The sale of meat is big business, and the Australian government is committed to addressing modern slavery in the operations and supply chains of Australia's largest companies. A federal *Modern Slavery Act 2018 (Cth)* ('Federal MSA') took effect on 1 January 2019, while a state-level modern slavery law came into effect on 1 January 2022 in New South Wales (*Modern Slavery Act 2018 (NSW)* ('NSW MSA')). Both laws were introduced in response to growing public concern about the prevalence of modern slavery within Australian supply chains. Both the Federal MSA and the NSW MSA require large companies and other entities with annual revenues of \$100 million or more to examine and report on risks of modern slavery and to publish annual public statements on modern slavery in their operations and supply chains. However, this has led to an unusual situation where businesses with NSW employees and annual revenues between AUD 50-100 million are subject to fines under the NSW MSA, while those with revenues over AUD 100 million fall under the Federal MSA,

which does not impose penalties. A Federal Anti-Slavery Commission was appointed in late 2024. The NSW MSA is overseen by an Anti-Slavery Commissioner, and breaches can result in financial penalties of up to AUD \$1.1 million for failure to prepare and publish a statement when required or for providing false or misleading information.

Although both Acts are a welcome step forward, the response of large businesses has fallen short in several key areas, as revealed by our research into meat companies' disclosures in 2022.⁶² In this research, 22 modern slavery statements from 14 companies operating in the meat supply chain were analysed using a standardised framework containing a set of 55 core indicators, across two reporting periods. The study was the first to assess disclosures from companies in the meat supply chain to ascertain their actions in mitigating modern slavery risks.⁶³ All of the assessed companies achieved exceptionally low scores, with an average score of just 34% during the first reporting period. The scores plummeted further in the second reporting period, reaching a low of 28%. Compared to other sectors evaluated using the same metrics, companies involved in meat supply chains had the poorest response to modern slavery during the second reporting period.

Companies struggled in almost all reporting areas, with the most common deficiencies being leadership, policy development, supplier engagement, risk assessment, monitoring, remediation, measuring effectiveness, and consultation. During both reporting periods, only two companies had formal remedial processes or corrective action plans in place. These companies also provided sufficient descriptions of how they addressed modern slavery risks or incidents

61 Australian Government, Department of Employment and Workplace Relations *Pacific Australia Labour Mobility (PALM) Scheme Data: January to June 2024*, above n (24).

62 Ema Moolchand, Shelley Marshall, Hannah Coffey, Sheridan McErvale, 'Where's the beef? An evaluation of meat company modern slavery statements over two years.' (2023), <https://www.rmit.edu.au/content/dam/rmit/au/en/research/networks-centres-groups/bhright/bhright-where-is-the-beef-rmit-report.pdf>.

63 Ibid.

raised through grievance mechanisms.

There was a concerning lack of engagement by companies with supply chain workers and their representative trade unions. Only two companies, across both reporting periods, demonstrated evidence of consultation with trade unions and civil society organisations in developing or reviewing their policies. The remaining companies neither explicitly committed to upholding freedom of association for workers within their supply chains, nor were they able to provide evidence of trade union presence. This lack of engagement and commitment from most companies suggests that efforts to identify and address modern slavery risks are likely to be superficial.

The academic literature suggests that poor-quality modern slavery statements are not only indicative of inadequate disclosure strategies but also stem from deficient detection processes.⁶⁴ This literature emphasises the importance of prioritising worker voices through worker-driven approaches and involving local communities in efforts to address modern slavery.⁶⁵

Workplace Laws

Various mechanisms address severe exploitation in the meat industry. These

include *Labour Hire Licensing Schemes* in four states and territories and deeds of undertaking by the Fair Work Ombudsman (FWO) with meat processing companies.⁶⁶ Other recent legislative measures that seek to protect vulnerable migrant workers from exploitation include the *Fair Work Amendment (Protecting Vulnerable Workers) Act 2017* (PVW Act) and the *Fair Work Legislation Amendment (Protecting Worker Entitlements) Act 2023* (PWE Act). In the following sections, we examine the effectiveness of each of these in turn.

Fair Work Amendment (Protecting Vulnerable Workers) Act 2017 (PVW Act)

The PVW Act, though an important advancement in Australian workplace law, does little to address the problems faced by meat workers, such as those who participated in our study. First, it mainly focuses on franchises.⁶⁷ Second, it does not counter the evasion of responsibility by employers through practices such as outsourcing work and network structures beyond existing and recognisable franchises and corporate groups. Indeed, the main criticism of the new extended liability provisions is that they only protect vulnerable franchise workers and those in corporate groups. Yet, as this report shows, the reality is that there are other complex business structures or networks,

64 Shelley Marshall and Bruce Pinnington, 'Submission to the Attorney-General's Department's Review of Australia's Modern Slavery Act 2018' (2022).

65 Jolyon Ford and Justine Nolan, 'Regulating transparency on human rights and modern slavery in corporate supply chains: the discrepancy between human rights due diligence and the social audit' (2020) 26(1) *Australian Journal of Human Rights* 27-45; Katharine Bryant and Katarina Schwarz, 'What Works To Eradicate Modern Slavery in Crisis Settings? Lessons From the Evidence' (2023) 8(2) *Journal of Modern Slavery* 23.

