**Submission No 62**

# INQUIRY INTO SUSTAINABLE EMPLOYMENT FOR DISADVANTAGED JOBSEEKERS

**Organisation:** Springvale Monash Legal Service & WEstjustice Community Legal Centre

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WEstjustice

SPRINGVALE MONASH LEGAL SERVICE Inc.
Working for Justice

# 2019 Inquiry into Sustainable Employment for Disadvantaged Jobseekers

Joint Submission by WEstjustice Community Legal Centre and Springvale Monash Legal Service

**To:**

Victorian Legislative Assembly Economy and Infrastructure Committee

Inquiry into Sustainable Employment for Disadvantaged Jobseekers

Parliament House, Spring Street

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# 1. Introduction

WEstjustice Community Legal Centre and Springvale Monash Legal Service (**SMLS**) welcome the opportunity to make this joint submission to the Committee's Inquiry into Sustainable Employment for Disadvantaged Jobseekers (**Inquiry**).

## 1.1. Scope of submission

While WEstjustice and SMLS recognise that there are many different subsets of our community that are disadvantaged in seeking employment, this brief submission seeks to address the terms of reference of the Inquiry by reference to the learnings derived in the course of our work with the newly arrived migrants, refugees and people seeking asylum , and to provide recommendations based on the needs of our client demographic. Many of these recommendations will also benefit other subsets of disadvantaged jobseekers, however, these other subsets also require additional specific actions which we have not had the opportunity to consider in this submission.

For those who do access Victorian employment and jobseeker services such as Jobs Victoria, WEstjustice and SMLS are of the view that they are useful services. With that in mind, some changes can be made to these services to improve the experience of those who seek employment, to build in protections for newly arrived migrant, refugee and asylum seeker communities, and to increase the social and economic benefits of successfully placing members of these communities into sustainable employment. We understand sustainable employment to encompass secure, safe and fair employment, this being a key outcome we strive to achieve for our clients.

Separately, we note that the Victorian Government is currently conducting an inquiry into the on-demand workforce, and so we direct the committee to WEstjustice's submission to that inquiry[1] and suggest that the findings from that inquiry are likely to be a useful adjunct to measures aimed at supporting disadvantaged workers to access sustainable employment.

This submission provides several specific recommendations as to how employment services can be improved to address the specific needs of newly arrived migrants, refugees and people seeking asylum in obtaining sustainable employment.

[1] WEstjustice submission, 'Inquiry Into the Victorian On-Demand Workforce' (February 2019)

## 2. Summary of submissions

This submission makes the following recommendations:

| | Recommendation |
|---|---|
| 1 | Specialist employment law advice and education programs should be made available for disadvantaged job seekers, including newly arrived migrants, refugees and people seeking asylum |
| 2 | Employment services should provide assistance for employers specifically engaging newly arrived migrants, refugees and people seeking asylum |
| 3 | Updates should be made to the Jobs Victoria website to include information and tips for newly arrived, refugee or asylum seeker workers seeking employment, and to provide content in different community languages |
| 4 | Increased funding should be provided to enable disadvantaged workers to access employment law services and to fund employment law education programs |
| 5 | Jobs Victoria Partners must provide additional support to newly arrived, refugee or asylum seeker job seekers, and should receive greater incentives for placing workers in secure positions |
| 6 | The Victorian Government should invest additional resourcing to develop pathways to employment |
| 7 | The Victorian Government should offer additional, non-employment related services as part of a holistic approach to supporting job seekers, including mental health and financial counselling |
| 8 | The Victorian Government should incentivise the creation and development of small businesses and social enterprises by people of newly arrived, refugee and asylum seeker backgrounds |
| 9 | The Victorian Government should implement a system to improve the coordination, collaboration and communication of all services seeking to support sustainable employment for disadvantaged workers in Victoria |
| 10 | The Victorian Government should work with the Federal Government to redress poverty and entrenched disadvantage a barrier to sustainable employment |

In addition to the substantive recommendations made in this submission, WEstjustice and SMLS recommend that the Victorian Government call on the Federal Government to increase their investment in policies and schemes that benefit job seekers from disadvantaged backgrounds.

## 2.1. About WEstjustice, SMLS and their Employment Law Programs

### *WEstjustice*

WEstjustice is a community organisation that provides free legal help to people in the Western suburbs of Melbourne. Our offices are located in Footscray, Werribee and Sunshine, with a number of outreach services available in other locations. We assist with a range of every day legal problems including consumer disputes, credit and debt, family law and family violence, fines, motor vehicle accidents, tenancy and employment matters. We also provide free community legal education, undertake law reform activities and work in partnership with local communities to deliver innovative projects that build legal capacity and improve access to justice.

