



THE UNIVERSITY
of ADELAIDE

Pork, pate, cucumber,
pickled carrot and
radish with spring
onion, coriander
and soy dressing.

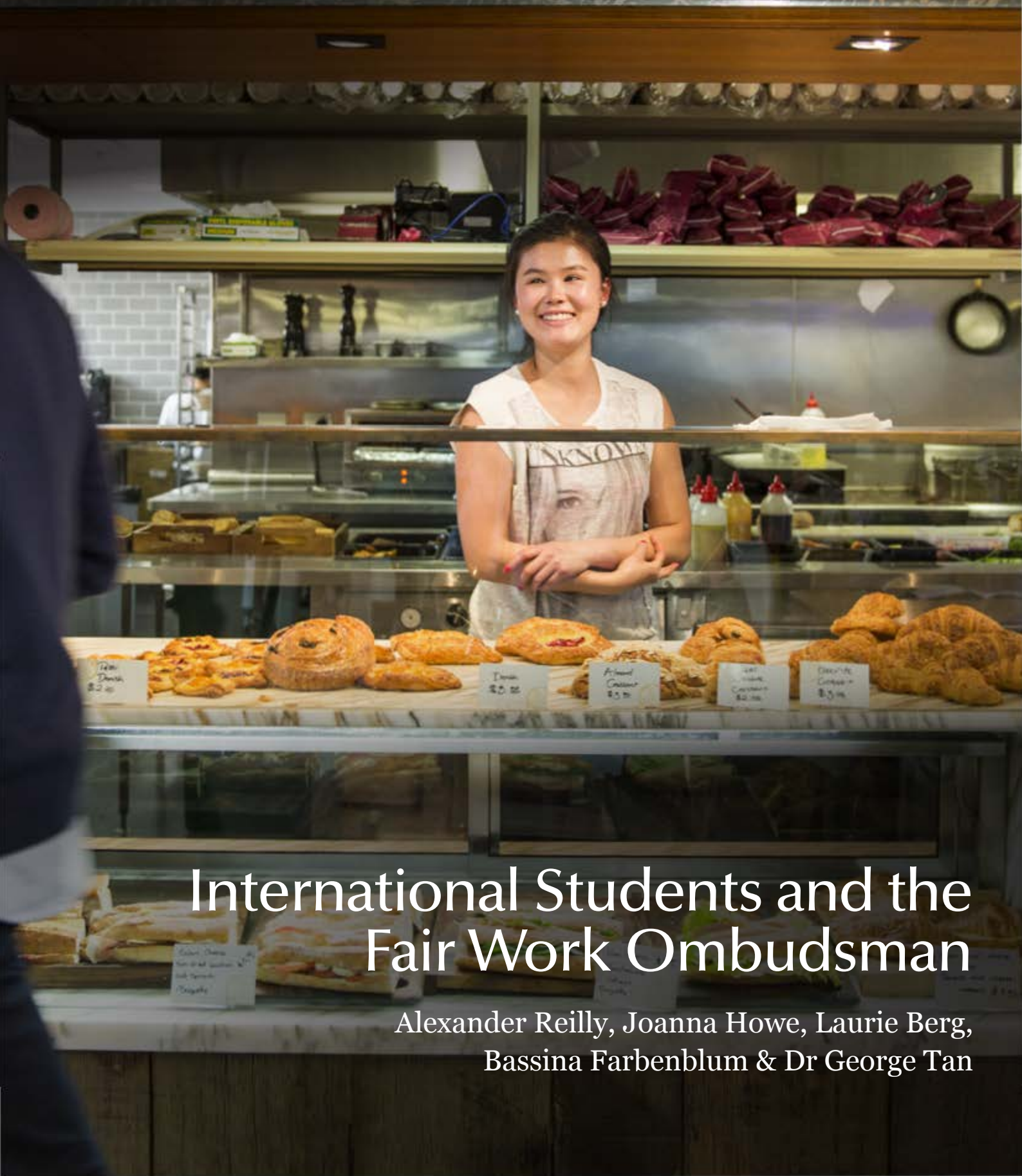
\$ 5.90

Fried marinated Tofu
with crisp iceberg,
pickled carrot and
radish, cucumber,
spring onion,
coriander and soy
dressing.

\$ 6.50

Grilled Beef marinated
with lemongrass served
with crisp iceberg,
cucumber, pickled
carrot and radish,
spring onion,
coriander and soy
dressing.

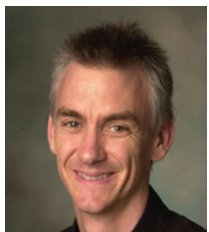
\$ 6.90



International Students and the Fair Work Ombudsman

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About the authors



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Executive Summary

Previous studies have revealed that international students in Australia are often underpaid and encounter other breaches of their workplace rights. This research project was commissioned by the Fair Work Ombudsman (FWO) to consider why, despite the prevalence of noncompliance, so few international students approach FWO to raise issues they encounter in the workplace. There were five different aspects to the research:

- An analysis of existing government data on international students, including the Census of Population and Housing data (2006 and 2011), and Characteristics of Recent Migrants (CORM) surveys (2010 and 2013);
- An online survey of 766 international students, from the University of Adelaide (617) and Adelaide TAFE (149);
- Four focus groups of international students, two in Adelaide and two in Sydney;
- Two focus groups to trial the FWO website held in Adelaide; and
- Interviews with FWO personnel and international student representatives.

The Report is structured as an inquiry into six hypotheses that might explain why so few international students approach FWO, namely:

1. International students do not feel they have anything to complain about.
2. International students are reluctant to complain to their employer for fear of negative employment or immigration consequences.
3. International students do not complain because they are not aware of their legal rights.
4. International students do not complain because they are not aware of FWO.
5. International students do not complain because they are reluctant to make contact with FWO.
6. International students do not complain because they find it difficult to access FWO services.

Although the research underpinning this report received responses from only a small proportion of the student population in Australia and was limited in its geographical reach to Adelaide and Sydney, some clear themes emerged that are the basis for ten recommendations that are summarised below and discussed in detail in Chapter 5 of the Report.

Employment Profile of the Survey Respondents

Of the 766 international students who participated in the online survey, 326 were engaged in paid employment; 241 university students and 85 TAFE students. A higher proportion of TAFE students were in paid employment (57%) compared with university students (39%). This accords with Census data in 2011 that international students in vocational education engaged in paid work more than their university counterparts.

Of those in paid employment, 39.9% received wages up to \$17 per hour or less and a further 27.1% received between \$17 and \$23 per hour. It is not possible to determine how

many of these wage payments are under the minimum wage rate. Although the federal minimum wage was \$17.70 at the time of the survey, junior rates are permitted for those under 21 years of age. On the other hand, the minimum wage is higher under awards governing many of the industries in which the respondents worked, and higher again for casual workers who are entitled to a 25 percent casual loading. Thus, it seems likely that a significant number of international students receive wages below what they are legally entitled to under Australian law.

Attitudes to Wage Rates

Of those engaged in paid employment, 60% were happy with their pay, and 40% were not. Of the 39% who were paid \$17 or less, the proportion who were happy with their pay dropped to 26.6%.

We were interested in why, despite almost certainly being paid below the minimum wage, these respondents were nonetheless happy with their pay. Of this group, 62% reported feeling 'lucky to have a job' and 'grateful to their employers'. This number was up from 56.9% of all the respondents in paid employment.

This finding supports the **first hypothesis** that international students do not feel they have anything to complain about despite underpayment of wages. The finding was supported by participants in the focus groups who expressed concerns about the lack of availability of jobs for international students. Focus group participants also reported that they expected to be underpaid, and that low wage rates were the norm in many industries.

A further reason why respondents who had worked in paid employment may not have complained about low wages is that just over half of them (54.6%) indicated that money was not their main reason for engaging in work.

However, the survey also revealed that students used their wages for basic living expenses such as food and accommodation, and even to pay for visas, which suggests that many students are strongly reliant on the money from their Australian employment. These results suggest that there are two distinct sets of international students — those *with* and those *without* adequate pre-existing financial resources to study in Australia. The motivation to engage in work is distinct for each group.

Importance of Unpaid Work

The survey and focus group revealed that international students feel a great deal of pressure to obtain employment that is related to their study and relevant to their long-term career aspirations. The survey revealed that respondents were prepared to work for below minimum wage to secure work experience. Furthermore, 18% of those in paid employment had engaged in unpaid work that was not 'volunteering, work for family or a work/internship/placement related to their course of study'. This unpaid work was usually in the form of an unpaid trial. 55% of such trials were for a day or less. However, 14.7% ran for between one and three months, and 14.7% ran for between three and six months.

Why International Students Do Not Complain about Issues at Work

The research also found evidence to support the **second hypothesis** that international students are reluctant to complain for fear of adverse consequences. Of the respondents

engaged in paid employment, 30.1% had made a complaint about a workplace issue or problem to their employer, and 69.9% had not. Of the respondents who had made a complaint, 46.9% believed the situation got better, and 45.1% stated that the situation stayed the same.

60% of the respondent group who had engaged in paid work expressed the opinion that things would either stay the same or get worse after a complaint. This is an important finding for FWO as it may suggest that advice to students to try to resolve grievances with their employers may not be an attractive or viable option for many students. Comments in the focus groups supported these findings. Even more concerning is the fact that 11.7% of respondents reported that their employer discouraged them from making a complaint, and this rose to 19.5% among the 30.1% of those who had made a complaint. These figures are particularly concerning, as they suggest that in addition to the reluctance of international students to complain, either because they fear the consequences, or because they see no reason to complain, a significant number of employers are actively discouraging students from seeking help.

The focus groups provided evidence of a further negative consequence that contributes to international students' reluctance to complain. Focus group participants expressed concern that their complicity in non-compliant employment practices would affect their opportunity to access legal remedies and would have negative consequences for them.

Awareness of Work Rights

Findings in the survey provided limited support for the **third hypothesis** that international students do not complain because they are not aware of their rights. The majority of students were able to identify that the minimum wage fell between \$18 and \$23. However, 23% believed the minimum wage was below \$17 per hour. There is an opportunity for the FWO to respond by addressing misconceptions over the minimum wage with a targeted education campaign for this smaller group of students.

Awareness of FWO

There was strong evidence to support the **fourth hypothesis** that students do not complain because they are not aware of FWO. 73.9% had no prior knowledge of FWO. There is a clear role for an education campaign targeted at international students to explain FWO's role.

Once the role of FWO was explained to survey respondents, 50% indicated that they would approach FWO if they had a problem at work.

Accessing FWO Services

The survey and focus groups revealed a number of reasons why international students would not approach FWO in support of the **fifth hypothesis**. The most commonly reported reason for not making contact with FWO in the survey was that respondents did not know how to contact FWO. Other prominent reasons included that respondents doubted that approaching FWO would improve their situation. Nearly 24% of respondents expressed concern that FWO might pass on details to the Department of Immigration or other government bodies (such as the Australian Tax Office).

The survey asked students what might encourage them to contact FWO. Two responses received more than 50%; first, if students knew more about FWO (50.5%) and second, if they knew FWO had successfully helped other students (52.5%).

The survey suggested that a very productive way to improve international student access to FWO's services would be through engaging education providers in the provision of FWO's services. Over 70% of respondents indicated they would contact FWO about a workplace issue if they could do so through their education institution. The central role of education providers was echoed in the focus groups with many participants believing that education providers should offer the employment information, advice and referral services currently available through FWO.

The main means for international students to seek assistance from FWO is through the FWO website. To test the **sixth hypothesis**, that international students do not complain because they find it difficult to access FWO services, the research team organised two additional focus groups to trial the FWO website. Having accessed the various options for seeking assistance from FWO, all 10 focus group participants identified the telephone InfoLine as their preferred means of contacting FWO. Although a number of participants said they were attracted to the online nature of the My Account tool, they were concerned that they would have to put in identifying information. Although this was a clear benefit of the Anonymous Report tool, when focus group participants realised they would not hear back from FWO regarding the making of an anonymous online report, they elected not to use this option.

Although FWO's website is designed to empower users to resolve disputes themselves, many of the focus group participants felt this would be far beyond their ability or power. Eight out of 10 focus group participants said they would not feel comfortable going to their employer and telling them they are being underpaid. Thus, although the FWO's website may be of assistance for Australian workers, the research suggests that international students may require additional assistance in order to resolve workplace issues.

Recommendations

Recommendation 1

FWO should consider introducing a dedicated contact team for international students (and possibly other visa holders) within its Infoline and complaints handling teams.

Recommendation 2

FWO should improve its website to better address the needs of international students.

Recommendation 3

FWO should consider increasing its interventions involving international students, including writing letters of demand to employers, and offering assistance with small claims, recognising the limited ability of international students to avail themselves of 'self-help' measures.

Recommendation 4

FWO should provide international students via its website and online social media sites with a series of success stories highlighting its achievements on behalf of international students.

Recommendation 5

FWO should establish close ties with education providers to assist workers to access its existing services and the enhanced services discussed above.

Recommendation 6

FWO should consider developing a pilot program working with universities to appoint a new full-time advocacy and workplace complaints resolution position dedicated to assisting international students with issues they encounter at work.

Recommendation 7

FWO should encourage other non-government support services to provide drop-in centres for international students at education providers during semester.

Recommendation 8

FWO should run a general education campaign, with a specific strategy for reaching international students, explaining the law around cash payments, the accrual of tax liability, and that a worker who accepts underpayment has not broken the law.

Recommendation 9

FWO should pursue law reform to ensure other government departments cannot access information it gathers for its investigation of workplace complaints.

Recommendation 10

FWO should work with the Australian Taxation Office on how to address unmet tax liability as a barrier to making a workplace complaint.

Introduction

It is well known, and this research confirms, that international students engage in the Australian labour market in large numbers. There are also many studies that indicate a high level of non-compliance and exploitation of international students by their employers.

Despite this, international students have very limited engagement with the Fair Work Ombudsman (FWO), the independent statutory office established under Commonwealth law to 'promote harmonious, productive and cooperative workplace relations'.¹ The low numbers of requests for assistance lodged by international students is particularly striking when compared with Working Holiday Makers in Australia who might be considered a workforce with similar vulnerabilities.

FWO commissioned this research due to its concern over its low level of engagement with international students.

This project seeks to contribute to FWO's understanding of international students' engagement in the Australian labour market. The core question underpinning the research is **why are so few international students approaching FWO to raise issues they face in the workplace?** We identified three areas of focus to answer this question:

1. The ability of, and barriers to, international students accessing legal remedies.
2. The willingness of, and barriers to, international students engaging the services of FWO, other government regulators and other legal and community service providers.
3. The types of initiatives and policies that would assist international students in bringing to light instances of workplace exploitation and bringing them to FWO.