66 See Queensland, Victoria, ACT and South Australia: *Labour Hire Licensing Act 2017* (QLD) and the *Labour Hire Licensing Regulation 2018* (QLD); *Labour Hire Licensing Act 2018* (VIC) and the *Labour Hire Licensing Regulations 2018* (VIC); *Labour Hire Licensing Act 2020* (ACT) and the *Labour Hire Licensing Regulation 2021* (ACT); *Labour Hire Licensing Act 2017* (SA), *Labour Hire Licensing (Miscellaneous) Amendment Act 2020* (SA) and the *Labour Hire Licensing Regulations 2018* (SA). For enforceable undertakings, see Australian Country Choice Holdings Pty Ltd Enforceable Undertaking (August 2022) <<https://www.fairwork.gov.au/sites/default/files/2022-08/australian-country-choice-holdings-enforceable-undertaking-final-10082022.docx>>; Baiada Poultry Pty Ltd Proactive Compliance Deed (23 October 2015) <<https://www.fairwork.gov.au/sites/default/files/migration/762/baiada-proactive-compliance-deed.docx>>; Lindisfarne Village Gourmet Meats Enforceable Undertaking (8 November 2016) <<https://www.fairwork.gov.au/sites/default/files/migration/971/enforceable-undertaking-lindisfarne-village-gourmet-meats-redacted.docx>>; Seine Australia Pty Limited Enforceable Undertaking (8 August 2014) <<https://www.fairwork.gov.au/sites/default/files/migration/837/enforceable-undertaking-seine-australia-redacted.docx>>.

67 See *Fair Work Amendment (Protecting Vulnerable Workers) Act 2017* (Cth) ss 2 and 19; Adele Ferguson, '7-Eleven Scandal: Worker Exploitation Destroys the Economy' (The Sydney Morning Herald, 2015).

such as labour hire arrangements and supply chains, through which influential businesses avoid their role as direct employers. Instead, jobs within smaller businesses are created where vulnerable workers are often subject to violations of minimum employment standards.⁶⁸ The PVW Act thus fails to address the broader problem of ‘fissured’ work arrangements found in the meat sector, including labour hire arrangements and supply chains.

To address these shortcomings, Labor Senators tried but failed to extend the Bill to include supply chains and labour hire hosts. The proposed provisions clarified that an accessory (labelled in the *Fair Work Act* as an ‘involved person’), beyond the direct employer, is liable for a serious contravention when the direct employer commits a serious contravention and the

accessory was knowingly involved.⁶⁹ The proposed provisions also doubled the maximum penalties for record-keeping and payslip failures and tripled existing penalties in cases where employers give false or misleading payslips to workers or provide false information to the FWO.⁷⁰ They further attempted to reverse the onus of proof in unpaid wage claims where employers fail to comply with requirements to make and keep employment records and have no reasonable excuse for doing so. This aspect of the proposed amendments is particularly relevant for meat workers, especially considering previous FWO investigations into the poultry industry that exposed poor record-keeping and instances of cash payments to meat workers, which allowed ‘rogue’ contractors to avoid liability.⁷¹ We return to these proposed amendments to the *Fair Work Act* in our recommendations.

68 Tess Hardy, ‘Who Should Be Held Liable for Workplace Contraventions and on What Basis?’ (2016) 29 *Australian Journal of Labour Law* 78.

69 See *Fair Work Act 2009* (Cth), s 557 A.

70 *Ibid.*

71 See *Baiada* case, above n (7).



Photo by Astrakanimages on Envato Elements

Fair Work Legislation Amendment (Protecting Worker Entitlements) Act 2023 (PWE Act)

The 2023 PWE Act ensures that migrant workers receive the same rights and entitlements under workplace laws as other employees, regardless of their immigration status.⁷² These equal rights notably do not extend to the right of the PALM worker to change employers, unlike other migrant workers, which in turn shapes their capacity to enjoy other rights in practice.

The PWE Act seeks to address wage disparities that have been a concern in the meat sector, as highlighted by our research, where meat workers like Mafu and Enele have effectively used photographs (3 and 5) to depict the discrimination and inequities in pay they experience despite performing identical tasks. These disparities are particularly pronounced due to factors like visa status, which unfairly shape the compensation of PALM Scheme workers.

State and Proposed Federal Labour Hire Regulation

Labour hire companies often act as agents for PALM visa holders and are frequently responsible for breaches of workplace law.⁷³ The participants in our study raised a range of problems that flowed from the actions of labour hire agents, including below-award pay, differential pay within the same workplace, excessive deductions, and incorrect information being provided by the agent.

Enforcement of existing state-based schemes in Queensland, Victoria, South Australia, and the Australian Capital Territory appears to be raising standards of business behaviour and reducing exploitation of vulnerable workers, despite the problems that persist for our study participants.⁷⁴ Under these statutes, only legitimate businesses with a demonstrated capacity to comply with workplace, safety, taxation, migration, and related laws can obtain a licence to provide labour hire services.⁷⁵ The goal is to eliminate ‘rogue’ contractors from the picture. The Victorian Inquiry into Labour Hire and Insecure Work revealed how these contractors operate in the shadows, taking advantage of the vulnerability of migrant workers, in particular. Labour hire agents are particularly difficult to monitor or trace for the purposes of enforcing workplace and other laws.⁷⁶

Although amendments to the PALM Deed and Guidelines require pay parity between employees of labour hire agents and those of the host employer (the meat processor), differential pay appear to persist, requiring greater oversight of labour hire agents.

Further protective measures are on the horizon. In 2023, the government released the “National Labour Hire Regulation: Towards a Single National Scheme” consultation paper, which proposed a national labour hire licensing scheme.⁷⁷ This scheme would replace the existing state-based schemes,

72 *Fair Work Legislation Amendment (Protecting Worker Entitlements) Act 2023*, available at <<https://www.legislation.gov.au/C2023A00043/asmade/text>>; See also Fair Work Ombudsman, ‘Protecting Worker Entitlements’ (February 2024) at <<https://www.fairwork.gov.au/about-us/workplace-laws/legislation-changes/protecting-worker-entitlement>>.