The WEstjustice Employment Law Program seeks to improve employment outcomes for vulnerable workers including migrants, refugees and temporary visa holders and young people. We do this by empowering communities to understand enforce their workplace rights through the provision of tailored legal services including information, advice and casework, education, sector capacity building and advocacy for systemic reform.

Based on evidence from our work, and extensive research and consultation, WEstjustice released the Not Just Work Report,[2] outlining 10 key steps to stop the exploitation of migrant workers.

### *Springvale Monash Legal Service (SMLS)*

SMLS aims to empower and support members of the community to understand and make use of the law and the legal system to protect their rights and to increase their awareness of their legal responsibilities. High proportions of our clients are from culturally and linguistically diverse backgrounds and have limited access to the legal system due to language barriers, lack of formal education and financial disadvantage.

SMLS has locations throughout the City of greater Dandenong, the City of Casey and the Shire of Cardinia. SMLS recognises that there is an ongoing need within our local community for free employment law assistance for workers. The complexities and constantly shifting nature of employment law is often difficult for our clients to navigate, particularly for clients from CALD communities.

At SMLS we aim to empower clients to become better informed of their rights and of the legal avenues available to assert those rights.

SMLS provides an employment law clinic, a community legal education program, and offers employment law youth education programs. We also offer employment law youth education in high school to students who are of the age to start work. Young people participating in such programs report that continuing legal education on employment law is extremely useful.[3]

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[2] Catherine Hemingway, Not Just Work: Ending the exploitation of refugee and migrant workers, 2016 (**Not Just Work**)

[3] Evaluation of these programs has indicated that prior to participating 91% of Young people understood nothing or 'not much' about their legal rights and responsibilities. 95% of young people who participated have a better understanding of their rights and responsibilities at work. See SMLS, 2019, 'SPORTING

## 2.2. Disadvantaged job seekers

The range of demographic groups that would be considered 'disadvantaged' in seeking employment is wide and varied. The following is a list of some of the groups that are significantly disadvantaged as jobseekers for a variety of reasons: older workers and younger workers, people with disabilities, people with young children, in particular single mothers, people experiencing family violence and in particular women, people with low english capacity, people with a criminal history, indigenous and torres straight islanders, LGBTIQ+, and visa holders/non-citizens.

Further, visa restrictions pose challenges for many types of migrants. For example, temporary visa holders like international students have restrictions on their ability to work. In addition, some companies entrench the existing level of disadvantage experienced by certain groups, such as companies whose policies explicitly exclude the employment of visa holders.[4] These restrictions, combined with other challenges that migrants face often force this cohort into unsafe work, where they are at a higher risk of discrimination and exploitation.

***Newly arrived migrants, refugees and people seeking asylum as a 'disadvantaged' segment of the labour market and the barriers to employment they face***

Employment is widely recognised as the most vital step for successful settlement in a new country. However, finding employment is difficult, especially for those who have recently arrived in Australia.

Recently arrived migrant and refugee workers face multiple unique barriers that prevent them from accessing mainstream services and therefore, obtaining and maintaining sustainable employment. Low levels of awareness about their rights and of the employment services available, a language barrier, literacy issues, cultural differences and other practical considerations (such as the accessibility of transport, and recognition of prior skills and training) all form critical barriers to accessing mainstream employment and employment services. Accordingly, newly arrived migrants, refugees and people seeking asylum are an important segment of the labour market to be considered as part of the Inquiry.

***Case Study – Kamal***
*'Kamal' is currently seeking asylum in Australia. He is a highly skilled and sought after employee in the caravan construction industry. His visa has been rejected by the Department of Home Affairs (DHA) and he is appealing this decision through Judicial Review. This has happened 4 times so far, with his status going from DHA to Administrative Appeals Tribunal and sometimes the Federal Circuit Court and back again as the review process finds departmental error. Each time his bridging visa is withdrawn Kamal effectively loses his work rights, and has to apply for a new bridging visa which can take several months. He is therefore unable to find sustainable employment.*

CHANGE, Empowering Young People' Evaluation Report http://smls.org.au/wp-content/uploads/2014/12/Sporting-Change-Evaluation-Report.pdf.

[4] See for example; Ventura Bus Lines.

