

23 July 2018

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

### Re: ECCV Submission on the *Modern Slavery Bill 2018*

Dear Committee Secretary,

#### About ECCV

The Ethnic Communities' Council of Victoria (ECCV) is the voice of multicultural Victoria and peak policy advocacy body for eight regional ethnic community councils and up to 240 members, including ethnic and multicultural organisations across Victoria. For over 40 years, we have been the link between multicultural communities, government and the wider community. ECCV has a strong history in advocating for the rights of Victoria's multicultural communities.

#### Introduction

ECCV welcomes the opportunity to provide comment to the Senate Legal and Constitutional Affairs Committee on the *Modern Slavery Bill 2018* (the Bill). ECCV has long been concerned about exploitative labour practices, especially amongst migrant workers in Australia. We believe that there are currently many people working in conditions that could reasonably be described as "slavery-like" conditions. For example, workers on temporary visas or who are undocumented make up a high proportion of Australia's agricultural workforce, and are often victims of unscrupulous employment practices. ECCV believes that by requiring large businesses and government entities to report on the risks of modern slavery in their operations and supply chains, the *Modern Slavery Bill 2018* is an important step in reducing the risk that Australian organisations are implicated in slavery and slavery-like practices both domestically and around the world.

#### Exploitative Practices in Australia

The Global Slavery Index (2018) estimates that in 2016 there were 40.3 million people living in modern slavery worldwide, and 15,000 living in Australia.<sup>1</sup> Most large Australian businesses have multinational supply chains, and ECCV is pleased that the provisions of the Bill will require them to investigate slavery-like practices to which they may be unwitting accessories. However, given the

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<sup>1</sup> Walk Free Foundation, 2018, [Global Slavery Index](#)

existence of slavery-like practices in Australia, which are within the power of Australian authorities to address, ECCV believes that the Bill should particularly emphasise investigation and reporting on exploitative employment practices domestically.

Common types of exploitative practices in Australia include sex trafficking, domestic servitude, forced labour and debt bondage, wage theft, deceptive recruiting, and forced marriage and spousal exploitation. Many victims of the most severe exploitative practices are low-skilled migrant workers on temporary visas or who are undocumented. Through community consultations, ECCV has been made aware of migrant workers in the agricultural sector in regional Victoria who have been severely underpaid or not paid at all for their labours. In some cases the migrant's employer is the sponsor of their visa, and they are therefore unwilling to report their exploitation. In other cases they are undocumented or working longer hours than their visa permits, and therefore fearful of consequences from immigration authorities if they reported on their employer. Migrant workers also often face cultural and linguistic barriers, and lack understanding of Australian employment standards, which increases the risk that their exploitation will remain hidden. ECCV believes that the Federal Government should commit to an awareness-raising program for migrants on temporary visas to understand Australian employment standards and what action they can take if they are victims of exploitation.

Another issue of concern to ECCV is the exploitation of women on spousal visas. This often involves sham marriages, in which women are forced into sex work or domestic servitude by their husbands. Through consultations with regional community organisations, ECCV has been made aware that many women on partner visas are also forced into dusk-to-dawn agricultural work, often enforced with threats of sexual violence or withholding of food and shelter. Women in this situation live with the threat of visa cancellation if they bring their mistreatment to the attention of authorities.

ECCV recommends that the Government's response to modern slavery should encompass support for victims, such as a redress or compensation scheme, and support to take action against the exploiting party. In particular, ECCV believes that survivors of slavery pursuing legal action should be allowed to remain in Australia until the action is complete, regardless of their visa status.

### **Limits to the Bill**

ECCV understands that the Bill is not intended to enforce compliance or to take punitive action against entities that use modern slavery or slavery-like practices in their operations or supply chains. The Bill rather intends to encourage transparency and best practice by inspiring a "race to the top", as businesses compete for funding and support by demonstrating their desire to address modern slavery. ECCV supports this notion, but is also aware that in a competitive market, businesses that abide by employment law will generally be undercut by those that do not. Applying modern slavery practices generally has the effect of lowering costs and increasing the business bottom line. ECCV believes that it is unlikely that the reporting requirements of the Bill alone will have such positive effects as to necessarily make full investigation and disclosure the most desirable option for profit-driven businesses. For this reason, ECCV would like to see provisions in the Bill to penalise entities that do not properly comply with reporting requirements. These could take the form of financial penalties or other sanctions such as a restriction on the ability of companies to bid for government contracts or receive government support. Such penalties could be phased in after several years in order to allow time for businesses and government bodies to become familiar with the requirements of the Bill.

ECCV is aware that the Federal Government has drawn upon the example of the United Kingdom's *Modern Slavery Act 2015*, which is widely seen as having set a global standard in leading responses to modern slavery. Under this Act, the UK's response to modern slavery was considerably strengthened by the creation of an independent Anti-Slavery Commissioner, who drives responses to modern slavery, promotes law enforcement and leads support of victims.<sup>2</sup> ECCV believes that a best practice response to modern slavery in Australia should involve the creation of a similar office.

ECCV also considers that a comprehensive response to the issue of modern slavery should include a means of redress to victims. This would preferably take the form of a compensation scheme and a program to provide care and support to those identified as having suffered from slave-like practices. ECCV believes that this will ensure that the Bill's focus includes not just the entities who may be unwittingly implicated in modern slavery, but the people most affected by the practice - the victims themselves.

### **Recommendations**

ECCV recommends:

1. That workers pursuing legal action against exploitative employers should be allowed to remain in Australia until the action is complete, regardless of their visa status.
2. That the Federal Government commits to an awareness-raising program for migrants on temporary visas to understand Australian employment standards and what action they can take if they are victims of exploitation.
3. That the *Modern Slavery Bill 2018* should include financial penalties and other restrictions for companies that fail to comply with its reporting requirements.
4. That the Australian Government should legislate to create and resource an independent Anti-Slavery Commissioner to drive active responses to modern slavery in Australia.
5. That the *Modern Slavery Bill 2018* should include a means of redress and support to people who have been victims of modern slavery in Australia.

For further information please contact James Houghton, ECCV Policy Officer, on (03) 9354 9555 or [jhoughton@eccv.org.au](mailto:jhoughton@eccv.org.au).

Sincerely,



Kris Pavlidis  
Chairperson

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<sup>2</sup> UK Home Office, 2016, [The Modern Slavery Act Review](#)