73 Alexander Reilly, Joanna Howe, Diane van den Broek and Chris F Wright, ‘Working Holiday Makers in Australian Horticulture: Labour Market Effect, Exploitation and Avenues for Reform’ (2018) 30(2) *Economic and Labour Relations Review* 120 <https://www.tandfonline.com/doi/abs/10.1080/10383441.2018.1482814>.

74 *Labour Hire Licensing Act 2017* (Qld); *Labour Hire Licensing Act 2017* (SA); *Labour Hire Licensing Act 2018* (Vic); *Labour Hire Licensing Act 2020* (ACT), establishing a licensing scheme in the Australian Capital Territory.

75 Anthony Forsyth, ‘Regulating Australia’s “Gangmasters” through Labour Hire Licensing’ (2019) 47(4) *Federal Law Review* 469.

76 Industrial Relations Victoria, Victorian Inquiry into the Labour Hire Industry and Insecure Work: Final Report, Victorian Government, 31 August 2016, 102.

77 Department of Employment and Workplace Relations, ‘National Labour Hire Regulation: Towards A Single National Scheme’ -Consultation Paper (March 2023) <<https://www.dewr.gov.au/download/15393/national-labour-hire-regulation-consultation-paper/33232/national-labour-hire-regulation-consultation-paper/pdf>>.

unifying the regulatory obligations under one national framework. The scheme seeks to place a floor under wages and employment conditions to reduce the pressures upon temporary migrant workers to work in unsafe and hazardous conditions.⁷⁸ Key features of the proposed scheme include universal coverage for all industries, mandatory licensing before providing labour hire services, a standard licence duration of 12 months, strict compliance obligations on providers and host employers, and penalties for non-compliance.⁷⁹

A single national scheme is a welcome development, as until then, workers in states without such laws are more vulnerable, and states with such laws are at a competitive disadvantage. In states lacking a labour hire licensing scheme—such as Western Australia, where some of our research participants are located—the responsibility for compliance with minimum employment standards is not distributed to host employers, and there is a tendency for many users of labour hire services to ‘turn a blind eye’ to exploitation from which they benefit.⁸⁰

Awards

Modern awards play a critical role in ensuring that labour hire employees have the protection of minimum hourly rates of pay and certain other minimum conditions, which vary depending on whether they are engaged as casuals or fixed-term employees. For example, meat processing employees engaged to work for a host business at an abattoir would be entitled to the minimum pay and conditions set out in

the *Meat Industry Award 2020*.⁸¹

The table below illustrates the award wages for meat processing. While these wage structures allow for potential advancement, such progress is often unattainable for PALM Scheme workers due to their temporary status and a cap on their skill level. Wesser, whose situation is described earlier in this report, has been employed as a forklift driver at an abattoir for nine months. Despite his tenure and the critical role he plays in training new employees, he faces significant pay disparity. Newly hired workers, equipped with specialised visas and qualifications in fields like electrical engineering, receive higher wages. This stark contrast underscores the systemic flaws in the labour structure, where essential contributions and extended service do not equate to financial advancement or recognition. Consequently, workers like Wesser remain trapped in their initial roles, unable to progress beyond entry-level positions despite their invaluable contributions.

The Level 1 Award Rate—which is what PALM visa holders are likely to receive—is lower than the current minimum wage of \$24.10⁸² and ought only to apply to a new employee until they have undergone on-the-job-training, after which they are to be classified according to the job they are performing. To remedy this, the Approved Employer Guidelines were recently amended to stipulate that a worker must be paid the relevant rate of pay or minimum wage, whichever is higher.⁸³

78 Ibid, at p.4.

79 Ibid, at pp. 7– 15.

80 Therese Jefferson et al, *A Study of Low-Paid Work and Low-Paid Workers in Western Australia* (Report, Women in Social & Economic Research, Curtin University of Technology, 2007).

81 See the Meat Industry Award 2020 at <<https://library.fairwork.gov.au/award/?krn=MA000059>>.

82 Fair Work Ombudsman, ‘Minimum Wages’ (2024) <<https://www.fairwork.gov.au/pay-and-wages/minimum-wages>>.

83 Department of Employment and Workplace Relations, ‘PALM Scheme deed and guidelines notices’ (2023) <<https://www.dewr.gov.au/pacific-australia-labour-mobility-scheme/consultations/pacific-australia-labour-mobility-palm-scheme-approved-employer-deed-and-guidelines/palm-scheme-deed-and-guidelines-notices>>.

Meat Industry Award 2020 [MA000059]		
Classification	Weekly Pay Rate (\$)	Minimum Hourly Pay Rate (\$)
Level 1	891.50	23.46
Level 2	921.40	24.25
Level 3	932.50	24.54
Level 4	954.30	25.11
Level 5	971.20	25.56
Level 6	991.10	26.08
Level 7	1032.30	27.17

Table 1: Fair Work Ombudsman, *Pay guides*, available at <<https://calculate.fairwork.gov.au/payguides/fairwork/ma000059/docx>>; published 2 July 2024. Table includes only base rates for full time and part time adult wages>.