## 3. Key submissions

### 3.1. Specialist employment law advice and education programs should be made available for disadvantaged job seekers, including newly arrived migrants, refugees and people seeking asylum

In recognition of the fact that newly arrived migrant, refugee and asylum seeker job seekers require targeted, face-to-face assistance to find and maintain sustainable employment, the Victorian Government should fund a specialist employment and education program for disadvantaged job seekers, including newly arrived migrant, refugee and asylum seeker communities, as part of the Jobs Victoria regime or as a standalone program.[5]

Specialist employment programs available to or targeted at people from newly arrived migrant, refugee and asylum seeker backgrounds should be holistic, build on and expand on successful past and existing programs, and should provide the following:

- Ongoing one-on-one support commencing before employment begins (to assist with recognition of overseas qualifications; ensure adequate training and preparation including awareness of laws and workplace practices; and to assist with finding employment and dealing with job service providers)
- Ongoing one-on-one support continuing well after employment commences (to assist newly arrived workers and employers navigate communications or other challenges that may arise and to ensure their rights are protected)
- Services delivered by staff and agencies that are experienced in working with clients from newly arrived migrant, refugee and asylum seeker communities, utilising culturally appropriate service delivery models and access to interpreters
- Targeted education to raise awareness of employment laws, minimum entitlements and agencies that can assist where workers have a question or think they might be facing an exploitative situation, and
- Targeted legal advice and assistance to prevent or resolve disputes at an early stage where employment rights have been breached or workers require assistance to maintain employment.

An awareness of rights and responsibilities at work and an ability to access help to prevent and/or resolve disputes at an early stage are necessary parts of job readiness and job retention. However, there is a contributory relationship between understanding workplace rights and responsibilities, and finding and retaining sustainable employment. As set out in our Not Just Work Report,[6] newly arrived migrant, refugee and asylum seeker communities have very limited understanding of Australian employment laws and rarely access help to resolve disputes. In a WEstjustice survey, 88% of community workers reported that newly arrived migrant, refugee and asylum seeker communities do not understand Australian employment laws at all, or that they understand only a little. To date, mainstream approaches have been largely unsuccessful in informing workers about their rights, and about where they can find assistance with employment problems.

[5] Submission to the Victorian Government Employment Programs Review, Western Community Legal Centre, 2015.
[6] Not Just Work report, above n 3.

In response to community feedback regarding the importance of face-to-face, targeted employment law services and information, WEstjustice developed and implemented a Community Legal Education Program (**CLE Program**), commencing May 2014.

The CLE Program has consisted of:

- Information sessions for community members (delivered at a variety of locations including English as Additional Language classes, community meetings, settlement agencies and schools);
- Information sessions for community workers (to enable staff to identify when their clients have an employment law issue and make appropriate referrals); and
- The Train the Trainer Project, working with community leaders.

We have also developed numerous resources including template PowerPoint presentations, activity sheets and educational videos especially tailored for English as Additional Language students. Please visit our website for access to these resources.[7] Some example images and scripts from one video are below in **Appendix One.**

Furthermore, data collected by WEstjustice through our pilot education programs (and documented in the Not Just Work report) demonstrates the utility of face to face information sessions. For example, after attending a WEstjustice information session, 89% of participants surveyed stated that as a result of the session they now knew where to go for help with an employment problem.

Benefits of community education include:

- Education not only informs people about their rights at work and where they can access assistance with their employment issues, but empowers communities to enforce their rights by building relationships and trust between vulnerable workers and services that can assist
- Information is better understood when communicated via culturally sensitive services using language translation services, alongside additional appropriate resources in community languages, and
- Timing and method can be considered in a culturally appropriate way.

Further, when asked about the helpfulness of face-to-face information service in clients' first language, 89% of survey respondents thought this would be very helpful, or somewhat helpful.

WEstjustice sees that the provision of these services through Jobs Victoria and other employment services regimes will assist job seekers in their efforts to seek and maintain employment, and protect themselves from exposure to exploitative work practices.

[7] See: http://www.westjustice.org.au/community-development-and-law-reform/community-legal-education/newly-arrived-and-refugee-employment-law-140, last accessed 19 July 2019.

### 3.2. Employment services should provide assistance for employers specifically engaging newly arrived migrants, refugees and people seeking asylum

Jobs Victoria and its network of partners support Victorian businesses in managing their recruitment and retrenchment processes. The recruitment assistance currently available includes:

- Working with employers to identify exactly the skills and experience the business needs
- Identifying suitable candidates that match these needs;
- Providing the selected job seekers with employment preparation that may include vocational training, upskilling and mentoring
- Providing six months of post-placement support for each new employee.[8]

WEstjustice and SMLS believe this assistance could be expanded to provide specifically directed support for job seekers who are newly arrived in Australia or who are from a refugee or asylum seeker background.