To answer the core question, the research team developed a series of hypotheses for why international students do not complain to the FWO. The hypotheses informed the survey design and the questions asked during the focus groups. The hypotheses were as follows:

1. Students do not feel they have anything to complain about.
2. Students are reluctant to complain to their employer for fear of negative employment or immigration consequences.
3. Students do not complain because they are not aware of their rights.
4. Students do not complain because they are not aware of FWO.
5. Students do not complain because they are reluctant to make contact with FWO.
6. Students do not complain because they find it difficult to access FWO services.

¹ Fair Work Ombudsman, *Our Role* <<https://www.fairwork.gov.au/about-us/our-role>>.

The project draws on existing research that has drawn attention to these issues, and supplements this existing knowledge with limited but targeted qualitative and quantitative research that focuses on: the types of occupations and industries that employ international students; the wages and conditions of international students in paid work; the extent to which international students are engaged in unpaid work, including unpaid trials, traineeships and internships; and the employment practices in workplaces in which international students are engaged.

The research in the project both confirms existing understandings and provides some new insights. Based on this research and existing knowledge, the Report concludes with some recommendations for changes in FWO practices and the deployment of new resources to better service the needs of international students in the Australian workforce.

The Report is structured as follows. **Chapter 1** discusses the Report's methodology, explaining how the project was structured to address the key research aims outlined above, and setting out six hypotheses for why international students do not engage with FWO which the qualitative and quantitative research is designed to address. **Chapter 2** sets out a brief context for the research, providing background information on International Education in Australia, the regulation of the work rights of international students, a brief discussion of existing literature of the vulnerability of international students in the Australian labour market, and the role of FWO. **Chapter 3** explores the first three hypotheses which focus on the profile of international students and their engagement in work in Australia to explain why they do not complain to their employer or other actors. **Chapter 4** focuses on the final three hypotheses relating to international students' knowledge and engagement with FWO specifically. **Chapter 5** provides a series of tentative recommendations for how FWO might reform its current approaches to offering its services to international students, and how it might provide better support for international students in their engagement in the workforce.

Chapter 1

Methodology

1.1 Methodology

The project was conducted over four months from mid-August to mid-December 2016. It involved a three-phase, mixed methodological approach to analyse the experience of international students in the Australian workforce, and their engagement with the Fair Work Ombudsman (FWO). The aim of the research was to develop an understanding of the ways international students engage with the labour market, and the barriers international students face to seeking assistance from FWO in relation to workplace exploitation. The mixed methodology enabled the research team to integrate qualitative and quantitative data to develop a deeper understanding of these barriers.

In this section, we set out the datasets compiled for and generated in this project and explain some of their strengths and limitations.

Phase one — Background research into the profile of international students and their experience in the Australian workforce.

Phase one involved the production of a Background Report into the profile of international students in Australia and their experience in the workforce. The Background Report was prepared by Dr George Tan of the Hugo Centre for Migration and Population Research. The Background Report is included in Appendix 1 of this Report.

The Background Report includes an analysis of the Australian Bureau of Statistics' 2006 and 2011 Census of Population and Housing, the 2010 and 2013 Characteristics of Recent Migrants (CORM) Surveys as well as international student data from the Department of Education and Training and Austrade.

There are currently no datasets that can provide information on the personal characteristics or employment information of international students in Australia. Furthermore, the absence of formal obligations relating to students' employment under the *Education Services for Overseas Students Act 2000* (Cth) on higher education providers, employers or government departments, means that there is no official mechanism for collecting data relating to international student experiences in the workforce. However, the use of particular parameters when analysing Census and the CORM datasets meant that it was possible to piece together a picture of international students, their personal characteristics and employment.

The Australian Bureau of Statistics' Census of Population is conducted every five years. The Census focuses on key characteristics of people residing in Australia on Census night, a day in the month of August in 2006 and 2011. The Census data does not distinguish between respondents according to visa status, only birthplace country. By using certain parameters, it is possible to reduce the dataset to a group that will have a high proportion of international students. The parameters used include: 'Not Australian citizen', 'Enrolled in full time study', 'Arrived in last 4 years' and 'Aged 15 years and over'. There are, however, a range of other migrants who fit these criteria including secondary visa holders of permanent and temporary skilled migrant workers, recently arrived refugees, partner visa holders and Working Holiday Makers. As a result, the dataset is over-inclusive, and

analysis of the data can only provide an indicative picture of international student engagement in the Australian workforce.

The CORM Survey, on the other hand, surveys non-citizens about their labour force status and other characteristics. It reports on demographic and employment information from international students (since it distinguishes the type of visa held). However, some of the CORM data outputs can be unreliable due to small numbers produced during the analysis.

In combination, the CORM and Census datasets are able to provide a broad picture of the employment status of international students, the industries they are commonly working in, their income levels, the number of hours they work and how these might be influenced by characteristics such as birthplace countries and English language proficiency. In the brief analysis that follows, when we refer to Census and CORM datasets as the basis for findings, the limitations discussed above need to be borne in mind.

The Background Report identified and compared data that differentiated international students in terms of their country of origin, the education sector in which they studied in Australia, their location of study and their engagement with the Australian labour market. The information in the Background Report informed the analysis of the quantitative and qualitative data collected throughout the project.

Phase two — Online survey of international students.

The research team met in August to develop the online survey instrument. The short time frame for the project meant that it was not possible to survey students nationally. The research was limited to international students at four higher education institutions with different characteristics: the University of Adelaide and Macquarie University, TAFE SA and Macquarie University College. The University of Adelaide is a Group of Eight (Go8) university located in an area designated as 'regional' for the purpose of a range of labour migration visa pathways, including the Regional Sponsored Migration Scheme visa, and the Safe Haven Enterprise visa (SHEV). Macquarie University is a non-Go8 university in Australia's largest city, Sydney. Adelaide TAFE is part of the Vocational Education Sector, and Macquarie University College offers English Language Intensive Courses for Overseas Students (ELICOS). Both Adelaide TAFE and Macquarie University College provide international students with a pathway to tertiary studies in Australia.

Staff members from the University of Adelaide, TAFE SA, Macquarie University and Macquarie University College assisted by sending out emails on behalf of the research team to all their international students enrolled onshore inviting them to participate in the online survey with a brief message describing the study and a link to the survey itself. This process ensured that the research team had no access to the email addresses of the students and maintained the privacy of the students. Further, the survey did not ask for any personal or identifiable information and all responses were de-identified when necessary to maintain the privacy and confidentiality of respondents.

The online survey focused on understanding the employment experiences of respondents in both paid and unpaid work,² and respondent motivations for undertaking these forms of work while studying. It also explored students' perceptions and experiences of their employers, and if applicable, of how they resolved problems in the workplace. Finally, respondents were asked directly about their knowledge of FWO, and their attitude to approaching FWO for assistance at the workplace.

The survey instrument received ethics approval from the University of Adelaide Human Research Ethics Committee in September 2016, and the survey was conducted online from 4 October to 24 October 2016. 7241 emails were sent to students enrolled in the University of Adelaide and TAFE SA, which elicited 903 responses. Of these 903, 766 (University of Adelaide, n=671; TAFE SA, n=149) were useable, yielding a total response rate of 10.6 percent. TAFE SA had a higher response rate compared to the University of Adelaide.³ A response rate of 10.6% is in line with expectations for such an online survey methodology.⁴

Responses from both Macquarie University and Macquarie University College were extremely low, and the decision was made to remove them from the survey results, so that meaningful results could be obtained from a coherent set of students at the two institutions in Adelaide.

Phase three — Qualitative research, interviewing student representatives, and staff of FWO, conducting focus groups with international students.

The final phase of the research involved focus groups with international students, interviews of FWO staff, an interview with a Council of International Students Australia (CISA) representative, and a follow-up workshop with international students in which they were invited to use FWO website to access FWO for advice on a hypothetical issue of underpayment in the workforce. All these sessions were taped with the permission of participants, and the recordings were transcribed for use in the preparation of this Report. They were conducted pursuant to ethics approval granted by the University of New South Wales (UNSW).

In conducting the focus groups, the research team was mindful that participants were from a vulnerable target group. A number of measures were put in place to ensure the integrity of the process and protection of the participants. At the commencement of each session, the research team emphasised that they had no relationship with their employers, that

² For this study, unpaid work excludes volunteering or internships or placements that are counted for course credits.

³ The response rate for the University of Adelaide was 9.4% (out of 6537 emails sent out) and for TAFE SA 21.2% (out of 704 emails sent out).

⁴ Ronald D Fricker, 'Sampling Methods for Web and E-mail Surveys' in Nigel Fielding, Raymond M Lee and Grant Blank (eds), *The Sage Handbook of Online Research Methods* (Sage Publications, 2008) 195.

they should not reveal any identifying data, and that every effort would be made by the research team to maintain their anonymity. It was stressed to students that the project was a university research project conducted by a group of independent academics and that although the research was commissioned by the FWO, the research team would retain information about the students, and would not pass on any information about the students to FWO. Students were supplied with a summary of the research project, and contact details of the research team if they had any follow up questions. We undertook standard research practices when interviewing a vulnerable group, including emphasising to students that they could terminate their involvement at any time. Participants received a \$20 voucher for their participation.

Howe and Reilly conducted three focus groups on 13 and 14 October with 15 participants, all students from the University of Adelaide. A notice was sent to students studying in the Faculty of the Professions inviting them to contact the research team if they were interested in participating in a focus group. Students from a range of countries, including China, Germany, Italy and Brazil, expressed an interest in participating. Most participants in the focus groups reported being paid well under the minimum wage, but generally expressed satisfaction with their wages, and had not thought to complain. The focus groups revealed a low level of knowledge of FWO. However, once participants understood the role of FWO, many agreed that they might be prepared to approach FWO about an employment issue. The results of the focus groups are discussed in depth in Chapter 3.

Farbenblum and Berg conducted two focus groups in Sydney in October 2016 with nine participants. One focus group consisted of five international students studying law at UNSW. The other consisted of four international students studying at private vocational or English language colleges who were approached through Redfern Legal Centre, which has a specialist legal service for international students. These cohorts had different grievances about their working conditions, different attitudes towards attempting to enforce their rights and very divergent levels of knowledge or experience interacting with FWO. For the first cohort, the perceived need to gain professional experience and the actual requirement to undertake Practical Legal Training to qualify as a solicitor in New South Wales led them to view their unpaid work as critical professional experience and made them reluctant to complain. They conveyed a general unwillingness to complain about poor work conditions in less professionalised, paid jobs as well. The second cohort had all decided to pursue legal claims against their employers, with the assistance of Redfern Legal Centre. Two of these did so after initially seeking help from FWO.

Reilly conducted one interview with the newly appointed Secretary of CISA, Albina Kartavtseva. The interview covered the broad topics raised in the survey but also afforded the opportunity for an international student leader to share their ideas and suggestions for FWO's engagement with international students.

Reilly and Howe also devised an exercise in which international students who had participated in the University of Adelaide focus groups conducted a simulated live trial of FWO website and provided feedback.

To understand the various mechanisms provided via the website to support international students, Howe conducted interviews with FWO representatives from the 'Advice, Support and Assistance Branch which covers the InfoLine, My Account and Anonymous Tip off functions.

1.2 Representativeness of the Research

The scope of the research was limited due to the short project time frame. The Background Report draws on existing national survey data. The interviews with students occurred in two states, South Australia and New South Wales, and within those jurisdictions, the interviews were limited to two universities and students from a diverse range of private colleges who had all sought the assistance of the Redfern Legal Centre. One of the universities was located in the largest urban centre in Australia, Sydney, and the other in a smaller city, Adelaide, that is designated as regional for a number of visa schemes.

The focus groups were designed to deepen the understanding of the results from the other research methods, in particular by illuminating some student perspectives on FWO and their own workforce experiences. The fact that the focus groups only occurred in two states does not detract from their usefulness for this purpose, although the fact that the bulk of focus group participants were university students must be borne in mind.

As discussed above, after cleaning the data, the survey results were limited to two higher education providers in South Australia. It is important to interpret these results in the context of this limited reach. In particular, it is important to consider whether international student education in South Australia is representative of the country as a whole, and whether the University of Adelaide and TAFE SA are representative institutions in South Australia or nationally. In Appendix 2 of this Report, we discuss demographic considerations when considering whether the survey data is representative of international students nationally. We conclude that in many respects, Adelaide is representative of other major cities in relation to the living conditions faced by international students, and that the University of Adelaide is similar to universities in other major cities. Despite this, in drawing any general conclusions from the data, it is important to be mindful that the survey had only 766 usable responses, and when data was cross-tabulated, response rates were well under this number. There are, therefore, good reasons to treat any general findings with caution. In this Report, we suggest that the findings may be indicative of broader problems, but recommend further research on specific findings to confirm whether the indications are correct.

Finally, the CORM and Census datasets that are the source of most of the findings in the Background Report provide a reference point against which to test the generalisability of the survey results. If respondents to the survey provide the same answers to the same or similar questions which appear in the Census and CORM surveys in similar proportions, then this would indicate that the results of the survey reflect national and not only local trends.

Chapter 2

International Students in the Australian Workforce and the Role of the Fair Work Ombudsman

2.1 International Students in the Australian Workforce

This brief overview of international students and their participation in the Australian workforce draws on the Background Report on international students and work, which is in Appendix 1 of this Report. The Background Report relies mainly on two data sets: Census data from 2006 and 2011, and Characteristics of Recent Migrants (CORM) Surveys in 2010 and 2013. These datasets present different conclusions on the level of engagement of international students in the workforce.

2.2 The General Profile of International Students in Australia

We know from Department of Education reports that in 2015, there were 498 155 international students studying in Australia (Table 2.1), a 10.0% increase over 2014 figures.⁵ The top source countries for international students across all sectors in 2016 were China (28%), followed by India (11%), Vietnam (4%), South Korea (4%), Malaysia (4%), Thailand (4%) and Brazil (4%).⁶

In 2016, up to November, 648 582 international students have enrolled in Australian education institutions, and 349 941 have commenced study (Table 2.2). Numbers have been growing rapidly in the last four years (Table 2.2).

Table 2.1: International students studying in Australia 2014 and 2015⁷

Sector	2014	2015	Growth (%)
Higher Education	235 457	258 369	9.7
VET	109 195	124 127	13.7
Schools	18 167	20 495	12.8
ELICOS	112 166	120 053	7.2
Non-award	34 124	37 423	9.7
Total	452 950	498 155	10.0

⁵ Department of Education and Training, Australian Government, *International Student Numbers 2015* (February 2016) Research Snapshot <<https://internationaleducation.gov.au/research/Research-Snapshots/Documents/Student%20Numbers%202015.pdf>>.

⁶ George Tan, *Background Report* (2016) (see Appendix 1).

⁷ Department of Education and Training, Australian Government, *International Student Data 2015* (2015) <<https://internationaleducation.gov.au/research/International-Student-Data/Pages/InternationalStudentData2015.aspx>>.