Even when award rates are applied to PALM workers, evidence from a range of sources, including our own study, shows that when these workers begin their employment at these rates, they often face ongoing deductions from their salaries for various expenses such as visa application fees.⁸⁴

These deductions reduce their overall earnings and place additional financial strain on them, despite receiving the prescribed minimum wages. As the visa sponsor, the Approved Employer must facilitate the workers' arrival in Australia, which includes organizing and covering the costs of the meat workers' flights and other expenses before departure and upon arrival.⁸⁵ As our participants report, this also involves providing the meat workers with a cash advance (at least \$200). These expenses

are subsequently deducted from the workers' wages once they commence work in Australia.⁸⁶

Deductions from wages cover a range of expenses, including airfare, transportation to the work site, and visa-related costs such as obtaining health insurance, undergoing health assessments, and conducting police or character checks in Australia and the workers' home countries. Additional deductions are made for initial setup costs in Australia, such as bedding, food, a phone and SIM card, and clothing and shoes not included as uniform or protective gear. If the employer provides accommodation, it is often priced significantly above market rates, with the accommodation costs deducted directly from the PALM workers' wages.⁸⁷ Moreover, any other deductions permitted

84 Makiko Nishitani, Martina Boese and Helen Lee, 'The production of precariousness and the racialisation of Pacific Islanders in an Australian horticultural region' (2023) 49(15) *Journal of Ethnic and Migration Studies* 3900-3919; Joanna Howe et al, *Towards a Durable Future: Tackling Labour Challenges in the Australian Horticulture Industry* (Report, University of Adelaide, 2019) https://farmers.org.au/wp-content/uploads/2019/03/Towards-a-Durable-Future-REPORT_.pdf. Pacific Australia Labour Mobility, 'Payroll deductions explained- A guide for PALM scheme workers' (2022) <<https://www.palmscheme.gov.au/sites/default/files/2023-01/Worker%20deduction%20guidelines%20-%20English.pdf>>; See also Guideline reference 5.2 of the PALM Scheme Approved Employer Guidelines, at p.42.

85 Richard Baker, 'Pacific island meat workers on \$9 per hour after wage deductions' (2021) *The Sydney Morning Herald*.

86 Ethnic Council of Shepparton and District, 'Pacific Islander workers making as little as \$200 a week in Australia seek protection visas for better pay' (August 2023) <<https://ethniccouncilshepparton.com.au/?p=11141>>.

87 Office of the NSW Anti-Slavery Commissioner, 'Be our guests: Addressing urgent modern slavery risks for temporary migrant workers in rural and regional New South Wales' (2024) <https://dcj.nsw.gov.au/documents/legal-and-justice/anti-slavery-commissioner/plans-and-discussion-papers/Be_Our_Guests_-_Addressing_urgent_modern_slavery_risks_for_temporary_migrant_workers_in_rural_and_regional_New_South_Wales.pdf>.

under Section 324 of the *Fair Work Act* or the relevant *Fair Work Instrument*, and agreed to by the Department of Employment and Workplace Relations, are also applied.⁸⁸ Initial expenses for flights, visas, and other arrival costs are deducted until they are fully repaid, while other deductions, such as those for accommodation, transport, and health insurance, continue on a weekly basis.

The Approved Employer Guidelines stipulate that “pay details, including deductions and supporting evidence for these deductions” must be documented on payslips and preserved for seven years.⁸⁹ This has not stopped employers from making unlawful deductions. After media reports and Senate inquiries highlighted issues of underpayment and exploitation, the Australian Government recently made changes to guarantee all PALM workers a minimum take-home pay of \$200 per week after deductions.⁹⁰ In our study, we found that in some cases, participants were left with very little money, with most of them reporting only \$100-\$150 per week after deductions.

Between 1 July 2019 and 30 June 2023, the FWO commenced 162 investigations related to the PALM Scheme, recovering \$383,205 for 1,473 workers and issuing compliance notices and eight infringement

notices.⁹¹ In June 2023, the FWO secured over \$106,000 in court-ordered penalties against a labour hire company for underpaying 87 workers employed under the Pacific Labour Scheme (which became the PALM Scheme).⁹² This amount included compensation for “deductions from wages for accommodation costs that were unlawful because they exceeded the actual cost of the accommodation.”⁹³

Despite the government’s efforts, PALM workers still face significant financial challenges due to deductions for various expenses, often leaving them with insufficient take-home pay. Some have suggested that long-term PALM workers should be allowed to manage their own payments (for bills, rent, etc.) so that they can experience living a ‘normal life’ in Australia.⁹⁴

Migration Laws and PALM Scheme

Despite important recent changes to the PALM Scheme, migration laws, and the way they are enforced, significantly contribute to the exploitation of temporary visa workers in Australia, including those in the PALM Scheme. The *Migration Act 1958* (Cth) establishes offences for employing or referring a person for work if they are an unlawful non-citizen or working in breach of

88 Australian Government (2023) *Pacific Australia Labour Mobility scheme approved employer guidelines*, v.1.4, p 34; *Fair Work Act 2009* (Cth), s 324.

89 Ibid, p 37.

90 Guideline reference 5.1.7 of the PALM Scheme Approved Employer Guidelines, 1 July 2024, p. 40; Lewis (2022) *Pacific Islander farm workers demand justice after claims of ‘modern slavery’*, <<https://www.sbs.com.au/news/article/pacific-islander-farm-workers-demand-justice-after-claims-of-modern-slavery/ylxf0k3wj>>; Stayner (2021) *Government overhauls Pacific worker program amid concerns over exploitation*; Senate Select Committee on Job Security, see Public hearings 2 February 2022, available at <https://www.apf.gov.au/Parliamentary_Business/Committees/Senate/Job_Security/JobSecurity>; Joint Standing Committee on Foreign Affairs, Defence and Trade (2020) *Inquiry into Australia activating greater trade and investment with Pacific Island countries*, <https://www.apf.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/TradewithPacific>; DEWR (2023) *Factsheet – Final PALM deed and guidelines settings – 5 June 2023*, <<https://www.dewr.gov.au/pacific-australia-labour-mobility-scheme/resources/factsheet-final-palm-deed-and-guidelines-settings-5-june-2023>>.