Other options that address the needs of both employers and employees may include:

- Quotas or other affirmative action measures including a positive duty to recruit a diverse workforce
- Requiring businesses to collect data and report on the diversity of their workplace
- Assisting skilled workers to have qualifications recognised
- Amending Victorian government employment and procurement policies to set minimum standards for diversity
- Targeted employment programs to provide training and ongoing support for newly arrived, refugee or asylum seeker workers
- Introduction of a discrimination ombudsman in Victoria,
- Additional resourcing for program like the Brotherhood of St Lawrence's Given the Chance Program
- A large scale education campaign to raise awareness of the business case for diversity and inclusion[9]

### 3.3. Updates should be made to the Jobs Victoria website to include information and tips for newly arrived, refugee or asylum seeker workers seeking employment, and to provide content in different community languages

We note the Jobs Victoria website offers a number of resources for job seekers,[10] and for employers seeking to take on new employees in Victoria.[11]

However, content on the Jobs Victoria website is currently only available in English. WEstjustice recommend providing content in other languages, and in particular those which are spoken by a large proportion of people from a newly arrived, refugee or asylum seeker background.

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[8] According to the Jobs Victoria website, accessible here < https://jobs.vic.gov.au/looking-for-staff/how-we-can-help-your-business>
[9] Not Just Work, Chapter 2.
[10] See < https://jobs.vic.gov.au/looking-for-work/get-job-ready>
[11] See < https://jobs.vic.gov.au/looking-for-staff/how-we-can-help-your-business>

Although our experience demonstrates that face-to-face contact and education is the most effective means of conveying information to migrant and refugee communities, to complement this work further content could be added to the existing body of content available on the website relating to working in Australia. These could include short videos, translated materials, and links to relevant Government and community websites (i.e. the Fair Work Ombudsman (**FWO**), unions and community legal centres) to assist these communities understand Australian work culture, and their rights and entitlements.

### 3.4. Increased funding should be provided to enable disadvantaged workers to access employment law services and to fund employment law education programs

Without help, our clients find it immensely difficult to pursue claims or resolve disputes with their employers. The piecemeal and multijurisdictional nature of the workplace relations landscape means that without assistance from an expert, enforcement is impossible for many vulnerable workers. There are currently different jurisdictions and agencies for the enforcement of workplace safety, wages and entitlements, unfair dismissal, general protections, superannuation and discrimination laws. This makes choice of jurisdiction and case management extremely challenging. Some claims carry a costs risk (meaning that if you lose your case, you may be ordered to pay the other side's legal costs), some claims prohibit other claims being made, and each claim has different processes and different limitation periods (for example, only 21 days to bring an unfair dismissal claim, but up to six years for an underpayment of wages claim). Furthermore, a decrease in union membership has had significant implications for monitoring and enforcement of workplace rights.[12]

Our clients generally require active assistance from the time of making a complaint through to mediations, and formally settling their dispute. At the initiation of an application, clients require assistance with the completion of the relevant forms and calculations. Many clients faced with the requirement to calculate underpayments and prepare a letter of demand, let alone a Court application, outline of submissions or witness statement would be locked out of the system without extensive assistance. The imbalance of power inherent in many of these disputes makes independent assistance for vulnerable workers crucial.

Despite significant need for employment law services there are limited avenues for workers to get help with their problems. Given the amount of time required to prepare and run underpayment and other employment matters, few private firms offer employment law advice on a 'no win, no fee' basis. Therefore, for low income earners, private legal assistance is not an option. While the Fair Work Ombudsman can offer limited assistance for unpaid wages and entitlements, both the FWO and other mainstream agencies, with their focus on telephone-based self-help models of assistance, are largely inaccessible to newly arrived, refugee or asylum seeker communities, and do not provide enough ongoing support.

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12 Ingrid Landau, Sean Cooney, Tess Hardy and John Howe, 'Trade Unions and the Enforcement of Minimum Employment Standards in Australia (Research Report, January 2014), page 8.