Table 2.2: Enrolment and commencement data⁸

Sector	Sum of DATA YTD Enrolments				Sum of DATA YTD Commencements			
	2013	2014	2015	2016	2013	2014	2015	2016
Higher Education	223 184	240 292	262 315	296 752	88 151	100 335	107 401	122 277
VET	119 585	131 310	148 118	165 769	68 498	81 059	88 500	97 584
Schools	16 800	17 264	19 490	22 209	7815	8491	9985	11 295
ELICOS	92 518	109 697	117 124	122 204	69 238	79 908	83 520	86 366
Non-award	26 811	32 822	36 286	41 648	21 692	26 653	27 751	32 419
Grand Total	478 898	531 385	583 333	648 582	255 394	296 446	317 157	349 941

The growth of the international education industry has been even more dramatic over a longer time frame. Since 1986, when universities were first permitted to enrol fee paying international students, the number of international students has experienced a more than 30-fold increase from 20 000 enrolments to 648 582.⁹

In 2014, 8% of the world's international students studied in Australia, making it the third largest destination country after the USA (26%) and the UK (13%).¹⁰ In 2015–16, the education related activity of international students in Australia contributed \$19.9 billion to the economy.¹¹ The international education industry is Australia's third-largest export after coal and iron ore, and the largest services export, ahead of tourism.¹²

International education includes a number of separate sectors:

1. primary and secondary school;
2. vocational education and training (VET);
3. university;

⁸ Department of Education and Training, Australian Government, *International Student Data 2016* (2016) <https://internationaleducation.gov.au/research/International-Student-Data/Pages/InternationalStudentData2016.aspx#Pivot_Table>.

⁹ Andrew Norton, 'Mapping Australian Higher Education: 2014–15' (Report No 2014–11, Grattan Institute, October 2014) 24 <<https://grattan.edu.au/wp-content/uploads/2014/10/816-mapping-higher-education-2014.pdf>>.

¹⁰ Department of Education and Training, Australian Government, *The Global Context of Tertiary Student Mobility* (December 2016) Research Snapshot <<https://internationaleducation.gov.au/research/Research-Snapshots/Documents/Global%20context%20of%20tertiary%20student%20mobility.pdf>>.

¹¹ Department of Education and Training, Australian Government, *Export Income to Australia from International Education Activity in 2015–16* (November 2016) Research Snapshot <<https://internationaleducation.gov.au/research/Research-Snapshots/Documents/Export%20Income%20FY2015-16.pdf>>.

¹² Tim Dodd, 'Education Revenue Soars to Become Australia's \$20 billion Export', *Financial Review* (online), 3 February 2016 <<http://www.afr.com/news/policy/education/education-revenue-soars-to-become-australias-20-billion-export-20160203-gmke3k>>; Deloitte Access Economics, 'The Value of International Education to Australia' (Report, 29 April 2016) <<https://internationaleducation.gov.au/research/research-papers/Documents/ValueInternationalEd.pdf>>.

4. English Language Intensive Courses for Overseas Students (ELICOS); and
5. Non-award students.

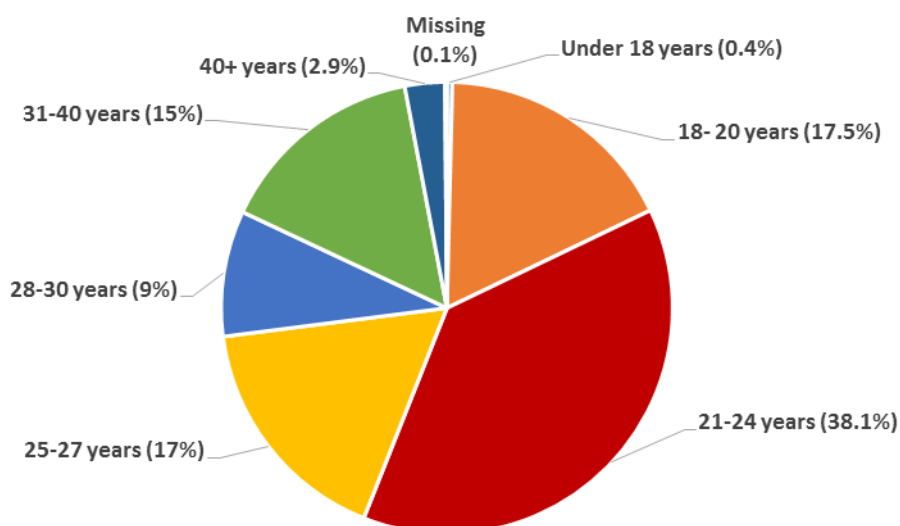
As Table 2.1 above shows, the higher education sector is the largest, followed by vocational education and the ELICOS sector. The profile of students differs in each sector and it has been important to account for these differences in the research project.

In 2015, the Department of Education and Training reported that most international students are 20–24 years of age (43%) and 25–29 years of age (28%). 6% of international students were aged over 35 years and 3.7% less than 18 years of age. The profile of students in the university sector is younger, with 50.9% being 20–24 years of age. Students in the VET sector tended to be slightly older. 52.5% of international students in Australia were male. However, there were significant variations in the proportion of male and female students depending on country of origin.¹³

2.3 Demographics of International Students in the Survey

This general profile of international students was mirrored in the survey. As shown in Figure 2.1 below, the largest group of respondents (38.1%, n=292) were in the 21–24 years age group, which is typical for those attending universities and colleges around the country. The number in the other age ranges was broadly similar to the breakdown of ages of international students in the CORM survey of 2013.¹⁴ The age profile of survey respondents is indicative of the overall youthful nature of international students in Australia.

Figure 2.1: Age profile of survey respondents



¹³ Department of Education and Training, Australian Government, *International Student Numbers 2015* (February 2016) Research Snapshot
<https://internationaleducation.gov.au/research/Research-Snapshots/Documents/Student%20Numbers%202015.pdf>.

¹⁴ Tan, above n 6, 3.

Table 2.3 shows the majority of survey respondents (80.5%) were enrolled at university and about one-fifth (19.5%) were enrolled at TAFE. Respondents who indicated that they had graduated in the last 12 months from either university or TAFE were excluded from this analysis as preliminary analysis of answers from this group of respondents (n=15) suggested that they might have been referring to their employment after completing their studies. Hence, for consistency, only those currently enrolled at university or TAFE were included for this Report.

Table 2.3: Type of institution enrolled in — survey respondents

	n	Percent
I am studying at university full-time	617	80.5
I am studying at TAFE full-time	149	19.5
Total	766	100

Department of Education and Training data in 2015 (Table 2.4a) showed China to be the largest source country for international students (27.3%) followed by India (10.8%). Table 2.4b lists the top 10 birthplace countries of survey respondents. The predominance of Chinese students at the University of Adelaide is reflected in their over-representation as survey participants (35.5%, n=272), as were international students from Vietnam and Malaysia (who are 4% of international students nationally, but 8.1% and 7.2% respectively of survey respondents). Survey respondents from India were significantly fewer than the national proportion (at 4%).

These discrepancies must be borne in mind when drawing conclusions from the survey data. Nonetheless, eight of the top 10 source countries are the same in survey and national data, and the survey thus presents an indicative picture of the national origin of international students.

Table 2.4a: Birthplace countries of international students (national) 2015

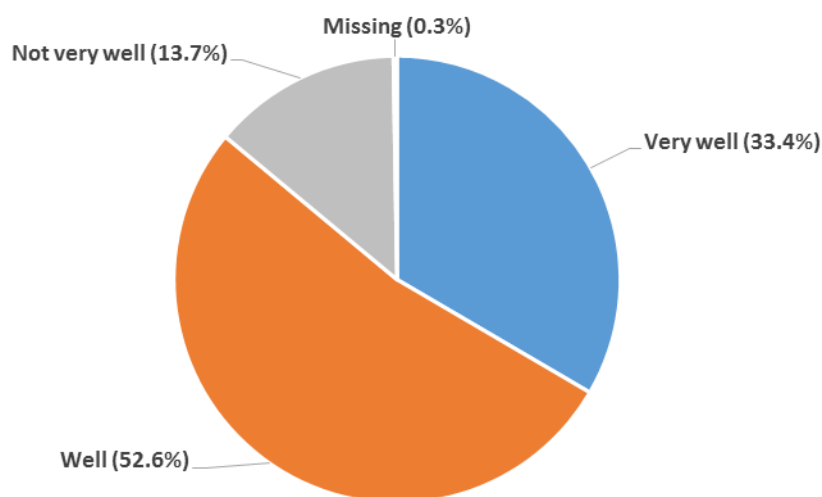
	N	Percent
China	136 097	27.3
India	53 568	10.8
Vietnam	21 807	4.4
Korea	20 790	4.2
Malaysia	20 641	4.1
Brazil	17 267	3.5
Thailand	17 245	3.5
Nepal	15 219	3.1
Indonesia	14 189	2.8
Hong Kong	12 864	2.6

Table 2.4b: Birthplace countries of survey respondents

	n	Percent
China	272	35.5
Vietnam	62	8.1
Malaysia	55	7.2
India	31	4.0
Indonesia	21	2.7
United Kingdom (UK)	19	2.5
Singapore	17	2.2
South Korea	17	2.2
Hong Kong	15	2.0
Brazil	14	1.8
Others	243	31.6

Respondents were asked to self-rate their level of spoken English. As Figure 2.2 below shows, 86.1% of survey respondents felt that they spoke English 'Well' or 'Very well' and 13.7% of respondents felt that they did not speak English very well. While it must be taken into consideration that these are self-assessed levels of spoken English ability, students' perception of their English-language abilities may be as important or even more important than their objective ability in understanding how this motivates their behaviour and decisions.

Figure 2.2: Self-rated spoken English ability of respondents. (n=766)



2.4 International Students in the Workforce

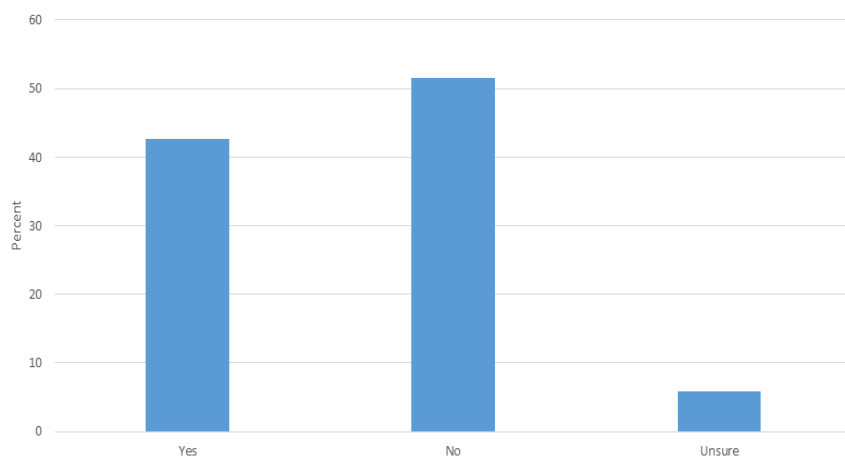
The government has no specific data on international student engagement in the workforce. However, it is possible to get an idea of international student work through analysis of Census data from 2006 and 2011, and CORM data.

Census data suggests that approximately 40% of international students were employed at the time of the census. The vast majority of these were in part time employment.¹⁵ CORM surveys found that the rate of participation in the workforce was approximately 55% in both 2010 and 2013. Furthermore, according to the CORM survey in 2013, 66.4% of students had held a paid job at some point during the time of their study in Australia.

The rate of workforce participation varied significantly among international students based on their countries of origin. For example, according to Census data in 2011, workforce participation among Chinese students was 27.6% compared with 69.9% for Indian students.¹⁶

Once again, the survey results are broadly consistent with the profile of international students in the workforce. As indicated in Figure 2.3, just over half of all survey respondents indicated that they had never been in paid work in Australia (51.6%, n=395) compared with 42.6 percent (n=326) who had at some point worked in a paid position. In addition, 18% of survey respondents reported having participated in unpaid work (Table 3.5).

Figure 2.3: Have you ever worked in Australia in a paid capacity? (n=766)



When analysing this by type of institution enrolled in, findings suggest that those enrolled at TAFE had a higher propensity to work while studying compared with their university counterparts. As Table 2.5 below shows, 57% of respondents enrolled at TAFE were

¹⁵ Tan, above n 6.

¹⁶ Census 2011; ibid 11–12.

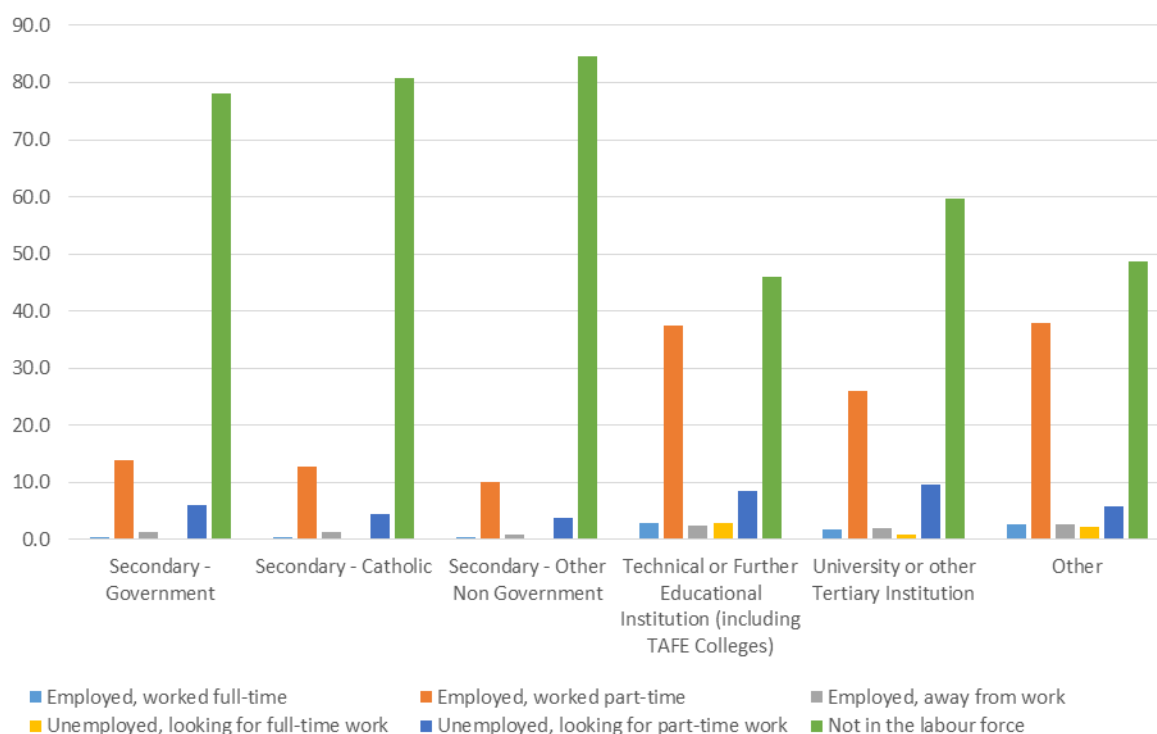
currently or had at some point worked in a paid capacity compared with 39.1% of respondents enrolled at university.