91 Fair Work Ombudsman (2023) *Annual Report 2022–23*, p 33, <<https://www.fairwork.gov.au/about-us/accountability/annual-reports>>.

92 Fair Work Ombudsman, ‘Queensland Labour-Hire Company Penalised’ (Media Release, 5 July 2023) <<https://www.fairwork.gov.au/newsroom/media-releases/2023-media-releases/july-2023/20230705-nq-power-train-penalty-media-release>>.

93 Fair Work Ombudsman (2023) *Annual Report 2022-23*, p 28.

94 Sistas, Let’s Talk (2023) *What is it really like to work on the PALM Scheme if you’re a woman?* <<https://www.abc.net.au/pacific/programs/sistas-lets-talk/sistas,-lets-talk/102864264>>.



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visa conditions, with aggravated penalties for exploiting such workers. Despite recent reforms, the PALM Scheme continues to entrench vulnerabilities due to stringent visa conditions that make it exceedingly difficult for workers to change employers without extensive approvals, thereby increasing their susceptibility to abuse and underreporting of workplace issues. In this section, we consider each change and assess its benefits for workers.

Workers are now guaranteed certain hours of work. Recent changes in the Approved Employer Deed and Guidelines stipulate that approved employers must offer short-term workers 30 hours of work per week, averaged over the worker's placement. From 1 January 2024, employers must offer 30 hours of work per week, averaged over four weeks, changing to 30 hours offered every week from 1 July 2024.⁹⁵ If employers cannot meet the requirement to pay short-term workers for the required hours, they must pay workers the equivalent of 120 hours over the four-week period for any hours not offered.⁹⁶

Approved employers must now also provide short-term workers with accommodation for the full duration of their PALM contract, and for the first 12 months of a long-term worker's PALM contract.⁹⁷ The Guidelines also provide limits on deductions, stating that for any week in which the employer offers less than 20 hours of work, the employer must cover the cost of the worker's accommodation and transport for that week (and the debt cannot be accrued).⁹⁸

Employment remains highly restricted under the scheme. Employer eligibility for recruitment is primarily determined by rural and regional postcode locations, except for employers in the agriculture and select agriculture-related food product manufacturing sectors, where there are no postcode restrictions.⁹⁹

Although there have been improvements to the Scheme, mobility continues to be highly limited in practice. The previous employer arrangements stipulated that PALM workers could only work for their sponsoring employer in the industry for which they were recruited. Following a pilot scheme,¹⁰⁰ 'portability' arrangements in the new *Approved Employer Deed of Agreement* (introduced from 1 July 2023) allow workers to transfer between employers. Under the improved scheme, PALM visa holders are still bound to specific employers and roles, severely limiting their mobility. PALM visa holders are prohibited from changing employers without the approval of both their current and potential employers, as well as the Department of Employment and Workplace Relations (DEWR). A worker cannot initiate a transfer; instead, it must be arranged between employers, although the worker must give written consent and must not be disadvantaged by the move.¹⁰¹ Thus, even if a worker secures a new employer, they can only work in the position their visa permits, often leaving them trapped in exploitative conditions.¹⁰²

This dependency and the lack of practical mobility were criticised by Nationals Senator

95 Ibid.

96 Ibid, section 3.7.2, p. 30.

97 Ibid, section 3.7.8, p. 30.

98 Ibid, section 3.7.10, p.30.

99 Pacific Australia Labour Mobility, 'Eligibility' (2024) <<https://www.palmscheme.gov.au/eligibility>>.

100 Australian Government, Seasonal Worker Programme (Regional Pilot) – 'Providing smaller farmers flexibility to meet harvest needs' (2020) <https://www.palmscheme.gov.au/sites/default/files/2021-09/SWP-Regional-Pilot-Factsheet_2.pdf>.

101 Parliament of Australia, 'The Pacific Australia Labour Mobility Scheme: A Quick Guide' (2023) available at <https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/pubs/rp/rp2324/Quick_Guides/PALMScheme>.

102 Australian Government (n.d.) *PALM fact sheet*, <<https://www.foreignminister.gov.au/sites/default/files/2021-11/streamlining-and-strengthening-pacific-labour-new-era-palm-scheme-fact-sheet.pdf>>.

Matt Canavan, who likened the scheme to a form of indentured labour.¹⁰³ Similarly, Labour MP Stephen Lawrence recently addressed Parliament, emphasising that “as a matter of principle, no worker should be indentured to a particular employer” and called for urgent reforms to the PALM Scheme.¹⁰⁴ Research participants, all in isolated rural towns, highlighted the impracticality of navigating the approval requirements to change employers, exacerbating their exploitation.

When PALM visa holders have grievances against their employers, they are expected to address these issues directly with their employers or contact the FWO.¹⁰⁵ Additionally, country liaison officers and labour attachés appointed by the governments of Pacific Island nations and Timor-Leste are supposed to provide support to these workers in Australia.¹⁰⁶ However, not all participating countries offer such support. Further, participants in our study revealed that they were unfamiliar with their assigned country liaison officers. They reported never having “met or seen” these

representatives, despite the PALM website listing their contact details, including names, phone numbers, and e-mail addresses.¹⁰⁷ This lack of visibility and accessibility of liaison officers exacerbates the challenges faced by PALM workers, leaving them with limited avenues for support and increasing their vulnerability to exploitation.

