

Community discussion guide

Labour exploitation

Session overview

This session uses a video voice over approach to unpack the differences between poor work practices and forced labour. Facilitators are encouraged to select a total of three videos: one introductory video, one video from the 'Poor Work Practices' category, and one from the 'Forced Labour' category for a balanced session. Facilitators can mix and match videos depending upon the participants' preference.

How to run the session

- Play the three videos (introduction, one poor work practices video, and one forced labour video) as three parts (scenes).
- After the end of each video, pause the video and guide a reflective discussion using the questions and prompts provided in the guide.
- Total session time: approximately 60 mins.

Session objectives

- Recognise the signs of labour exploitation.
- Differentiate between poor work practices and forced labour.
- Understand workers' rights regardless of visa status.
- Promote reflection and awareness in the community.

Definition: forced labour

When a person does not consider themselves free to stop working or to leave their place of work because of coercion, threat or deception.



Opening the session



Acknowledgement of Country

- We acknowledge the Traditional Owners of the land and pay respect to Elders past, present, and emerging.

Trigger warning

- This session includes sensitive content related to labour exploitation. Please take care of yourself during the session. You can step out of the room at any time and speak with the facilitator if needed.

Safe space

- This is a respectful and confidential learning space with no right or wrong answer.
- Please use only **deidentified** information.
- Participate as you feel comfortable.

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Introduction

(facilitator speaking notes)

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Today we are going to be watching three short videos on what exploitative work practices look like in Australia.

Migrants, people on temporary visas, and international students including women and girls are at higher risk of experiencing labour exploitation.

Labour exploitation has many faces and can take many forms. Some forms of exploitation are extreme, and this is called forced labour.

 **Labour Exploitation Introduction**
youtu.be/6FzvNQKLf0E

(show the video)

Scene 1: Scenes from different workplaces

(introduction video)

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Summary:

Footage of various industries where exploitation may occur.

Q 1: Have you ever had a bad job? What made the job bad?

Prompt:

This question is an ice breaker as it will get participants to think about some of the bad jobs they have held. For example, very little pay, long work hours, no contract, no payslip, no overtime.

Q 2: Did you have a choice to leave that employment if you wanted?

Prompt:

Explore with the participants the concept of freedom and choice. Ask the participants what were some of the barriers that stopped them from leaving? Did they have the choice to change employers if they wanted to?

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Scene 2: Poor work practices (Choose one)

 **Waiter (You Are Welcome)**
youtu.be/OhigSO0nbXk

- At the time this video was made, the minimum pay was \$24.10. Please check the Fair Work Ombudsman website to see the most recent pay rate.

 **Factory (Keeping Our Heads Down)**
youtu.be/QDOR3jETLao

 **Food Delivery (Unaccounted Miles)**
youtu.be/NgZyx8kgerA



Summary:

A waiter is underpaid in a restaurant, a factory worker is afraid of losing her job, a delivery driver is struggling with low pay.

Q 1: How are people drawn into exploitative work?

Prompt:

Explore with the participants: cash-in-hand payments, visa status (depending upon the visa there might be limitations), no local experience, family responsibilities and pressure to send money home, someone from one's own community that they trusted, language barriers.

- Here you can reflect on cash-in-hand payments, superannuation and the importance of superannuation. What is your understanding around cash-in-hand payments – are they legal?
- In Australia paying wages in cash is legal. If paying wages in cash, employers must comply with all



the employment laws which include providing accurate payslips, paying superannuation, and withholding the correct amount of tax.

Q 2: What are some unfair and unsafe work practices shown in this story?

Prompt:

Underpayment of wages, long work hours, no pay slips, no contract, no penalty for working overtime, no safety equipment, and abusive workplaces.

- Here you can hold a discussion about minimum wage, working without a contract, and no payslip.
- Look up 'Fair Work' to see the most current minimum wage and industry awards.
- You can advise participants that it does not matter if a contract has been signed. All employees are automatically covered by the National Employment Standard regardless of whether they signed a contract or not.

- Visit the Australian Taxation Office website for more information: ato.gov.au/individuals-and-families/jobs-and-employment-types/working-as-an-employee/receiving-cash-for-work-you-do
- Visit the Fair Work Ombudsman website for more information: fairwork.gov.au/employment-conditions/contracts#:~:text=All%20employees%20are%20covered%20by,than%20their%20minimum%20legal%20entitlements

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Q 3. Do you think this person has a choice to leave the employment?