Table 2.5: Employed in paid capacity by institution type (n=766)

	Yes	%	No	%	Unsure	%
I am studying at university full-time	241	39.1	341	55.3%	35	5.7
I am studying at TAFE full-time	85	57.0	54	36.2%	10	6.7
Total	326	42.6	395	51.6	45	100.0

The higher incidence of work among international students at TAFE is reflected in national data. According to the 2011 Census, 37.4% enrolled in TAFE engaged in part-time work compared to 25.9% of students at University (Figure 2.4).

Figure 2.4: Labour force status of international students by type of institution attending, Australia, 2011.



Source: *Census of Population and Housing 2011*.

2.5 Regulation of International Students and their Work Rights

The *Migration Act 1958* (Cth) outlines the conditions of international student visas.¹⁷ International students have a range of rights and obligations that affect their residence in Australia. Students must have a base level of English language competency.¹⁸ Students must be enrolled in a registered course of study throughout the term of their visa. They can change courses, but only to a course of the same or a higher level than the registered course for which they were granted the visa.

Student visas come with secondary visa rights for partners and dependent children. There are detailed financial requirements that require students to have enough money to pay for 'course fees, travel and living costs' for themselves and accompanying family members.¹⁹ From 1 July 2016, students were required to have \$19 830, and \$6940 for their partner, and \$2970 for each child to cover living costs for 12 months. International students must also have a Health Insurance policy, and dependent children must attend primary or secondary school at a cost of \$8000 per year.

International students have an automatic entitlement to work for a maximum of 40 hours a fortnight while a student's course is in session; and unlimited hours during scheduled course breaks.²⁰ In addition, any family members travelling with the student are entitled to work 40 hours a fortnight at all times.²¹ Students and accompanying family cannot begin work until the course of study has commenced. Courses are considered to be in session not only during the regular semesters, but also during exam periods regardless of whether a student has exams, and during semester breaks if the student is picking up an extra course that will be credited to their degree.²² 'Work' is defined in the regulations as 'an activity that, in Australia, normally attracts remuneration'.²³ There are no work limits on students studying a Masters by research or Doctorate course in Australia.

¹⁷ Department of Immigration and Border Protection, Australian Government, *Student Visa Conditions* <<https://www.border.gov.au/Trav/Stud/More/Visa-conditions/visa-conditions-students>>.

¹⁸ Department of Immigration and Border Protection, Australian Government, *Student Visa English Language Requirements* <<https://www.border.gov.au/Trav/Stud/More/Student-Visa-English-Language-Requirements>>.

¹⁹ Department of Immigration and Border Protection, Australian Government, *Student Visa Financial Capacity Requirements* <<https://www.border.gov.au/Trav/Stud/More/Student-Visa-Living-Costs-and-Evidence-of-Funds>>.

²⁰ See visa conditions 8104 and 8105. This entitlement was changed from 20 hours a week on 26 March 2012: *Migration Legislation Amendment Regulation (No 1) 2012* (Cth) sch 5.

²¹ *Migration Regulations 1994* (Cth) regs 570.617, 571.614, 572.617, 573.617, 574.617, 575.617, 576.614; *Murphy & Murphy* [2007] FamCA 795 (20 July 2007).

²² Department of Immigration and Border Protection, Australian Government, *Work Conditions for Student Visa Holders* <<https://www.border.gov.au/Trav/Stud/More/Work-conditions-for-Student-visa-holders#>>.

²³ *Migration Regulations 1994* (Cth) reg 1.03 (definition of 'work').

As well as the regulatory requirements of international student visas, international students are protected as consumers of education by the *Education Services for Overseas Students Act 2000* (Cth) (*ESOS Act*). The Act, administered by the Department of Education and Training, establishes a system for the registration of education providers.²⁴ Education providers must comply with a national code that sets out, among other things, standards and procedures in relation to the quality of courses, the refund of monies, the quality of advice to students, and the actions of education agents.²⁵ The Act places on education providers requirements for monitoring the compliance of students with their course requirements under visa condition 8202 relating to attendance and satisfactory progress.²⁶

In recent times, governments have recognised that the welfare of international students cannot be assured through protecting their rights as consumers of education alone. Instead, particularly in light of incidents of racism and violence against international students, the discourse has shifted to a protection of their human rights.²⁷ In 2010, the government commissioned Bruce Baird to review the *ESOS Act*. The Baird Review highlighted the need for more effective protection of students' general rights.²⁸ It recommended, among other things, that education providers offer ongoing support and advice in relation to education matters and issues related to living in Australia and engaging with the Australian community. Despite this recommendation, the report maintained a distinction between the protection of students as consumers of education services and protections in employment, and offered no suggestions for how education providers might be involved in the protection of international students in the workforce.²⁹

In April 2015, the Independent Commission Against Corruption (ICAC) in New South Wales investigated corruption risks associated with international students in universities in New South Wales. It noted that the higher education sector was highly reliant on international student income, that standards in the industry were dropping, both in terms of academic credentials and levels of English language required to enrol in courses, and that there was a high level of competition to attract students both nationally and internationally. ICAC was concerned that as a result of these pressures there was a high risk of corruption in the sector, and that higher education providers did not have the regulatory structures in place to scrutinise their business practices adequately. ICAC

²⁴ Section 10 of the *ESOS Act* establishes the Commonwealth Register of Institutions and Courses for Overseas Students.

²⁵ See generally *ibid* pt 4.

²⁶ *Ibid* pt 3 div 1.

²⁷ Shanthi Robertson, 'Cash Cows, Backdoor Migrants, or Activist Citizens? International Students, Citizenship, and Rights in Australia' (2011) 34 *Ethnic and Racial Studies* 2192, 2200.

²⁸ Bruce Baird, 'Stronger, Simpler, Smarter ESOS: Supporting International Students — Review of the Education Services for Overseas Students (ESOS) Act 2000' (Final Report, February 2010) v–vii <https://internationaleducation.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/ESOS-Review/Documents/ESOS_REview_Final_Report_Feb_2010_pdf.pdf> ('Baird Review').

²⁹ *Ibid* 39–43.

noted that the industry was highly reliant on intermediaries to attract students from a wide range of markets, which added to the loss of control of the education providers themselves.³⁰

Within this regulatory environment, students are particularly vulnerable in their study, and in other activities in which they participate, such as work. The lack of adequate oversight by education providers leaves students to rely on other sources for their protection in the workplace. The capacity of FWO to provide assistance to international students in relation to workplace issues is particularly important in this environment.

2.6 Vulnerability of International Students in the Australian Workforce

*I think that is the thing when you are immigrant here, feel a bit out of it, a little bit like you know that you not quite Australian ... One of the things is you are so vulnerable and it is so terrible like this feeling.*³¹

International students are inherently vulnerable in the workplace due to their linguistic backgrounds, their insecure residency status, and their limited social and political power as non-citizens.³²

The linguistic background of some international students is relevant to their vulnerability in the workforce in a number of ways. First, it may make it more difficult for students to comprehend and interpret the work conditions in their visas and therefore more likely that they will breach the conditions inadvertently. Second, their language backgrounds may affect their ability to read workplace agreements and to negotiate fair conditions of work with their employer at the commencement of their employment, or to stand up to their employer when unreasonable requests are made of them during their employment. Furthermore, linguistic barriers may increase the difficulties students face in investigating their labour rights and standards, accessing advice or support, and engaging with service providers and institutions who offer this support.

The youth and limited employment experience of international students may also exacerbate the power differential between students and their employers. Some students may be in their first paid job and almost certainly their first paid job outside their country of origin. As such, they are unlikely to be familiar with the legal frameworks, institutions

³⁰ Independent Commission Against Corruption (NSW), 'Learning the Hard Way: Managing Corruption Risks Associated with International Students at Universities in NSW' (Report, April 2015) <http://www.abc.net.au/reslib/201504/r1414622_20289958.pdf>.

³¹ Participant in Sydney focus group.

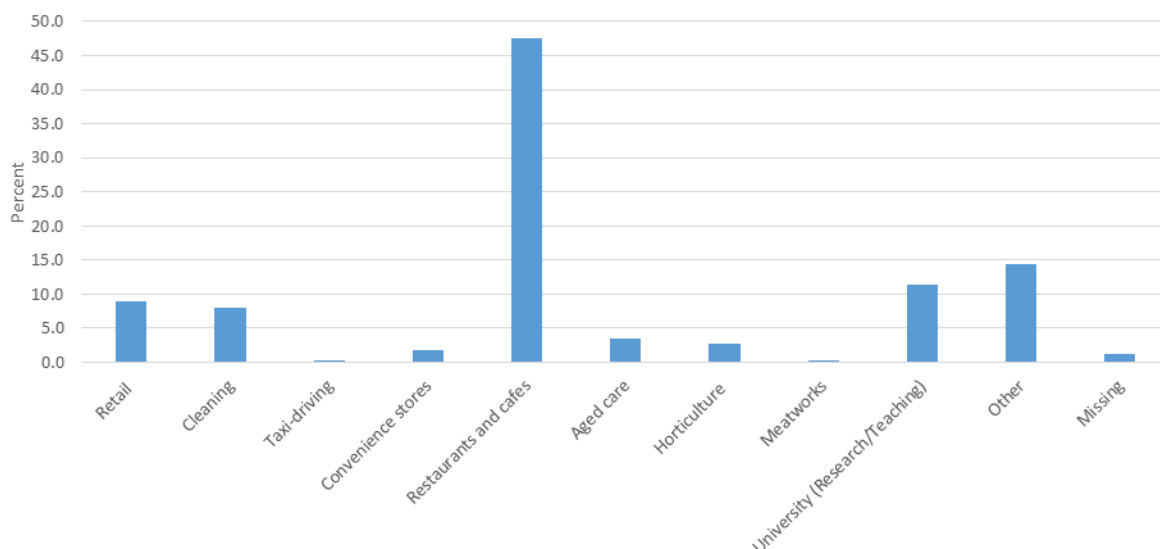
³² See, eg, Judy Fudge, 'Precarious Migrant Status and Precarious Employment: The Paradox of International Rights for Migrant Workers' (2013) 34 *Comparative Labour Law & Policy Journal* 95; Leah F Vosko (ed), *Precarious Employment: Understanding Labour Market Insecurity in Canada* (McGill-Queen's University Press, 2006); Ian Campbell and Joo-Cheong Tham, 'Labour Market Deregulation and Temporary Migrant Labour Schemes: An Analysis of the 457 Visa Program' (2013) 26 *Australian Journal of Labour Law* 239.

and work practices both in their home country and in Australia. Employers will invariably be older and more experienced. Youth and inexperience affect not only the ability to negotiate reasonable terms of employment, but also the ability to anticipate and handle problems that arise in the employment relationship, and the ability to seek external help in managing the relationship or to leave it if necessary.³³ Furthermore, students enter a foreign job market without their regular family and other support mechanisms.

Finally, Census data suggests that over half of international students are employed in two sectors, Accommodation and Food Services (36.2% in 2006 and 35.9% in 2011) and Retail Trade (18.1% in 2006 and 14.9% in 2011). These sectors are also associated with casual work, low rates of unionisation and cash payment of wages.³⁴ This makes it more difficult for enforcement agencies to be able to investigate non-compliant employment practices in these industries.³⁵

The survey revealed a similar pattern of students engaging in work in restaurants and cafés that is typically part time, and often casualised (Figure 2.5).

Figure 2.5: Most recent main job worked in (n=326)



³³ Michael Campbell, 'Perspectives on Working Conditions of Temporary Migrant Workers in Australia' (2010) 18 *People and Place* 51, 52.

³⁴ Joo-Cheong Tham, Iain Campbell and Martina Boese, 'Why is Labour Protection for Temporary Migrant Workers so Fraught?: A Perspective from Australia' in Joanna Howe and Rosemary Owens (eds), *Temporary Labour Migration in the Global Era* (Hart Publishing, 2016) [starting pg reference]; Ann Arnold, 'The New Black: The Overworked, Underpaid, Cash-in-Hand Worker is Becoming Increasingly Common', *The Monthly* (online), February 2017 <<https://www.themonthly.com.au/issue/2017/february/1485867600/ann-arnold/new-black>>.

³⁵ Joo-Cheong Tham, Submission No 3 to Senate Standing Committees on Education and Employment, *The Impact of Australia's Temporary Work Visa Programs on the Australian Labour Market and on the Temporary Work Visa Holders*, 29 April 2015.

There are eligibility requirements in students' visas that contribute directly to their vulnerability.³⁶ Although students are required to have money up front to cover their living expenses for the duration of their studies in Australia,³⁷ they and their families commonly meet these financial requirements by taking out loans or mortgaging their homes.³⁸ There may also be familial expectations that students will return some of the money home as soon as a visa is granted.³⁹ With these financial and familial pressures, for some students, there is an urgent need to work, and they may be prepared to put up with poor conditions of employment to maintain a stream of income.

The 40 hour a fortnight restriction on the entitlement of international students to work during the course of their studies can also contribute to vulnerability. First, the restrictions are sufficiently complicated that students may find themselves in innocent and inadvertent breach of them. An Annual National Audit Office Report of 2010–11 found that one of the most common ways for a breach of the work hour restriction to come to the notice of the Department of Immigration was for students to voluntarily attend a Department office to clarify their immigration status.⁴⁰

Second, even when students are fully aware of their obligations and have in place work practices designed to ensure they do not breach their visa conditions, there are occasions when circumstances make it difficult to comply with the restrictions.⁴¹ For example, there are some types of employment where the beginning and end times of the employment cannot be precisely anticipated. Third, there are well-documented cases of employers' exerting pressure on students to exceed their work restrictions.⁴²

Once a student is in breach of the 40 hour a fortnight limit, they face the possibility that their student visa will be cancelled and they will be required to leave Australia.⁴³ An

³⁶ Laurie Berg, *Migrant Rights at Work: Law's Precariousness at the Intersection of Immigration and Labour* (Routledge, 2016) 98.

³⁷ *Migration Amendment Regulations (No 14) 2009* (Cth) sch 3 reg 2 (inserting s 570.223(2)(c)).

³⁸ J Mills and L Zhang, Submission to the Department of Immigration and Citizenship, Parliament of Australia, *Strategic Review of the Student Visa Program*, 2011, 10.

³⁹ Andrew Trounson and Luke Slattery, 'Safety Net Urged for International Students', *The Australian*, 24 June 2009.