Workers sometimes resort to leaving their sponsor employers due to poor conditions or insufficient hours, which breaches their visa conditions and risks deportation.¹⁰⁸ The 2021 Department of Foreign Affairs and Trade (DFAT) campaign against ‘absconding’ workers was widely condemned on human rights grounds.¹⁰⁹ The crackdown on migrant exploitation by the Australian Border Force (ABF) in July 2023,¹¹⁰ and the new public register of non-compliant employers maintained by the Australian Border Force, clearly indicating their status under migrant worker schemes,¹¹¹ will hopefully enhance accountability.¹¹²

However, our evidence shows that much

103 Thompson (2022) *Coalition senator likens government’s seasonal worker scheme to indentured labour*, <<https://www.smh.com.au/politics/federal/coalition-senator-likens-government-s-seasonal-worker-scheme-to-indentured-labour-20220202-p59tbi.html>>.

104 Parliament of New South Wales, Legislative Council Hansard, 18 September 2024 available at <<https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1820781676-96865>>

105 Pacific Australia Labour Mobility, ‘Help for workers’ (2024) <<https://www.palmscheme.gov.au/help-workers>>.

106 Pacific Australia Labour Mobility, ‘Support for PALM scheme workers in Australia’ (2024) <<chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://www.palmscheme.gov.au/sites/default/files/2022-12/Support%20for%20workers%20%28English%29.pdf>>.

107 See Australian Government, ‘Contact’ (Web Page, no date) <https://www.palmscheme.gov.au/contact>.

108 Marie and Buchanan (2022) Pacific farm workers who breached visas by working for wrong employers fight to get them back, <<https://www.abc.net.au/news/rural/2022-08-02/absconded-pacific-workers-fight-for-visas-palm-scheme-breach/101290534>>.

109 Tahlea Aualiitia, ‘Australian government to review Pac seasonal worker absconding posters after public backlash’ (ABC Pacific Beat), at <<https://www.abc.net.au/pacific/programs/pacificbeat/pac-seasonal-abscond-update/13638586>>; Stephen Rice, ‘Immigrant seasonal workers abscond amid ‘slave labour’ claims’ (The Australian 2021) at <<https://www.theaustralian.com.au/nation/politics/immigrant-seasonal-workers-abscond-amid-slave-labour-claims/news-story/0ee718cbc31609b91ed6d4850921929e>>.

110 Australian Border Force, ‘Register of sanctioned sponsors’ (2023) at <<https://www.abf.gov.au/about-us/what-we-do/sponsor-sanctions/register-of-sanctioned-sponsors>>.

111 Australian Border Force, ‘Prohibited Employer Register’ (2024) <<https://www.abf.gov.au/about-us/what-we-do/prohibited/prohibited-employer-register#:~:text=Starting%20from%201%20July%202024%2C%20this%20register%20will,additional%20migrant%20workers%20for%20a%20period%20of%20time>>. We note that as of Monday 2 December 2024, no employers were listed on this register.

112 Ellen Whinnett, ‘Companies exploiting migrant workers hit with fines and bans in Border Force blitz’ (The Australian, 2023) <<https://www.theaustralian.com.au/nation/companies-exploiting-migrant-workers-hit-with-fines-and-bans-in-border-force-blitz/news-story/ca2adda910f68f9ccf219af9a044b6d8>>.

more needs to be done to ensure fair treatment and adequate protections for PALM Scheme workers. To genuinely protect PALM workers, Australia needs a more transparent

system that allows free movement between employers and industries, aligning their rights with those of Australian workers.

Recommendations

In this section of the report, we make recommendations concerning law and policy reform in seven key areas: migration laws, the Fair Entitlements Guarantee Scheme, Labour Hire Licensing, The Fair Work Act and the Fair Work Ombudsman, Superannuation, the Anti-Slavery Commissioner and international aid and cooperation.

1. Reform Migration Laws and the PALM Scheme

1.1. Increase Worker-driven Mobility:

1.1.1. Reform the scheme to allow PALM workers freedom to change employers within the scheme without requiring multiple approvals, reducing their dependence on a single employer and decreasing vulnerability to exploitation. A preferred model is the recently introduced arrangement for Temporary Skills Shortage visa holders.

1.2. Ensure Fair Compensation and Deductions:

- 1.2.1. Mandate transparent, standardised deductions for expenses such as airfare, accommodation, and transportation, with clear documentation provided to workers.
- 1.2.2. Introduce a minimum take-home pay requirement that adjusts for inflation and cost of living changes, ensuring workers have sufficient income after deductions.
- 1.2.3. Strengthen minimum hours settings to guarantee short-term PALM workers a minimum of 30 hours of work each week.¹¹³

1.3. Facilitate Pathways to Permanent Residency:

- 1.3.1. Develop a pathway for PALM workers to transition to permanent residency in addition to the Pacific Engagement Visa (subclass 192), introduced in June 2024, which allows for the permanent migration of 3,000 Pacific Islanders annually.¹¹⁴ This would recognise their contributions to the Australian economy and support their full integration into Australian society.
- 1.3.2. Provide clear guidelines and support for workers interested in pursuing permanent residency, including information on eligibility and application processes.