Unfortunately, there is very little funding available for employment law services. Existing services are struggling to meet demand with limited resources. JobWatch, a community legal centre specialising in employment matters, cannot meet 57% of demand for telephone assistance (even fewer receive casework support and the most vulnerable will not utilise a telephone service). Justice Connect, a community organisation that helps facilitate pro bono referrals, reports that employment law is one of the top four problems that people request assistance for, however only around one fifth of matters receive much needed help.[13] In Victoria, Legal Aid does not provide assistance with employment matters (except where discrimination is involved) and frequently refer matters to other services. Apart from WEstjustice and SMLS, there are no other targeted employment law services for newly arrived, refugee or asylum seeker communities in Victoria, and our services are frequently inundated. As observed in a Report by the Federation of Community Legal Centres, 'there is a significant gap between the need and demand for assistance and the services that are currently available.'[14]

Despite being best placed to provide face-to-face comprehensive assistance embedded in the community, very few generalist community legal centres provide employment law services. This is not due to a lack of need. Employment law is a highly specialised area of law with short limitation periods, and yet there is no recurrent funding for generalist centres to do this work. This means that centres are often unable to allocate already scarce resources to this area.

Programs delivered by community legal centres such as face-to-face employment law casework services by WEstjustice and SMLS must be implemented across Victoria.

In addition to the provision of education programs and targeted support outlined above, WEstjustice recommends that the Victorian Government establish a fund to provide funding to community-based, face-to-face, and comprehensive employment law services for job seekers and those recently placed in employment.

We see education about rights and responsibilities at work and assistance to enforce minimum standards as key factors in obtaining and maintaining sustainable employment.

### 3.5. Jobs Victoria Partners must provide additional support to newly arrived, refugee or asylum seeker job seekers, and should receive greater incentives for placing workers in secure positions

WEstjustice has observed clients working under labour hire arrangements in a range of industries including food processing, cleaning, distribution and construction. Workers are generally on low incomes and do not understand their rights at work, let alone the complex arrangements between host and labour supply agencies governing their employment.

Additionally, we have observed a correlation between labour hire and insecure work, with many labour hire workers expressing to us a keen desire to become "permanent". A warehouse worker coming through one of our programs reported that he received a text message from a labour hire company confirming he had work each morning for seven years.

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13 Not Just Work, page 139.

14 Ibid.

This man longed for the stability and security of a permanent job, but was too scared to request this. Often, workers from labour hire agencies have fewer rights and entitlements than others in a workplace who are engaged directly by the host.[15] This desire to secure permanent employment could be leveraged by employers.

Given the findings of state inquiries in Queensland, Victoria and South Australia, WEstjustice recommends that newly arrived, refugee and asylum seeker workers should be provided with additional support before being placed with labour hire companies until State / Federal labour licensing schemes have been enacted, or other forms of insecure employment.

Further, to promote secure work, the Government should investigate and implement incentive schemes for Jobs Victoria partners and other employers when disadvantaged workers are placed in more secure forms of employment (for example, a permanent rather than a casual position).

### 3.6. The Victorian Government should invest additional resourcing to develop pathways to employment

There are many different programs supported by the Victorian Government that assist with skills development and pathways to employment, including internships, apprenticeships and traineeships. More resources should be invested in this area, including supporting paid internships.

In addition, we need to consider how we recognise overseas qualifications. Newly arrived, refugee or asylum seeker workers are significantly challenged by the process of having their overseas skills and qualifications recognised, which is a huge loss of opportunity for employees and employers. The problem is particularly prominent for people from linguistically diverse backgrounds. As a result, many skilled people are have no choice but to take on jobs that are below their professional skill level. Often this work is unsustainable or even unsafe, and people are at a higher risk of exploitation.

The process of recognising overseas skills and qualifications in Australia is fragmented and complex. The recognition process varies between different assessing authorities, and lacks a centralised body, and no independent appeal body exists. [16]

Furthermore, many of the bridging programs available to migrants and humanitarian entrants are prohibitively expensive. Though some courses are provided through organisations such as AMES, most bridging programs or training programs are available through a user-pays system. In addition, many of these programs do not exist within a broader pathway for the recognition of overseas skills and qualifications,[17] meaning that people are often at a loss of where to seek skills recognition. A more efficient system would combine training on the Australian job market, necessary skills for employment, and employment rights and responsibilities *in addition to* an assessment of qualifications and personalised advice regarding education and employment pathways.

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[15] http://www.westjustice.org.au/cms_uploads/docs/westjustice-victorian-inquiry-labour-hire-insecure-work-submission.pdf page 52

[16] Ethnic Communities' Council of Victoria, 'Qualified but not Recognised', 2014, Ethnic Communities' Council of Victoria Inc.