⁴⁰ Annual National Audit Office, 'Management of Student Visas' (Audit Report No 46, 2010–11) 114. See also, Alexander Reilly, 'Protecting Vulnerable Migrant Workers: The Case of International Students' (2011) 25 *Australian Journal of Labour Law* 181, 189.

⁴¹ Berg, above n 36, 99.

⁴² Mills and Zhang, above n 38; Adele Ferguson and Klaus Toft, *7-Eleven: The Price of Convenience* (30 September 2015) Four Corners <<http://www.abc.net.au/4corners/stories/2015/08/30/4301164.htm>>; Adele Ferguson and Mario Christodoulou, 'The Domino's Effect: Underpaying Staff, Migrant Workers & Franchisees' *The Sydney Morning Herald* (online), February 2017 <<http://www.smh.com.au/interactive/2017/the-dominos-effect/>>.

⁴³ *Migration Regulations 1994* (Cth) sch 8 (visa condition 8104).

unscrupulous employer can hold the threat of visa cancellation and deportation over students in negotiating pay and conditions of work.

Furthermore, there is a concern that students who have breached a condition of their visa will not be willing to access the support of government and non-government services in support of their rights for fear of exposing themselves to the risk of visa cancellation and deportation.

An important aim of the research project is to consider these particular points of vulnerability of international students and to consider how FWO might change its practices to offer better support and protection for students in the workplace.

2.7 The Role of FWO

This section examines the role of FWO within Australia's system of enforcement of workplace rights and the frequency in which international students contact FWO for assistance, when compared with other groups of workers.

FWO is established under the *Fair Work Act 2009* (Cth), and is the successor to the investigative agencies and inspectorate that were revamped in 2006 when the WorkChoices legislation transformed Australia's workplace regulatory system including by introducing a new set of national statutory minimum standards and individual protections.⁴⁴ Its role is to promote, monitor, investigate and enforce compliance with the *Fair Work Act 2009* (Cth) and instruments made under it.⁴⁵ FWO utilises a broad range of education, engagement and enforcement strategies. They include initiating investigations and inquiries, and conducting compliance audits and education campaigns. As well as initiating court proceedings, FWO enforces the legislation through issuing compliance notices and infringement notices, and entering into enforceable undertakings.⁴⁶

In response to growing evidence and awareness around the particular enforcement challenges associated with preventing the exploitation of visa holders in the Australian labour market, FWO has adopted a range of strategies. In mid-2012 FWO established an Overseas Workers Team responsible for monitoring and enforcing the workplace rights of visa holders and also undertaking inquiries pertaining to this group. For instance, FWO's inquiry into the wages and conditions of workers in Australia on the 417 visa produced a substantive report examining the experience of this group of visa holders.⁴⁷ Other teams within FWO also address migrant worker exploitation. FWO's Regional Services Team has played a significant role in educating stakeholders and reviewing compliance across

⁴⁴ See Rosemary Owens and Joellen Riley, *The Law of Work* (Oxford University Press, 1st ed, 2006) ch 3; Tess Hardy, 'A Changing of the Guard: Enforcement of Workplace Relations Laws Since Work Choices and Beyond' in Anthony Forsyth and Andrew Stewart (eds), *Fair Work: The New Workplace Laws and the Work Choices Legacy* (Federation Press, 2009).

⁴⁵ *Fair Work Act 2009* (Cth) s 682(1).

⁴⁶ *Ibid* chs 4–5.

⁴⁷ Fair Work Ombudsman, 'Inquiry into Wages and Conditions of People Working under the 417 Working Holiday Visa Program' (Report, October 2016).

Australia within the fruit and vegetable growing supply chains as part of its Harvest Trail initiative,⁴⁸ a sector in which many Working Holiday Maker visa holders are employed. This reflects the sector-specific approach often taken by FWO, which seeks to target endemic non-compliance through education and enforcement strategies in sectors with a high concentration of visa holders.⁴⁹ In 2016, a Migrant Worker Strategy and Engagement Branch was created to develop more integrated, targeted and strategic responses and initiatives relating to the endemic exploitation experienced by certain groups of visa holders in the workplace.

FWO is part of a growing infrastructure within the federal government seeking to address the scale of the challenge relating to the enforcement of visa holders' workplace rights under Australian law. FWO is a member of Taskforce Cadena established in June 2015 to target and disrupt criminal networks organising visa fraud, illegal work and the exploitation of migrant workers. This is a joint agency initiative between the DIBP, led by its operational arm the Australian Border Force, and FWO. This supplements the activities of a new multi-agency Migrant Workers Taskforce, established in October 2016, charged with identifying and addressing the systemic causes of migrant worker exploitation and to act as a vehicle for inter-agency collaboration. A new reform addressing the exploitation of Working Holiday Makers in the horticulture sector will see increased collaboration and coordination between the enforcement activities of FWO and the Australian Taxation Office.⁵⁰

Unlike 457 visa holders, for whom FWO was accorded special jurisdiction to monitor employer compliance with sponsorship obligations,⁵¹ FWO has been given no additional resources or powers in relation to international students. As with all workers, international students who wish to engage the dispute resolution services of FWO are required to complete a 'Request for Assistance' form, which can be found on FWO's website on the page 'Help Resolving Workplace Issues'.⁵²

International students make far fewer Requests for Assistance than other visa holders or Australian workers more generally (Table 2.6). This is despite being the largest group of visa holders in Australia.⁵³ In 2014–15, Requests for Assistance made by international

⁴⁸ Fair Work Ombudsman, *Harvest Trail Campaign* <<http://www.fairwork.gov.au/how-we-will-help/helping-the-community/campaigns/national-campaigns/harvest-trail-campaign>>.

⁴⁹ Fair Work Ombudsman, 'A Report of the Fair Work Ombudsman's Inquiry into 7-Eleven' (Report, April 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' (Report, June 2015).

⁵⁰ *Income Tax Rates Amendment (Working Holiday Maker Reform) Act 2016* (Cth).

⁵¹ *Migration Amendment (Temporary Sponsored Visas) Act 2013* (Cth).

⁵² Fair Work Ombudsman, *Help Resolving Workplace Issues* <<https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues>>.

⁵³ As at 30 June 2015, there were 374 566 international student visa holders compared with 188 000 457 visa holders and 143 918 Working Holiday Makers: see Department of Immigration and Border Protection, Australian Government, 'Department of Immigration and Border Protection Annual Report 2014–15' (Report, 2015) 72, 76

students accounted for 0.6% of all requests made to FWO during this year and only 5% of requests by visa holders.

<<https://www.border.gov.au/ReportsandPublications/Documents/annual-reports/DIBP-Annual-Report-2014-15.pdf>>; Department of Immigration and Border Protection, Australian Government, 'Working Holiday Maker Visa Programme Report' (Report, 30 June 2015) 7 <<http://www.border.gov.au/ReportsandPublications/Documents/statistics/working-holiday-report-june15.pdf>>.

Table 2.6: Visa Holder Requests for Assistance to FWO

Year	2014 15
All Request for Assistance	18 468
All Request for Assistance relating to visa holders	2 163
Number of student visa holders⁵⁴	374 566
All Request for Assistance relating to international students (subclass 572 and 573)	100
Number of Working Holiday Makers (subclass 417)⁵⁵	136 892
All Request for Assistance relating to working holiday makers (subclass 417)	930
Number of temporary skilled migrants (subclass 457)⁵⁶	188 000
All Request for Assistance relating to temporary skilled migrants (subclass 457)	315

⁵⁴ 'On 30 June 2015 there were 374,566 student visa holders in Australia': Department of Immigration and Border Protection, Australian Government, 'Annual Report 2014–15', above n 53, 72.

⁵⁵ 'As at 30 June 2015, there were 136,892 Working Holiday [417] visa holders in Australia (first and second visas)': Department of Immigration and Border Protection, Australian Government, 'Working Holiday Maker Visa Programme Report', above n 53, 8, 34.

⁵⁶ 'At 30 June 2015 there were 188,000 subclass 457 visa holders in Australia', which includes both primary visa holders and secondary visa holders: Department of Immigration and Border Protection, Australian Government, 'Annual Report 2014–15', above n 53, 76.

Chapter 3

Why do International Students Not Complain to the Fair Work Ombudsman?

3.1 Introduction

In this chapter we use the research findings and existing data to interrogate our first three hypotheses as to why international students do not complain at all, or to the Fair Work Ombudsman (FWO), in relation to non-compliant employment practices.

To test our hypotheses on students and workplace complaints, the survey and focus groups asked respondents a number of questions in relation to making complaints to their employers.

Table 3.1 reveals that of survey respondents who had worked in paid and/or unpaid work, nearly one-third (30.1%) had at one point complained to their employer about a workplace issue or problem.

Table 3.1: Have you ever complained to your employer about a workplace issue or problem? (n=376)

	n	Percent
Yes	113	30.1
No	263	69.9
Total	376	100

There are two avenues for investigation arising from this result. First, of the 69.9% of respondents who have never complained, does this reflect that they did not experience problems in the workplace, or was there some other reason that they did not complain? Second, of those who did complain, what was their experience of the response they received from their employers, and how did this affect their attitude to complaining in the future?

The first hypothesis aims to test whether students are simply not complaining because they are satisfied with their pay and conditions of work, regardless of whether these conditions are legally compliant.

3.2 HYPOTHESIS 1: International students do not feel they have anything to complain about

It is well documented that there is a high level of non-compliance with the payment of wages to international students,⁵⁷ and this is confirmed by the survey results. 39.9% of respondents received wages up to \$17 per hour, and a further 27.1% received less than \$23 per hour (Table 3.2). It is difficult to establish the extent of wage underpayments received by international students participating in the survey. Australia's adult federal minimum wage is \$17.70 but junior rates are permitted for those under 21 years of age.

⁵⁷ Ferguson and Toft, above n 42; Iain Campbell, Martin Boese and Joo-Cheong, 'Inhospitable Workplaces? International Students and Paid Work in Food Services' (2006) 51 *Australian Journal of Social Issues* 279; Chris Nyland, Helen Forbes-Mewett and Charmine E J Härtel, 'Governing the International Student Experience: Lessons from the Australian International Education Model' (2013) 12 *Academy of Management Learning & Education* 656.

Furthermore, many occupational wage rates are governed by an ‘award’, as historically Australia’s labour laws have been juridified around a culture of a collective award system supervised by an independent commission. These arbitrated awards establish wage rates and work rules that all employers in the relevant industry are bound to comply with when employing workers. Additionally, awards provide for different wage rates for casual workers, part-time and full-time workers. The complexity of Australia’s system of wage regulation makes it more difficult to establish the extent of wage underpayments and also for international students to identify for themselves the correct wage rate.

Table 3.2: Hourly pay of survey respondents (n=321)⁵⁸

	n	Percent
Less than \$10 per hour	31	9.7
\$11–\$17 per hour	97	30.2
\$18–\$23 per hour	87	27.1
\$24–\$29 per hour	64	19.9
\$30+ per hour	42	13.1
Total	321	100

Many focus group participants were paid below the minimum wage. Most participants reported receiving wages of between \$10 and \$13 per hour. One participant was paid \$9 per hour, rising to \$10 per hour after a month of ‘training’.

Survey respondents were also asked to reflect whether they were happy with their hourly pay and as Table 3.3 shows, 60% of respondents indicated that they were happy and 40% were not happy. Cross-tabulating this with their levels of pay by minimum wage (Figure 3.1a) reveals that for the most part, those who were paid at least the minimum hourly wage of \$18 per hour were happy with their pay (82.9%), while not surprisingly far fewer of those paid \$17 per hour or less were happy with their pay (26.6%).

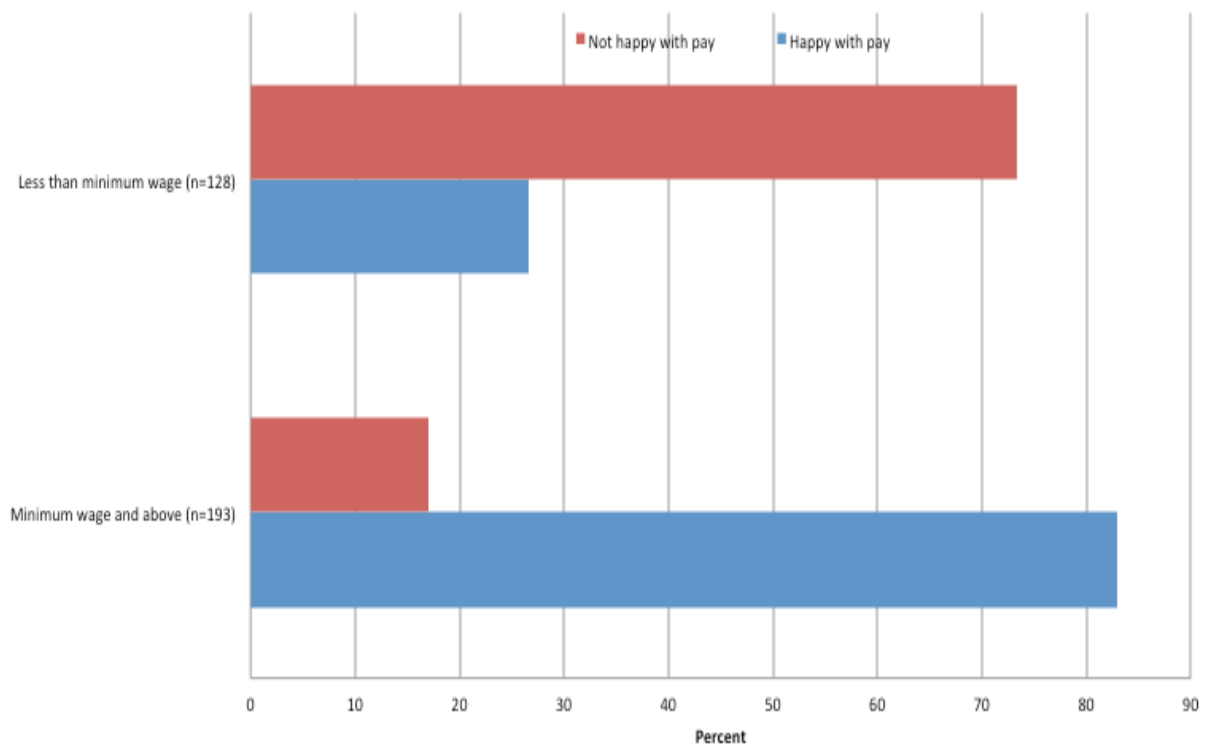
Table 3.3: Happy with your pay⁵⁹

	Yes		No		Total	
	n	%	n	%	n	%
Happy with pay	195	60.0	130	40.0	325	100.0

⁵⁸ Five respondents did not indicate their hourly pay.

⁵⁹ One respondent did not indicate satisfaction with pay, hence n=325.