1.4. Strengthen Accreditation Requirements for Approved Employers:

- 1.4.1. Develop stricter standards for accreditation as an Approved Employer.
- 1.4.2. Building on the Australian Border Force's 'public register of non-compliant employers', allow for blacklisting of employers who breach workplace laws by

113 'PALM Minimum Hours Settings – Frequently Asked Questions' (May 2024) <https://www.palmscheme.gov.au/sites/default/files/2024-05/Minimum%20hours%20settings%20frequently%20asked%20questions%20-%20May%202024.pdf>.

114 Department of Home Affairs, 'The Pacific Engagement Visa – Australia's New Permanent Visa' (2024) available at <<https://www.homeaffairs.gov.au/news-media/archive/article?itemId=1164>>.

defining 'blacklistable' offenses, as well as conditions for mandatory blacklisting duration and permanent disqualification.

- 1.4.3. Grant explicit authority to the Department of Employment and Workplace Relations, state workplace health and safety authorities, as well as Labour Hire Licensing authorities to issue blacklisting orders for PALM employers based on investigations, in addition to the Australian Border Force.
- 1.4.4. Require blacklisted employers to demonstrate significant remedial actions and pass an independent compliance audit before applying for reinstatement.
- 1.4.5. Mandate that blacklisted employers are publicly disclosed via a government-maintained database, accessible to workers and other stakeholders.

1.5. Introduce dedicated transport roles:

- 1.5.1. Amend the PALM Approved Employer Guidelines to include provisions under Chapter 9: Enhancing Worker Welfare, Wellbeing, and Capacity, requiring the employment of dedicated transport staff to manage transportation duties.
- 1.5.2. Require recruitment agencies to:
 - 1.5.2.1. Employ dedicated staff solely responsible for the transportation of workers, ensuring these duties are not assigned to team leaders without appropriate compensation.
 - 1.5.2.2. Nominate transport staff in Recruitment Applications, ensuring transparency in the allocation of transportation responsibilities.

1.6. Strengthen transparency around the scheme:

- 1.6.1. Publish data regarding the number of PALM workers, their employer, their rates of pay, locations, industries and occupations.

1.7. Strengthen the Role of Country Liaison Officers and Labour Attachés:

- 1.7.1. Deploy more liaison officers and labour attachés to regions with high concentrations of PALM workers to ensure proximity and accessibility.
- 1.7.2. Schedule regular visits to worksites and accommodation to build trust and ensure open communication with workers.
- 1.7.3. Require liaison officers and attachés to submit regular reports on their activities and outcomes, ensuring accountability.
- 1.7.4. Introduce mechanisms to evaluate the effectiveness of liaison officers, with input from workers.

1.8. Enhance Pre-departure and On-arrival Briefings:

- 1.8.1. Standardise and improve the quality of pre-departure briefings to provide accurate, comprehensive information about wages, working conditions, and rights. Include detailed information on the actual employment structure and any intermediary agents involved.
- 1.8.2. Ensure pre-departure briefings are culturally appropriate, particularly for Pasifika workers. Given the strong oral traditions in many Pasifika cultures, audio-visual materials should be prioritised over written formats. It is also recommended that these briefings be co-designed in collaboration with the Pasifika community groups and unions in Pacific countries to ensure cultural relevance and effectiveness.

1.9. Increase Worker Education and Empowerment in the Workplace:

- 1.9.1. Require Approved Employers to allocate time for mandatory training on workplace rights, facilitated by independent organisations or unions.
- 1.9.2. Require Approved Employers to provide workers with written materials (in their

preferred languages) about their rights to self-organise, join unions, and engage in collective action under Australian law.

2. Reform the Fair Entitlements Guarantee Regulation 2012

2.1. Extend the Fair Entitlements Guarantee Scheme:

- 2.1.1. Extend the Fair Entitlements Guarantee scheme to migrant workers on temporary visas so PALM Scheme workers can, when they lose their job due to liquidation or bankruptcy of the employer, gain assistance to recover unpaid wages and entitlements.¹¹⁵ When workers make a claim to the Government under the FEG Scheme, the Government calculates their unpaid wages and entitlements and makes an advance payment to them.

3. Streamline and Ease Access to Superannuation¹¹⁶

3.1. Streamline transfer of super to PALM workers' countries of origin:

- 3.1.1. Establish a streamlined system that allows PALM workers to nominate a bank account in their home country for the transfer of superannuation payments upon departure.
- 3.1.2. Amend the Superannuation Industry (Supervision) Act 1993 (Cth) and associated regulations to allow Australian superannuation funds to transfer funds directly to overseas bank accounts.
- 3.1.3. Update the relevant administrative policies within the Australian Taxation Office (ATO) to streamline processes for PALM workers.

3.2. Abolish the 35%+ tax on Departing Australia Superannuation Payments (DASP) to enable PALM workers to retain a greater portion of their superannuation:

- 3.2.1. Amend the Income Tax Assessment Act 1997 (Cth) to remove or reduce the tax rate on DASPs for temporary workers under the PALM Scheme.
- 3.2.2. Update the Taxation Administration Regulations 2017 to reflect these changes.
- 3.2.3. Amend the Superannuation (Unclaimed Money and Lost Members) Act 1999 (Cth) to include provisions for cross-border transfers to retirement funds in designated countries.
- 3.2.4. Negotiate bilateral agreements with Pacific Island nations and Timor-Leste to facilitate seamless fund transfers and minimise fees.

3.3. Designate trusted superannuation funds as default options for PALM workers, ensuring they are enrolled in funds that prioritise their financial well-being:

- 3.3.1. Revise the PALM Scheme Deed of Agreement to specify the selection criteria and designation of default superannuation funds.
- 3.3.2. Introduce policies requiring Approved Employers to register PALM workers

¹¹⁵ Migrant Workers Centre, *Submission to the Department of Employment and Workplace Relations Regarding the Scheme of Assistance Established Under the Fair Entitlements Guarantee Regulation 2012* (12 August 2022).