[17] Ethnic Communities' Council of Victoria, 'Qualified but not Recognised', 2014, Ethnic Communities' Council of Victoria Inc

### 3.7. The Victorian Government should offer additional, non-employment related services as part of a holistic approach to supporting job seekers, including mental health and financially counselling

Through WEstjustice's and SMLS various employment law practices, we have often observed that stress from disputes between employers and employees contributes to the onset of mental health problems and or the exacerbation of existing mental health conditions. This can in turn lead to greater difficulty in remaining employed or finding new employment. In our experience, employers are often ill equipped to support and manage staff who are experiencing mental illness. We see an opportunity for employers to be supported to rectify this through improved guidelines and policy infrastructure. There is a role for Worksafe, together with the Fair Work Commission and the Victorian Human Rights Commission to work together to improve the supports offered to employers to ensure those with a mental illness are supported in their work place.

If a dispute arises, the dispute resolution process can be extremely stressful for the employee, and this is intensified if that employee is experiencing a mental health issue. Employers need greater support in order to respond to employees appropriately and with sensitivity.

We recommend the provision of increased infrastructure, including best practice guidelines, training, and organisational review audits for employers so they are equipped to support employees experiencing a mental illness.

### 3.8. The Victorian Government should incentivise the creation and development of small businesses and social enterprises by people of newly arrived, refugee and asylum seeker backgrounds

One of the ways of overcoming some of the barriers to employment faced by people of newly arrived migrant, refugee or asylum seeker backgrounds, and to draw on their significant skills and resources, is by encouraging the creation of small businesses in which job seekers are self-employed. Many of these job seekers were accomplished business owners in their home countries. Indeed, there is considerable evidence suggesting that people from culturally and linguistically diverse backgrounds are more likely to succeed in establishing businesses than those in the general population.[18]

At the federal level, the New Enterprise Incentive Scheme (**NEIS**), provides funding to people to enable them to start their own business and to receive support while doing so. There are a number of government initiatives supporting existing businesses to obtain grants, expert assistance, co-design and subsidies, but these are not applied to NEIS candidates.[19]

We recommend that the Victorian Government implement an additional service to assist people starting their own business, either through the NEIS scheme or otherwise, that includes:

[18] See, for instance, CGU, 'Migrant Small Business Report' (2017)

[19] iEmpower Youth and the Ethnic Communities' Council of Victoria, 'The Next Generation of Employment Services: Discussion Paper: Submission and Recommendations to the Department of Jobs and Small Business'

- Notifications of suitable business grants to apply for
- Information sessions about grants (including how to best apply for them) and the other government-provided small business assistance on offer)
- Assistance with writing grants and tenders
- Co-design of ideas, and
- Mentoring by established business professionals in a relevant field.

Additionally, we recommend that the Victorian Government in particular encourage the creation of social enterprises, which implement a further element of social impact into their business that creates additional benefit for the community. Separately, there are many social enterprises operating in Victoria that focus on employing or providing training or other job-related skills to people of migrant or refugee backgrounds as part of the social impact they create. We believe these social enterprises should also be supported.

**3.9. The Victorian Government should implement a system to improve the coordination, collaboration and communication of all services seeking to support sustainable employment for disadvantaged workers in Victoria**

In addition, there needs to be greater coordination not only between those offering job opportunities, Jobs Victoria services, and those working on other employability, pathways to employment, training and employment placement programs, but those additional support services including settlement, legal, financially counselling and health services.

**3.10. The Victorian Government should work with the Federal Government to redress poverty and entrenched disadvantage a barrier to sustainable employment**

We recognise that Parliamentary inquiries are an important opportunity to shed light on some of the pressing issues affecting our state and the country at large. In our view, helping to reduce barriers and supporting disadvantaged job seekers into secure, safe and fair employment has enormous social and economic benefit. Accordingly, in this submission we have made some key recommendations about how to improve the way we do this for people of migrant, refugee and asylum seeker backgrounds, in particular.

We note that there is a continuing trend towards people becoming long-term unemployed and underemployed. All evidence suggests that this trend will continue and that the number of people falling into unemployment and underemployment will rise. At the same time, there is expected to be a reduction in entry level jobs that will likely further exacerbate the issue, given entry level positions are often the most accessible forms of employment for disadvantaged job seekers.