Figure 3.1a: Happy with your pay by minimum hourly wage⁶⁰

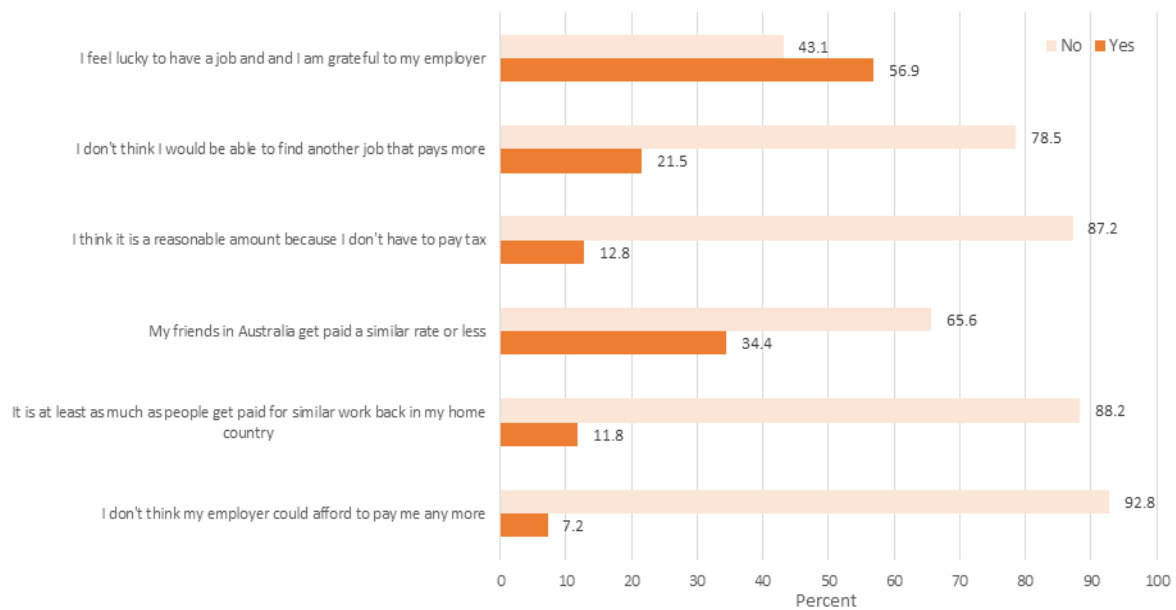


Although the level of satisfaction with pay decreased as wages fell, it is nonetheless significant that **over one-quarter of students who received below minimum hourly wage (26.6%) were happy with their pay**. Our focus in this section is on this cohort. Why is it that there is such a significant proportion of students paid below minimum wage who are nonetheless ‘happy’ with their wage?

Survey participants were asked why they were happy with their pay (Figure 3.1b). It is clear that most respondents were happy with their hourly pay because they felt lucky that they had a job in the first place and were grateful to their employer (56.9%).

⁶⁰ Five respondents did not indicate their hourly pay, therefore it was not possible to determine whether they were paid below or above the minimum wage.

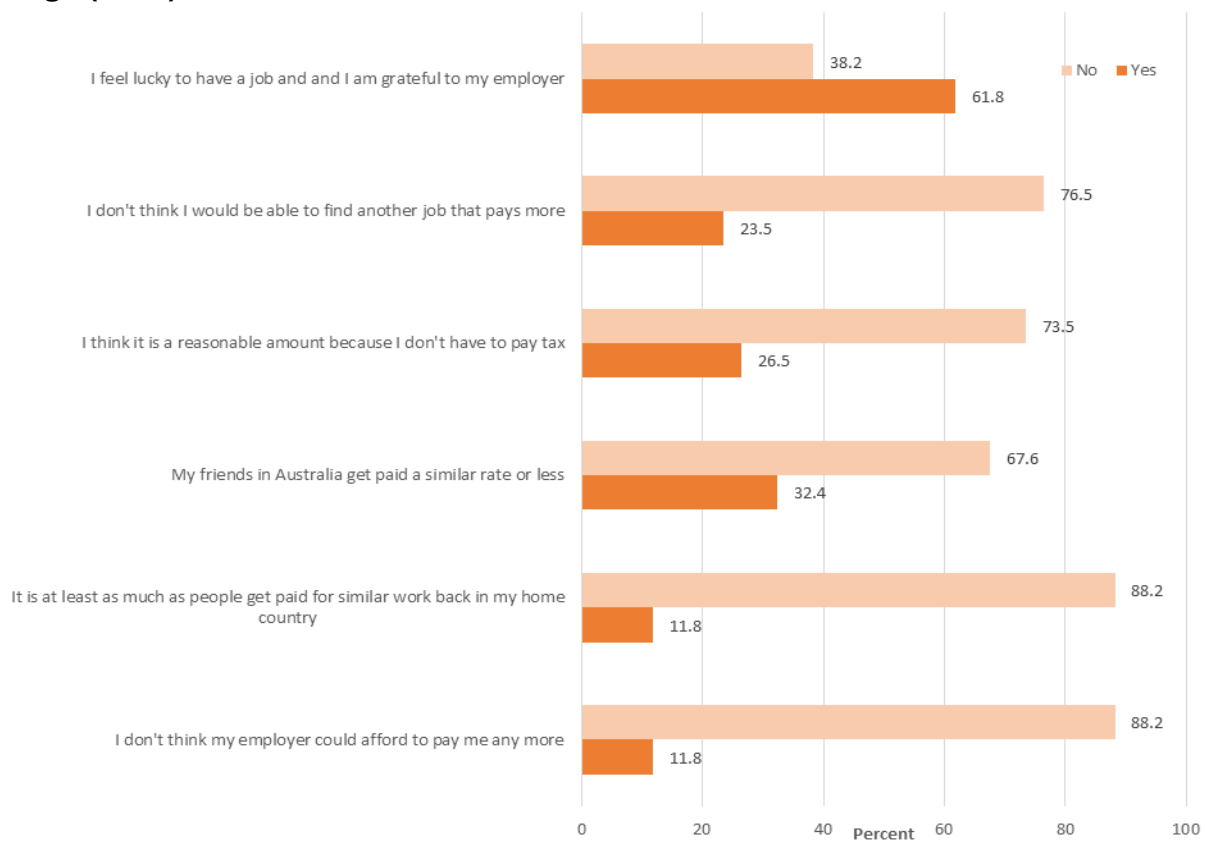
Figure 3.1b: Reasons for being happy with pay (n=195)



This feeling of gratitude for having a job suggests that international students find it hard to access paid employment. This is confirmed by the Characteristics of Recent Migrants survey of 2013, which revealed that 41.3% of respondents experienced difficulty finding their first job. The four most commonly cited reasons for this difficulty were lack of Australian work experience (39.1%), language difficulties (17.6%), lack of local contacts (16.7%) and visa type/restrictions (13.9%). These difficulties are reflective of the core reasons that international students are a particularly vulnerable class of workers, as discussed in Chapter 1. They also likely compound students' vulnerability: students who fear they will be unable to find another job may be more likely to accept poor conditions and even mistreatment.

Among respondents paid below the minimum wage, the number who felt that they were lucky to have a job and were grateful to their employer rose to 61.8% (Figure 3.2).

Figure 3.2: Reasons for being happy with pay for those paid less than minimum wage (n=34)



The feeling among students that work was hard to come by, and that they were lucky to have a job at all was confirmed by focus group participants. When asked why people work in jobs of \$9 or \$10 per hour, one participant stated,

[m]y classmate told me that it might be the easiest way for them to earn the money because they don't have much work experience in a specific field so they have to do some labour job. But actually they know that these types of labouring jobs are very low paid or low salary. They want to earn some money to support their lives.

Another participant stated, 'I like my job [in make-up] even though they pay me \$11 under the minimum wage. I still feel happy because they treat me like family.'

Focus group participants also linked gratitude for having a job at all to the precarious financial position of some students:

Maybe they don't have enough financial support from their parents so they need to work so sometimes they don't care about how they get paid. I think deep in their heart they really do care but they couldn't change that because normally international students holding student visa couldn't get permanent job or even part-time job. So this is the only way they can get money.

Among respondents paid below the minimum wage, a similar percentage (32.4%) were happy with their pay because their friends were getting paid a similar amount. This reflects another phenomenon that has been noted in the literature that students have a dual frame of reference. Stephen Clibborn found that **international students often use their peer group as their frame of reference** for identifying the appropriate wage to be received for certain kinds of work rather than the award or the wage received in their country of origin.⁶¹

A number of focus group participants noted that their friends were being similarly or equivalently remunerated, below the legal wage, and this conditioned their own wage expectations. As one international student told us, 'all my Asian friends who are doing this type of job said its normal to receive \$10 or even \$8 or \$9 so I don't know what I can really do [to get a higher wage].'

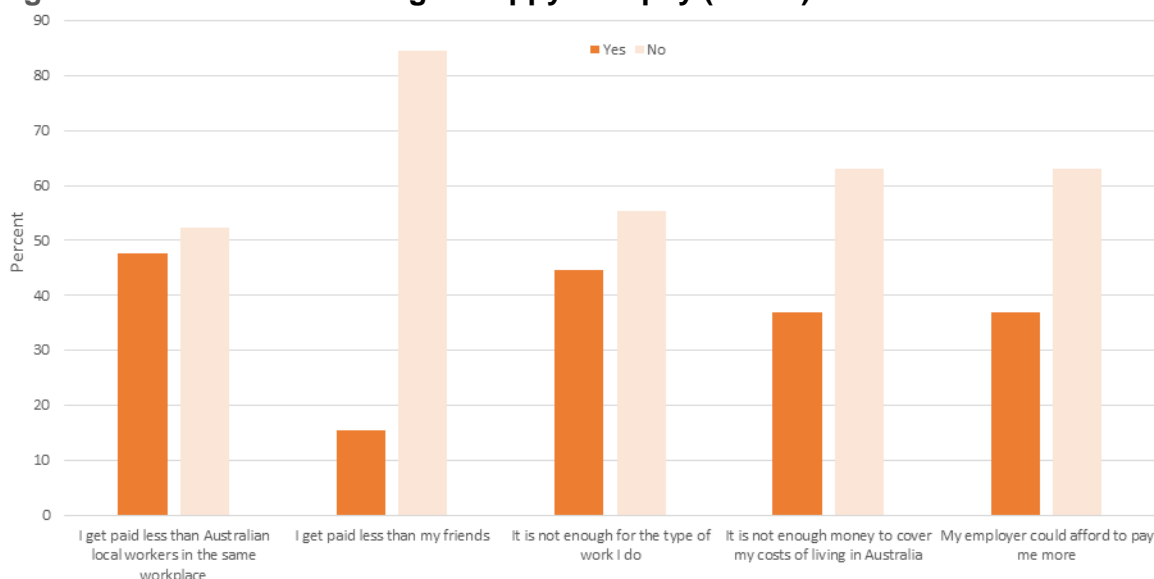
International students understand themselves to occupy a unique place in the labour market and are not subject to the general law in relation to wages and conditions of work. Rather than rely on the official legal position, they determine what is reasonable by comparing their situation with that of other international students. This phenomenon of students having a dual frame of reference was evident in a comment of a participant in the Adelaide focus groups: 'We consider \$10 as a minimum and \$13 isn't bad. I see many local students if they are paid at minimum wage they would complain a lot but not international students.'

For just over one-quarter of respondents paid below the minimum wage, not having to pay taxes was a stronger factor (26.5%) than for respondents as a whole (12.8%). This suggests that students factor in what they perceive to be the financial benefits of working unofficially in evaluating what they consider is a reasonable wage. Of course, students working at such low pay rates may be over-estimating the amount of tax for which they would otherwise be liable if they declared this work

The most common reasons respondents gave for being unhappy with their hourly pay, as indicated in Figure 3.3, were first that their level of pay compared unfavourably with Australian workers (47.7%), and second that they were being underpaid for the type of work they were doing (44.6%). Over one-third felt that their pay was not enough to cover the cost of living in Australia (36.9%) and a similar proportion felt that their employers could afford to pay them more (36.9%).

⁶¹ Stephen Clibborn, 'Degrees of Exploitation: Why International Students in Australia are Unpaid' (Paper presented at Workshop on Comparative and International Perspectives on Australian Labour Migration, The University of Melbourne, 21–22 July 2016).

Figure 3.3: Reasons for being unhappy with pay (n=130)



It is interesting to note that relative rates of pay are a greater source of unhappiness than the fact that the pay is not enough to meet living expenses. This finding runs counter to the survey results on reasons for happiness in the job in which respondents compared themselves with other international students. The findings suggest that students are sensitive to discrimination in the workplace even though unhappiness with this discrimination is not generally seen as a ground for complaint. In the focus groups, expressions of dissatisfaction over discrimination were expressed in relation to obtaining employment, rather than different treatment in a job. Some students reported being overlooked for a job opportunity once it was known they were on temporary visas.

A further reason why respondents may not have complained about low wages is that they reported that their primary reason for working is not to earn money. The survey revealed that over half of survey respondents (54.6%) who had worked in paid employment indicated that money was not the main reason they worked (Table 3.4).

Table 3.4: Main reason for working in part-time work (n=326)

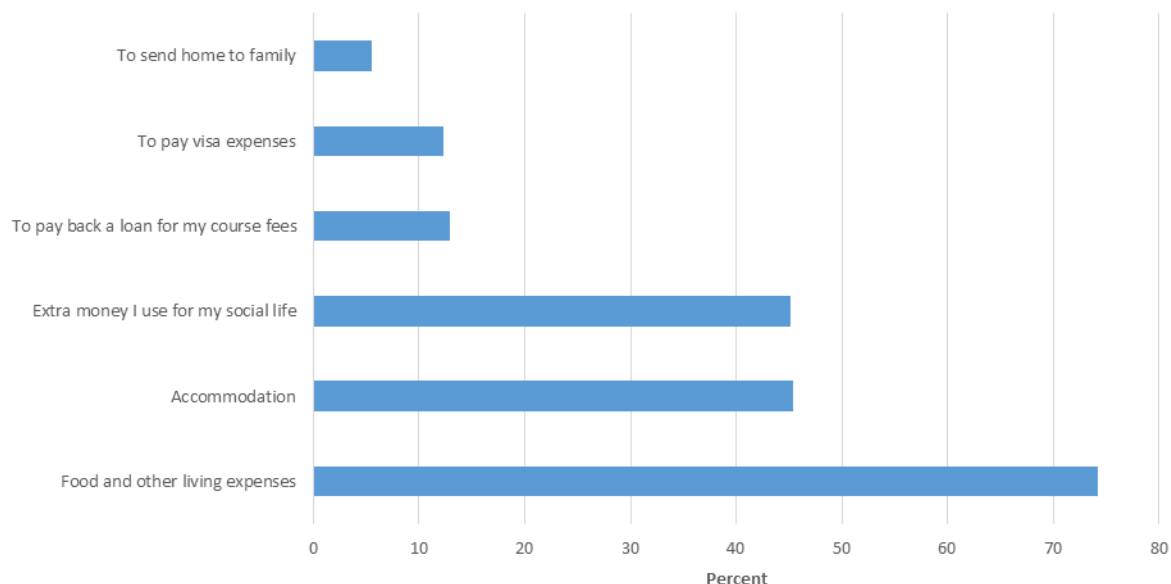
	n	Percent
I need the money	148	45.4
I want to get experience working in Australia	87	26.7
I want experience working in my field of study	69	21.2
Work helps me meet people	21	6.4
Missing	1	0.3
Total	326	100.0

The desire for Australian work experience and work experience in their fields of study were factors for about one-quarter (26.7%) and one-fifth (21.2%) of respondents respectively. If money is not the primary reason for work, then students may be happy to be receiving an income considerably below award rates because they are gaining other benefits from the experience of work.