¹¹⁶ Australian Workers' Union and Approved Employers of Australia Australian Workers' Union, *Super Power the Pacific* (2024) <https://awu.net.au/national/campaigns/21660/super-power-the-pacific>.

with these default funds unless workers nominate an alternative.

4. Reform Labour Hire Licensing Arrangements

4.1. Implement a Single National Labour Hire Licensing Scheme:

- 4.1.1. As a matter of urgency, establish the planned national labour hire licensing scheme to harmonise regulatory obligations and protect workers across all states.
- 4.1.2. Specify that the scheme must include a PALM-specific licensing category, ensuring that labour hire providers supplying workers under the PALM Scheme meet tailored compliance requirements such as:
 - 4.1.2.1. Ensuring no recruitment fees are charged to workers.
 - 4.1.2.2. Providing evidence of suitable worker accommodation arrangements prior to deployment.
 - 4.1.2.3. Documenting and reporting workplace compliance checks, including evidence of timely and fair wage payments.
- 4.1.3. Make it mandatory for all labour hire providers servicing PALM workers to obtain national licensing before hiring or deploying workers under the scheme.
- 4.1.4. Require alignment with PALM Scheme Deeds of Agreement.

5. Reform the Fair Work Act and the Fair Work Ombudsman

5.1. Strengthen Penalties and Accountability for Record-Keeping Violations:

- 5.1.1. Define PALM Scheme workers as a distinct worker category deserving of heightened protections.
- 5.1.2. Double the maximum penalties for failures in record-keeping and pay slip issuance to ensure stricter compliance with employment standards.
- 5.1.3. Triple the existing penalties in cases where employers issue false or misleading pay slips to workers or provide false information to the FWO.
- 5.1.4. Implement provisions to reverse the onus of proof in unpaid wages claims where employers fail to maintain or produce required employment records without a reasonable excuse.

5.2. Strengthen Worker Support and Advocacy:

- 5.2.1. Establish and fund a dedicated PALM Worker Support Unit within the Fair Work Ombudsman with multilingual staff who can assist workers in their preferred language and provide culturally appropriate support.
- 5.2.2. Require employers to provide workers with the unit's contact information during onboarding.
- 5.2.3. Empower the dedicated unit to conduct random interviews and surveys with PALM Scheme workers to assess workplace conditions and compliance with employment laws.
- 5.2.4. Establish a PALM Scheme Advisory Committee composed of worker representatives and advocates to advise the FWO on systemic issues and policy improvements.

6. Maximise the Impact of the Anti-Slavery Commissioner

6.1. Develop and Publish a Reporting Quality Benchmark

- 6.1.1. The Anti-Slavery Commissioner should issue detailed guidelines defining what constitutes high-quality modern slavery statements, including specific metrics and examples of best practices.
- 6.1.2. Provide clear, actionable templates and examples tailored to high-risk industries, such as those employing PALM Scheme workers, to assist businesses in meeting reporting expectations and avoiding fines.

6.2. Conduct Targeted Industry Outreach and Education:

- 6.2.1. The Anti-Slavery Commissioner should roll out an education campaign aimed at high-risk industries, including business linked to meat processing, to guide compliance with modern slavery reporting requirements.
- 6.2.2. Deliver sector-specific advice on human rights due diligence, reporting and supply chain transparency through webinars, workshops, and partnerships with industry bodies, unions and civil society organisations to improve compliance in the short term.

6.3. Recommend swift introduction of fines and establish a public compliance monitoring program:

- 6.3.1. Recommend immediate reform of the Modern Slavery Act in line with the government promise to introduce fines for poor quality modern slavery statements.¹¹⁷
- 6.3.2. Publish an annual “compliance tracker” that lists entities failing to meet reporting standards, including detailed reasons for their non-compliance.

6.4. Facilitate the Development of a Code of Practice for the Meat Sector:

- 6.4.1. Deploy the good office of the Anti-Slavery Commissioner to convene stakeholder roundtables with supermarket, fast food companies, retailers, buyers, meat processing companies, labour hire firms, unions, churches, and concerned civil society bodies to collaboratively develop a code of practice entailing human rights due diligence for the meat processing sector that leverages the power of big business.
- 6.4.2. Establish clear standards monitoring compliance and recognising adherence to human rights due diligence standards as a best-practice benchmark.

7. Address Supply-side Issues by Fostering Decent Work in Pacific Island Countries

7.1. Cooperation by the Department of Foreign Affairs and Trade and the Department of Climate Change, Energy, the Environment and Water to promote decent work and climate change adaption:

- 7.1.1. The Department of Foreign Affairs and Trade (DFAT) should redirect Australian aid to support programs that promote decent work and address unemployment in Pacific Island countries.
- 7.1.2. DFAT, in collaboration with the Department of Education, should establish partnerships with Pacific Island governments to develop technical and vocational education and training (TVET) programs aligned with local industry needs.
- 7.1.3. The Department of Climate Change, Energy, the Environment and Water,

¹¹⁷ Australian Government, *Government Response to the Final Report of the Statutory Review of the Modern Slavery Act 2018 (Cth)* (December 2023) <https://www.ag.gov.au/rights-and-protections/publications/government-response-final-report-statutory-review-modern-slavery-act-2018>.



“Alone but resilient, a flower in a dry field—Wesser’s journey as a distant provider, nurturing hope against all odds.”



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