While we can, and should, implement specific policies to address disadvantage among job seekers, we will never make a lasting impact without addressing the root causes of long term unemployment and disadvantage. Around the world, broad-reaching policies that create suitable living wages such as universal basic incomes and jobs guarantees are being trialled, often with incredible success.[20]

[20] G Ip, 'Revival of universal basic income proposal ignores needs of labor force', The Wall Street Journal, 13 July 2016; The Economist, 'Sighing for paradise to come: arguments for a state stipend payable to all citizens are being heard more widely', The Economist, 2 June 2016; Sighing for paradise to come:

Therefore, in addition to providing support to disadvantaged workers to enable them to enter sustainable employment, it is important to address the changing economy by having long-term economic plan, including by working with

- Extending the basic safety net available for all workers (e.g. some people seeking asylum now have no government payments at all after access to the SRSS scheme was restrained due to a change in government policy, as well as other visa holders who aren't eligible for Centrelink)
- Increasing basic temporary safety nets, such as NewStart, to allow job seekers to survive will seeking employment and to live about the poverty line, and
- Providing a long-term safety net that is equivalent to a living wage and other economic measures such as jobs guarantees should be explored, along with looking at how to best align with the disability support pension.

Adopting an approach that addresses the challenges of the changing economy will be fundamental for relieving the pressure of poverty and disadvantage as a barrier to finding sustainable employment. Poverty, homelessness and other forms of disadvantage are an extreme barrier to finding sustainable employment, and financial hardship often traps people into a cycle of low paying, casual and insecure employment.

We recommend that the Victorian Government invest in further exploration of these issues and their possible solutions, and in particular work with the federal government on these issues as set-out below. Without taking this additional step, the Victorian Government will fail to capitalise on the insights provided by grass roots organisations such as WEstjustice, SMLS and many others who have direct experience of what works (and what doesn't) when it comes to employment outcomes for the particular demographic groups we work with.

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arguments for a state stipend payable to all citizens are being heard more widely; R Reeves, 'Time to take basic income seriously', Brookings Institution, 23 February 2016; C Murray, 'A guaranteed income for every American', American Enterprise Institute, 3 June 2016; McKinsey Global Institute, Poorer than their parents? Flat or falling incomes in advanced economies, McKinsey & Company, July 2016, p. 21; Productivity Commission, Digital disruption: what do governments need to do?, Productivity Commission Research Paper, Canberra, June 2016, p. 79.

## 4. Additional considerations

In addition to the substantive recommendations made in this submission, WEstjustice and SMLS recommend that the Victorian Government call on the Federal Government to increase their investment in schemes that benefit job seekers from disadvantaged backgrounds, for instance:

1. Implementing the general principles outlined in WEstjustice's submission to the Commonwealth's 2018 jobactive inquiry,[21] and adopting specific recommendations about the jobactive system federally including, for example jobactive partners must be required to have all wage subsidy agreements independently reviewed to ensure compliance with minimum entitlements as outlined in our WEstjusice report to the Commonwealth inquiry,

2. Implementing the recommendations of the Migrant Worker Taskforce Report[22] as efficiently and effectively as possible and undertake further research where necessary into the relationship between migration policy and insecure, unfair and unsafe work, and

3. Implementing tax concessions for companies that meet diversity targets or that employ disadvantaged workers.

4. Undertaking long-term economic and workforce planning and policies that aims to establish a robust safety net for those that may never be able to access sustainable employment.

WEstjustice and SMLS thank the Victorian Government for the opportunity to make this submission.

Yours sincerely

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[21] WEstjustice submission, 'Inquiry into the appropriateness and effectiveness of the objectives, design, implementation and evaluation of jobactive' (September 2018)
[22] Commonwealth of Australia, 'Report of the Migrant workers Taskforce', March 2019, https://www.ag.gov.au/industrial-relations/industrial-relations-publications/Documents/mwt_final_report.pdf

**Appendix One: Community Legal Education material**

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          ANDREA
Jill!

          JILL
Andrea! Hey! How are you?

          ANDREA
Good. How's the new job?

          JILL
Loving it. Six months, and they
just gave me a promotion!

          ANDREA
That's so exciting!

          JILL
I know - what about you?