However, Table 3.4 also reveals that for almost half of respondents, money was the main reason to work (45.4%). The split between students who were interested in gaining experience through work regardless of wage rates, and those who were heavily reliant on the financial rewards of work was reflected in the focus groups. A number of students in the Adelaide focus group discussed work as a way to improve their English, to gain knowledge of the Australian workplace, and to enhance their curriculum vitae (CV) with Australian work experience. These students did not rely on work for living expenses. They were concerned to maximise their opportunity to attain well paid employment in their area of study in the future. One student confirmed that, faced with a problem at work, they would simply quit the job: 'I go to work ... so that I have something to do and it makes me feel better. So if I cannot feel better at work I just quit because I need to focus on study.'

Figure 3.4 illustrates the different ways in which survey respondents used their pay. Nearly three-quarters (74.2%) of respondents indicated that their pay was directed towards their food and other living expenses, followed by 45.4% using their pay for rent and 45.1% using it for their social life. Also of note was that over 10% of respondents used their pay for visa expenses and to pay back loans taken out for their course fees.

Figure 3.4: How do you use your pay? (n=326)⁶²



These results also point to a bifurcation of students according to their pre-existing financial resources. Although it is a requirement for all international students to have enough money

⁶² This is a multiple response question so percentages will not add up to 100 per cent.

to cover basic living expenses, the reasons students work strongly suggest that many students do not have sufficient savings to pay their living expenses while they study. Furthermore, it would seem that some students are only able to satisfy this requirement by taking out loans to cover visa fees and other expenses. This highlights the precarious financial position of many students and underpins their vulnerability in the labour market.

The preparedness of students to put up with poor wages and conditions of work because they are more concerned with having an opportunity to work at all, is further borne out in survey data focusing on international student participation in unpaid work, such as internships or placements that count as course credits.

Table 3.5: Have you ever undertaken unpaid work in Australia? (n=766)

	n	Percent
Yes	138	18
No	620	80.9
Unsure	8	1
Total	766	100

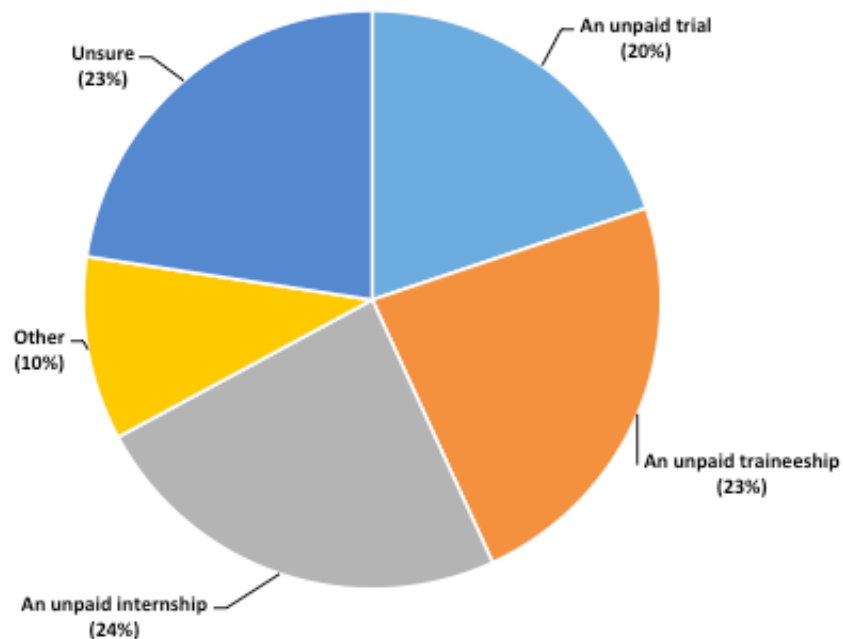
Just under one-fifth (18%) of respondents indicated that they have been engaged in unpaid work in Australia (Table 3.5). In answering this question, students were asked to exclude ‘volunteering, any work for your family or work/internship/placement completed for course credit as part of your studies’. Students were then given three options to describe their unpaid work. Of those who had engaged in unpaid work (Figure 3.5), 23.3% (n=34) described the work as an unpaid traineeship, 24% (n=35) as an unpaid internship and 19.9%, (n=29) as an unpaid trial. These terms were not defined in the survey. Respondents used their own understanding of the terms in answering this question.

Significantly, there were a further 12.3% (n=15) of respondents who specified other forms of unpaid work, including teaching, administration, farm job, newspaper delivery, tutoring, laboratory work and work at the university, which perhaps should have been remunerated.⁶³

A number of participants in the focus groups also reported having engaged in unpaid internships. And many felt that they should have been paid for this work. One student reported working in a volunteer capacity for two days a week for an entire year.

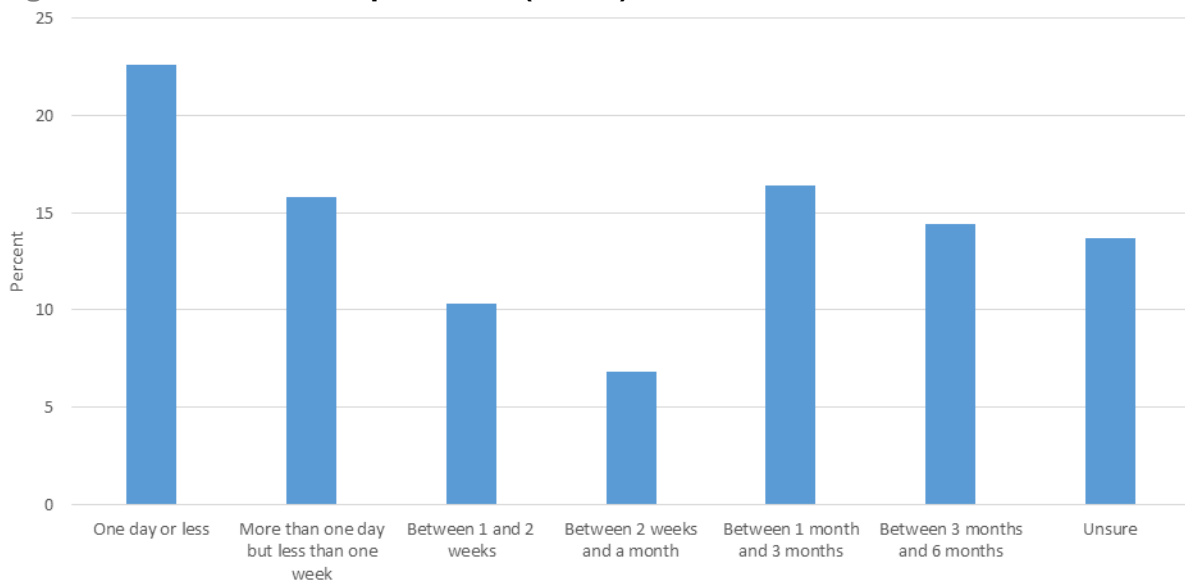
⁶³ The types of unpaid work listed under ‘Other’ by respondents include teaching, work experience, administration, farm job, newspaper delivery, tutoring, laboratory work, work at the university; the remaining did not specify type of unpaid work.

Figure 3.5: Type of unpaid work undertaken (n=146)



Due to low numbers of this cohort in the research and also lack of information on how often they work, it is difficult to be more certain on the prevalence and frequency of unpaid work among international students. However, some general observations can be made. First, it is noteworthy that over 60% of students engaged in unpaid work for over one week, and over 30% engaged in unpaid work for between one and six months, as indicated in Figure 3.6.

Figure 3.6: Duration of unpaid work (n=146)



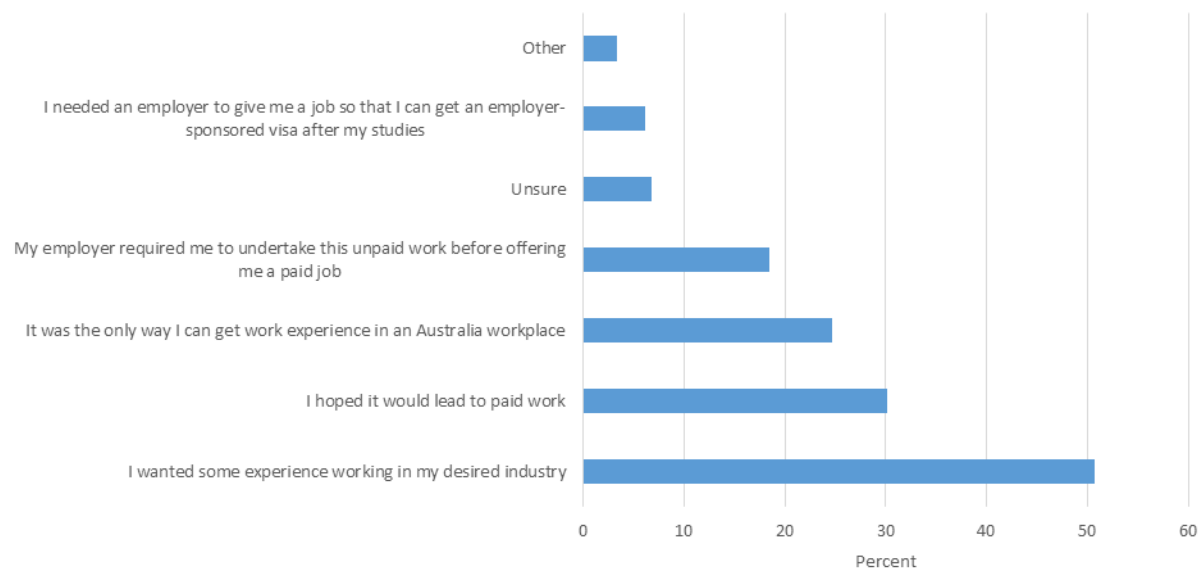
When the data was analysed to look only at unpaid trials (n=29), 55.2% were for a day or less, and 75.9% were for less than a week. This means that just over a quarter of unpaid

trials were for more than a week in duration, which is likely to breach laws relating to unpaid work. In relation to unpaid traineeships (n=34), 14.7% ran for between one and three months, and 14.7% ran for between three and six months. Unpaid traineeships of this length are almost certain to be in breach of the law.

Most respondents undertook unpaid work to accrue work experience for their CV and to enhance future employment opportunities (Figure 3.7).

In the focus groups, many students described being placed on a trial for lower pay, usually for three to four weeks, after which wages increased. This was presented as the norm in the hospitality industry.

Figure 3.7: Reasons for undertaking unpaid work (n=146)



61.6% of students reported having received useful skills and experience from unpaid work, while 26% of survey respondents reported not receiving useful skills and experience and 12.3% were unsure (Table 3.6).

Table 3.6: Useful skills and experience gained from unpaid work (n=146)

	n	Percent
Yes	90	61.6
No	38	26
Unsure	18	12.3
Total	146	100

3.2.1 Conclusions

The research revealed that international students have two distinct motivations for working. One group engages in work for the experience and are not overly concerned about wage rates. A second group is reliant on the income generated from work and particularly concerned to hold onto their employment, even if the wages are low. Many students in both these groups from the focus group did not consider a need to complain because they were broadly satisfied with their wages and conditions of work.

However, among those who need the income there is another strong possibility — that they do not complain for fear of the consequences. This is the focus of the second hypothesis.

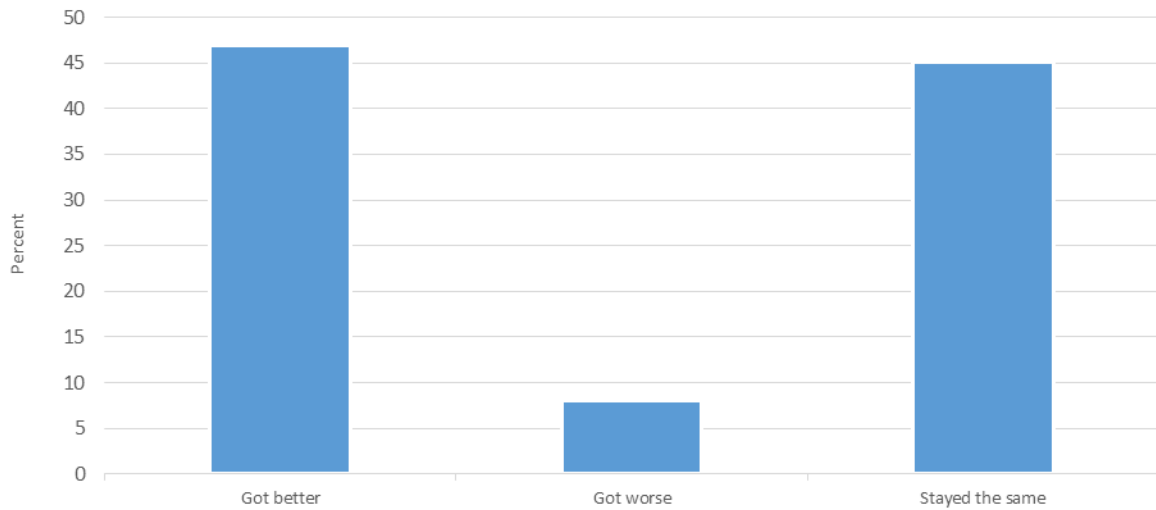
3.3 HYPOTHESIS 2: International students are reluctant to complain to their employer for fear of negative employment or immigration consequences

You feel all the time you feel insecure here. You don't feel ... afraid to do something wrong. If you do something wrong they are going to deport me. All the time I am afraid to do something wrong.

Our second hypothesis is that students do not complain even when they believe they have legitimate grounds for complaint because they fear negative consequences or believe nothing can be done.