Prompt:

Participants will talk about the various barriers that might be stopping this person from leaving the employment; however, you need to make them understand that irrespective of the barriers, the person in this story still has a choice to leave this employment should this person wish to.

Scene 3: Forced labour (Choose one)



Farm (We Trusted Him)

youtu.be/UN71a39w1Rs



Cleaning (In Search of a Better Future)

youtu.be/maWUWikDI2M



Sex Work (In Hope of Freedom)

youtu.be/o9zsqu2TPGw



Q 1: What are some forms of abuse you can identify in this story?

Prompt:

Cash-in-hand, long hours without breaks, threats to report to immigration, passport seized by employer, little or no personal freedom, deception, no payment, under payment, abusive working and living conditions, co-ethnic exploitation, sponsorship deductions.

- Here you can hold a discussion around wage theft or underpayment and how participants can recover unpaid wages. Explain to the participants what wage theft is: Wage theft is the deliberate underpayment or non-payment of wages or entitlements by an employer. There are legal services that can help with this.
- In January 2025 intentional underpayment of wages became a criminal offence.
- You have **six years** from the date of the underpayment to put in an application to recover unpaid wages. Fair Work has a **Record My Hours** app which you can download on your smartphone to keep a record of the hours worked.

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Q 2: What is stopping the person in this story from leaving the employment?

Prompt:

Get participants to pick up on threat, coercion, and deception. Fear of deportation, hope of a permanent visa, threats made by the employer, passport seized by the employer, not knowing their rights, restricted movement, debts, isolation, visa status (restrictions on visas creates vulnerabilities), language barriers, being misled about their rights.

Q 3: How is forced labour different from just a bad job?

Prompt:

Choice and control. People in forced labour situations experience poor work conditions as experienced in bad jobs, however, people in forced labour situations do not have a choice but to continue working for the employer due to threat, deception, and coercion. A person's freedom and choice get taken away and whether the threat is actual or perceived the person believes that he/she has no choice and is forced to continue working for the employer.

- Visit the Fair Work Ombudsman website for more information: fairwork.gov.au/about-us/workplace-laws/legislation-changes/closing-loopholes/criminalising-wage-underpayments-and-other-issues

What does the law say

- Forced labour is a criminal offence under Australian law, with penalties of up to 12 years.
- All workers in Australia have legal protections regardless of their visa status.

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Conclusion

Exploitation of any kind is illegal in Australia. Exploiting someone for one's own personal gain is a gross violation of human rights. Everyone has the right to safety and fair work. It can happen to anyone irrespective of their visa status - and remember, exploitation is never the victim's fault.

Where to get help

- **Anti-Slavery Australia**
antislavery.org.au/contact/
- **Fair Work Ombudsman**
fairwork.gov.au
- **Working Women's Centre Australia**
wwc.org.au/help-and-contact
- **Australian Red Cross**
redcross.org.au/work-right-hub/directory/
- **Australian Federal Police**
afp.gov.au/crimes/human-trafficking-and-people-smuggling/human-trafficking-and-slavery

Facilitation tips

Watch the full set of videos beforehand to understand tone and content as each video has some unique aspects that you can explore with the participants.

- **Food Delivery (Unaccounted Miles)**
You can hold a discussion about ABNs and what it means to work with an ABN.
- **Factory Worker (Keeping our Heads down)**
You can hold a discussion on no access to unions or legal information, and safety equipment.
- **Waiter (You Are Welcome)**
You can hold a discussion about work references and how that works.
- **Sex Work (In Hope of Freedom)**
You can hold a discussion on how sex work is legal in Australia, and challenging assumptions around stigma and victim-blaming.
- **Farm (We Trusted Him)**
You can hold a discussion on co-ethnic exploitation and child labour.
- **Cleaning (In Search of a Better Future)**
You can hold a discussion on sponsorship deduction and the special situation students find themselves in in Australia: they can only work limited hours and must pass their subjects. Shame is associated with failing the course and then losing the visa. Life is expensive in Australia, therefore exploitation of their situation is quite likely.

- Observe non-verbal cues and offer check-ins for any participants who appear distressed.
 - Normalise pauses or silence – these are signs of processing complex emotions.
 - Please note this is not a legal advice session. The session is there to help participants understand when a job stops becoming just a bad job and tips over to serious exploitation. Do not provide any legal advice and ask participants to contact one of the services listed above for advice.
 - To further enhance your knowledge and understanding about labour exploitation you can undertake this free e-module developed by the Australian Red Cross: redcross.org.au/globalassets/html-sites/work-right-hub/labour-exploitation/story.html
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