ASHA Lectures

Your Task: Analyse the following article and complete the accompanying questions.

Our reputation is at risk: we need to end the exploitation of foreign workers

(March 7 2016, Giri Sivaraman, The Age)

Another day and yet another Australian company has been caught out exploiting foreign workers.
First it was 7-Eleven staff millions of dollars out of pocket, now it's been revealed Chinese and Taiwanese workers at a NSW mushroom farm were paid only half what they were entitled.

The Turnbull government must end the radio silence and come out in support of international workers or risk a reputation in tatters in overseas markets.

Foreign workers on visas are very vulnerable to exploitation because they are simply unaware of what a job in Australia actually should provide in wages and conditions.

If you got a new job overseas, in a country where perhaps you didn't speak the language, how would you know if it was a good job and if you were being paid properly?

This scenario has culminated in the biggest employment scandal Australia has ever seen – the rampant underpayment of workers in 7-Eleven convenience stores.

The lack of knowledge about working conditions in Australia among 7-Eleven workers has hidden the misery of chronic working poverty, cultivated a cohort of terrified workers afraid of deportation and set up a cycle of threats and violence from which there is no escape.

And it seems the federal government is happy to sit back and let this sad spiral continue, without a word of support.

Students with visa restrictions on the number of hours they have to work can't survive on the unlawful wages they are given. One worker we are representing was paid just 47 cents an hour, it would take him an entire day's work to earn the equivalent of one cup of coffee. They then have to work outside of their visa restrictions to simply make ends meet. If at some point they become aware they are being underpaid, and have the courage to speak up, their employer threatens to report them to the Department of Immigration for working outside of their visa restrictions. The students realise that such a report could lead to deportation. Petrified of deportation, these

overseas students continue to work long hours being paid well below what the law requires.

Maurice Blackburn is representing more than 60 current and former 7-Eleven employees pro-bono to help them recoup the money they are owed. We have spoken to hundreds more who are considering the brave move to lodge a claim.

Without fail every 7-Eleven employee we have spoken to has said they didn't know how much they should be paid, they weren't sure of how many hours they were supposed to work and their conditions were never spelt out. Those that realised they were underpaid were petrified to speak up because of threats of deportation or even threats of violence. They only come forward now because of the guarantee of anonymity and because others have now spoken up.

Unfortunately 7-Eleven is only the tip of the iceberg. Reports are now surfacing of underpayments across the fast food sector including in Dominos, Subway and other franchises. Some of our clients have also reported systematic underpayment at petrol outlets, and indeed petrol outlets have been the subject of prosecution for underpayments in recent history.

The exploitation of workers is not limited to fast food, convenience stores and petrol outlets; it has also been exposed by Four Corners to be systematic and chronic across the fresh food industry including farm workers like the mushroom pickers. It is hardly surprising that farmers are struggling to find workers to perform seasonal work with the reports of systematic underpayment, exploitation and even sexual harassment of foreign students and others who perform this seasonal work.
Even Mike Smith, the new chairman of 7-Eleven, has admitted at a senate inquiry that small businesses will pay the wages that they can negotiate with employees, not what is actually lawful. It is as if the world of industrial law and industrial instruments such as awards are becoming a fantasy world, in which many businesses across a number of industries in Australia do not have any intention to enter.

If it is clear businesses like 7-Eleven are snubbing their noses at the law then arming their workforce with information is the best way to take these business to task.

Anecdotal evidence points to "word of mouth" and relying on other workers in the same industry to let you know what pay and conditions are like. This isn't good enough. If workers aren't being educated at the shop counter perhaps the customs counter is a good place to start. Unions would be happy to be a part of this process as well.

Compulsory education programs rolled out through universities or higher education facilities – from which much of this workforce is drawn from – will ensure future generations of foreign workers won't suffer this same fate. There also need to be tougher penalties for employers that exploit and underpay workers as proposed recently by Labor. In addition, franchisors need to be made liable for the actions of franchisees who systematically underpay workers, as proposed by the Greens.

Clearly much more needs to be done, and there are proposals already that will help. It is time the radio silence from the federal government ended and worker rights are back on the agenda because everyone deserves a job that pays them more than the equivalent of a cup of coffee a day.

Employment and industrial lawyer Giri Sivaraman heads Maurice Blackburn's Brisbane practice.

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1. Identify the following.

   a) Issue:

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   b) Impetus:

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   c) Contention:

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   d) Form:

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   e) Tone:

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f) Target Audience:

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2. Find three persuasive techniques.

Technique			
Example			
Intended Effect			
Explanation			