          ANDREA
Still working in the kitchen at the
pub.
```

JILL
Is it good pay?

ANDREA
Depends on whether it's a busy night.

JILL
(concerned)
Really?

ANDREA
If they can't pay me much they give me a meal, so...

JILL
(concerned)
But a meal is *not* pay! Don't you have an hourly rate?

ANDREA
If nobody comes in, how can they pay me?

JILL
But they *have* to pay you the Award rate.

ANDREA
They said they opted out of the Award...

JILL
They can't do that. What about overtime?

ANDREA
No.

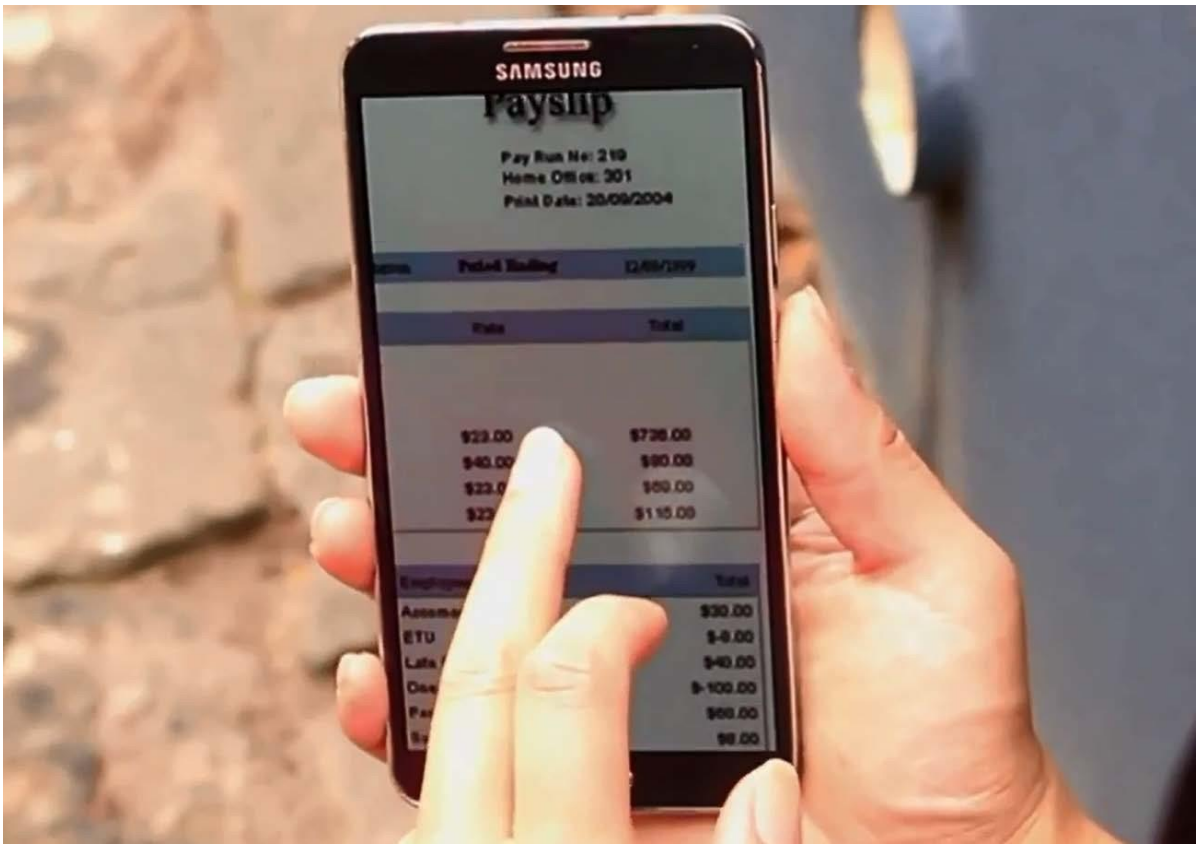
JILL
Penalty rates, for weekends? Holidays? Superannuation?

ANDREA
I know it sounds bad... but they're really nice people.

JILL
(thinking, but with caution)
Listen... do you have a pay slip I could have a look at?

ANDREA
What's a pay slip?

JILL
It's a document that you get every time you get paid. It sets out the hours you worked, your payment and how much you've been taxed. I get mine by email.
(showing Andrea an example on her phone)
Look, I'll show you.


SAMSUNG
Payslip
Pay Run No: 219
Home Office: 301
Print Date: 20/09/2004
Rate
Total
$23.00
$736.00
$80.00
$69.00
$115.00
Total
$30.00
ETU
$-8.00
$40.00
$-100.00
$60.00
$8.00

ANDREA
I don't get those.

JILL
You have rights in the workplace, you know! You should get some advice about your pay.

ANDREA
Who can I speak to?

JILL
There are legal services that can help for free - and they're confidential, so they're not going to tell your boss unless you want them to. And then later, if you feel like it, you could talk to your boss or you could get a lawyer to write a letter.