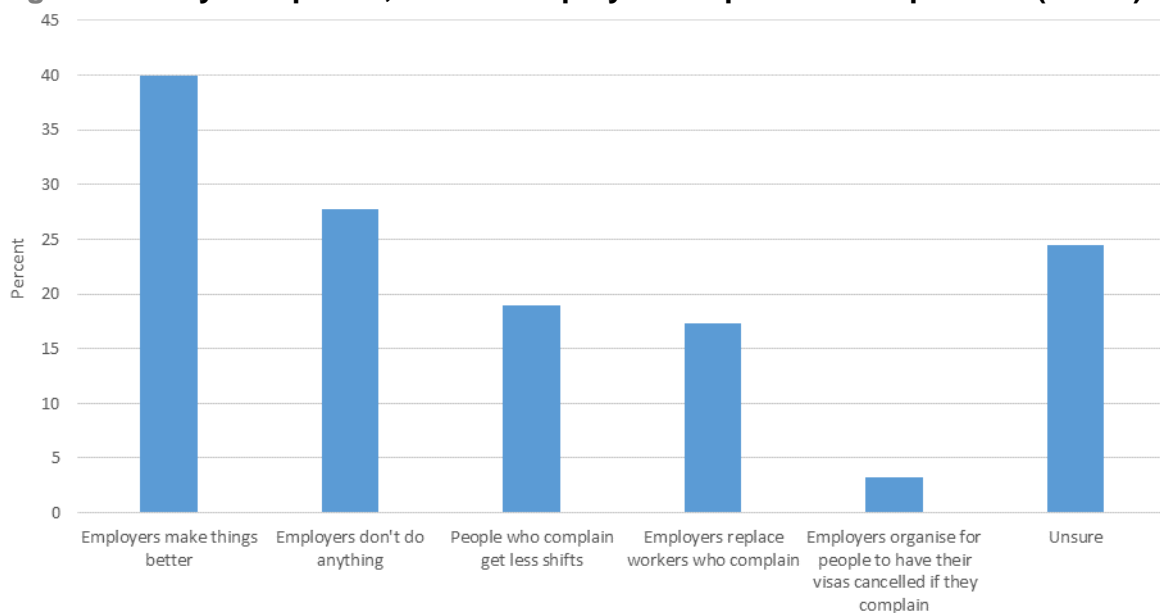
Having ascertained that 30.1% of respondents had at some point made a complaint to their employer, the survey asked these respondents whether their workplace issue/problem was resolved after they made a complaint. As Figure 3.8 shows, about 46.9% (n=53) reflected that their employer took steps to improve the workplace issue. However, a similar proportion (45.1%, n=51) reflected that the situation remained the same despite their complaint, and a further 8% reported that the issue worsened after the complaint.

Figure 3.8: Did the workplace issue/problem get better or worse after you complained? (n=113)



Respondents were also asked for their opinion on how they felt employers in general respond to complaints. As Figure 3.9 indicates, 60% of respondents expressed the opinion that things would either not change or would get worse. 36% (n=136) of respondents believed they would lose their job or lose shifts if they complained. These findings have implications for FWO advice to international students who contact them. It suggests that advice to students that they talk to their employers, or offering assistance to students to make contact with their employer may not be attractive or viable options for many students.

Figure 3.9: In your opinion, how do employers respond to complaints? (n=376)



These results reinforce the insecurity international students experience in the workforce as a result of the difficulty they find in securing and holding onto work. Our first hypothesis suggested that this insecure status in the workforce meant students were grateful to have

a job and were unconcerned that the pay and conditions did not comply with legal requirements. The perception of how employers respond to complaints suggests, further, that insecurity in the workforce is a major reason students might not complain even when they believe there are grounds to complain.

A number of focus group respondents reported that employers did nothing in response to complaints. One Adelaide focus group participant stated, 'I am not so familiar with all of the tea and sometimes I get burnt by it and they are just like "why are you so careless, why did you do that". So harsh on me and they only pay me \$9 per hour. ... After two months I just left.'

Another international student participating in the University of New South Wales focus group spoke of a concern that her employer will warn other prospective employers not to hire her:

Sometimes you cannot prove things so it is hard to imagine complaining as well. Also if you complain I think the boss will be notified and maybe like all this ... they will say there is a person ... and she complain. They will not want to hire you in the future.

Some focus group participants discussed how their employer would make threats or intimidate them from making complaints. One focus group participant stated, 'they try to trick you against going to leave or complain and say "you have to pay us back". They are threatening us all the time'. Others spoke of being afraid of not being able to get another job because their employer would blacklist them by ensuring that other employers knew they were a 'troublemaker'.

The most pressing concern of focus group participants was a fear that complaining would lead to them losing their job. For international students, **access to the job market** is extremely challenging and many expressed relief at having a paid job, even if it were paid below the minimum wage. The focus group participants were acutely aware that if they requested higher wages from their employer or made a complaint to an outside party (such as FWO), they were easily replaceable and may struggle to find alternative employment. One international student stated that her employer had told her that if she wanted higher pay, there would be plenty of other international students prepared to accept the job at a lower rate of pay.

One participant stated: 'I would be scared to complain about something going wrong because they know how hard it is to find job here and I struggle with this and if I complain now I can lose my job when it took me a lot of time to find it.'

Another participant stated, 'I think most international students may choose keep silence because they need the money and more over if they don't do that other student will be very happy to do that job.'

In an Adelaide focus group with predominantly Chinese students, one participant made the observation that in Adelaide 'the circle is really small' and that employers would be able to affect the prospects of a student finding another job by undermining their reputation

among other employers. This comment is an important reminder that the survey results may not be representative of the nation as a whole as a result of the size of the job market in Adelaide. There may be additional reasons not to complain where there is a fear that employers will be able to affect future job prospects with other employers.

Another focus group respondent reflected that even if a complaint were successful, it was not worth pursuing because of the implications for job security: ‘If you go to Fair Work to complain, the company will probably pay the difference but they will just hire someone else to do the jobs.’

Only 3% of survey respondents indicated that they believed employers would arrange to have their visas cancelled if they made a complaint. Nevertheless, the concern was also raised in focus groups, with one participant in a New South Wales focus group stating, ‘[My employer said] if you go to Fair Work you are going to lose your visa. If you do something I will send you back to your country. They think they have this power over the students.’

11.7% of survey respondents reported that their employer had discouraged them from making a complaint to an authority (Table 3.7).

Table 3.7: Has your employer ever discouraged you from making a complaint to authorities about a problem at work? (n=376)

	n	Percent
Yes	44	11.7
No	259	68.9
Unsure	73	19.4
Total	376	100

When the question about employer discouragement is cross-tabulated against respondents who reported that they had made a complaint previously, the number of respondents reporting that their employer had discouraged them from complaining to the authorities rose to 19.5% (Table 3.8).

Table 3.8: Experience of employer discouraging respondents making a complaint to authorities about a workplace problem by respondents who had previously complained to their employer about a workplace problem (n=113)

	n	Percent
Yes	22	19.5
No	71	62.8
Unsure	20	17.7
Total	113	100.0

Although the number of respondents is low (n=113), these figures are particularly concerning, as they suggest that **in addition to workers' reluctance to complain, either because they fear the consequences, or because they see no reason to complain, a significant number of employers are actively discouraging students from seeking help**, exacerbating student precariousness. It leaves open the possibility that there are a significant number of students in a bonded employment relationship that is characterised by exploitation.

3.3.1 Conclusions

The research reinforces the extent of international student vulnerability in the workforce. Not only are students highly exploitable as a result of their migrant status, youth, financial status and linguistic background, but this vulnerability means they are reluctant to complain. The research revealed that the most significant reason for not complaining was a fear that it would affect future job prospects. However, there were other significant factors including a fear that students had acted illegally in agreeing to engage in non-compliant work. Students in this cohort need the assistance of FWO. FWO needs to develop strategies to encourage contact with students in this position, but unless they are able to reassure them that they are not subject to negative consequences flowing from the choice to complain, these students' engagement with FWO may remain limited.

3.4 HYPOTHESIS 3: International students do not complain because they are not aware of their legal rights

I have some Australian friends when they encounter issues they just complain. They just talk to the employer. They feel comfortable doing this because they know their rights and they have their family backing them if something goes wrong. We are here as individuals and like most of us we have no one else. So it is a bit harder.

The third hypothesis is that international students do not complain because they do not understand the legal framework for the enforcement of their rights.

In an interview with the research team, a representative of the Council of International Students Australia made the observation that:

[International students] are not thinking about what are my rights they are just ready to work. Especially bachelor students they have not much experience in employment and how to behave with the employer. So if you are 18, 19, 20 years old you are quite young and sometimes unconfident with what you are doing and how you are behaving in the workplace.

This observation about the lack of knowledge of work rights generally, and in Australia specifically, was reflected strongly in the focus groups. One student observed, '[t]he problem is I don't know what can I do here and I didn't take my time to do research. So whilst I don't know what are my rights, I can't really be sure whether to complain.'

Another student stated:

they said I had to do two weeks training and if I left before this time I should pay them back because they were spending money on my training. It is funny because in my country I know this is illegal. I know they can't do this. But I don't know if it is the same here. You know something is wrong but you are in a strange country. You are not sure what is happening.

Finally, a participant in a New South Wales focus group stated:

we start asking people is it legal to do certain things and we are not sure. ... You don't know what to ask, you don't know who to ask. You don't know how to search. It doesn't make sense. So it is kind of hard to make sure that what you are doing is right.

Despite a general uncertainty about workplace rights, the majority of respondents demonstrated an awareness of what was the minimum hourly wage in Australia (Table 3.9). Over half of respondents indicated that the minimum hourly wage was \$18–\$23 per hour (53.8%) followed by 15.6% who thought that it was slightly higher at \$24–\$29 per hour. The survey results reflected the level of knowledge of the minimum wage in the focus groups. Most students were aware that the minimum wage was about \$17 per hour. However, very few students also knew that casual and award rates were generally considerably higher than this.

Although a majority of students had a good understanding of the minimum wage, it is important to note that nearly one-quarter (23%) of respondents in the survey mistakenly believed that the minimum hourly wage was either \$11–\$17 per hour or less than \$10 per hour.

Table 3.9: Perception of minimum hourly wage (n=755)⁶⁴.

	n	Percent
Less than \$10 per hour	37	4.9
\$11–\$17 per hour	137	18.1
\$18–\$23 per hour	406	53.8
\$24–\$29 per hour	118	15.6
\$30 + per hour	57	7.5
Total	755	100.0

There is a clear opportunity for FWO to respond to ignorance over minimum rates of pay with a targeted education campaign. Although it is clear that knowledge of legal rights alone is not sufficient to protect students in the workplace, there is no prospect of students complaining to FWO if they are not aware of their rights.

⁶⁴ 11 respondents did not answer this question.

Employers have a legal obligation to provide a written record of levels of pay and hours of work.⁶⁵ The survey revealed a high level of non-compliance with this obligation, and also that non-compliance was slightly higher within co-ethnic employment relationships and for students with poorer English language ability. Around two-thirds of survey respondents (64.4%) stated that their employer provided a pay slip or written record in their most recent main job (Table 3.10).

Table 3.10: Did you receive a pay slip or written record in your most recent main job? (n=326)

	n	Percent
Yes	210	64.4
No	115	35.3
Missing	1	0.3
Total	326	100

When provision of a pay slip was cross-referenced to levels of pay, not surprisingly, the number of respondents receiving pay slips fell dramatically for those receiving below the minimum wage (see Table 3.11). Perhaps the most interesting point from this cross-referencing is that 16.1% of respondents receiving up to \$10 per hour, and 37.1% of those receiving between \$11 and \$17 per hour, *did* receive a pay slip, suggesting that these respondents would, therefore, have a sound evidentiary basis for claiming unpaid wages providing the pay slips are not fraudulent.⁶⁶

Table 3.11: Hourly pay of survey respondents and whether they received pay slip/written record in their most recent main job (n=321)⁶⁷

	n	Percent	Receive pay slip/written record		
			Yes	No	Total
Less than \$10 per hour	31	9.7	16.1	83.9	100.0
\$11-\$17 per hour	97	30.2	37.1	62.9	100.0
\$18-\$23 per hour	87	27.1	75.9	24.1	100.0
\$24-\$29 per hour	64	19.9	98.4	1.6	100.0
\$30+ per hour	42	13.1	92.9	7.1	100.0
Total	321	100	65.1	34.9	100.0

⁶⁵ *Fair Work Act 2009* (Cth) s 535.

⁶⁶ For example consider the 7-Eleven 'half pay scam': Alison Branley, '7-Eleven Staff Work Twice as Long at Half Pay Rate, Investigation Reveals' *ABC News* (online), 29 August 2015 <<http://www.abc.net.au/news/2015-08-29/7-eleven-half-pay-scam-exposed/6734174>>.

⁶⁷ Five respondents did not indicate their hourly pay.

A number of participants in the focus group commented on the problem of proving a claim without documentary evidence of wages as a reason for not complaining. One participant stated, 'when we do cash jobs there is no evidence and it is very hard to complain and stuff'. Another commented that '[t]he law here in Australia is strict a lot of things but for employers they are not so strict. They know they can pay by cash, they know nothing is going to happen. Everyone does this.'

The fact that there are nonetheless a significant number of students with documentary evidence to bring a claim, and yet so few making complaints to FWO, suggests there are other barriers to bringing a claim. One theme that clearly emerged from the focus groups is that participants were concerned that they had no legal rights to complain because they were complicit in the wrong doing by agreeing to employment at below minimum wages.

A number of international students expressed a view that having agreed to a wage, they were unwilling to challenge it even if it was not compliant with the legal wage they were entitled to.

One participant stated, 'I feel like because we are international student and if I worked illegally I would rather not say anything so it is my fault as well. So I just don't say.'

Another participant expressed similar sentiments: 'The thing is if we get paid cash we would be more likely to think that we can't get this help. [I believe] I won't be protected so I wouldn't complain.'

Yet another student said 'I feel a little bit like I don't have a solution because it feels like ... it is a secret [underpayment of wages] that everyone knows'.

There is a clear opportunity for FWO to counter the misconception among international students that they lose their legal rights because of any perceived complicity in wrong doing in relation to underpayment of their wages.

3.4.1 Conclusions

The research suggests that a lack of knowledge of legal rights affects international students' decision to complain in a number of ways. First, not being aware of rights such as wage rates means international students are not aware of grounds for complaint. Second, a general uncertainty over legal rights means international students avoid contact with the law, and shy away from accessing legal remedies. Third, students expressed a positive concern that their complicity in non-compliant employment practices would affect their opportunity to access legal remedies, or even have negative consequences for them.

There are tangible ways FWO can respond to these legal issues through education campaigns on Australian workplace law that are targeted at international students. One idea that was mentioned on several occasions in focus groups was advertising stories in which international students had successfully brought claims for unpaid wages, to take the fear out of complaining.

Chapter 4

The Fair Work Ombudsman's Engagement with International Students

This chapter examines the role of the Fair Work Ombudsman (FWO) specifically in relation to international students and the barriers and constraints that appear to prevent international students from contacting FWO for assistance.

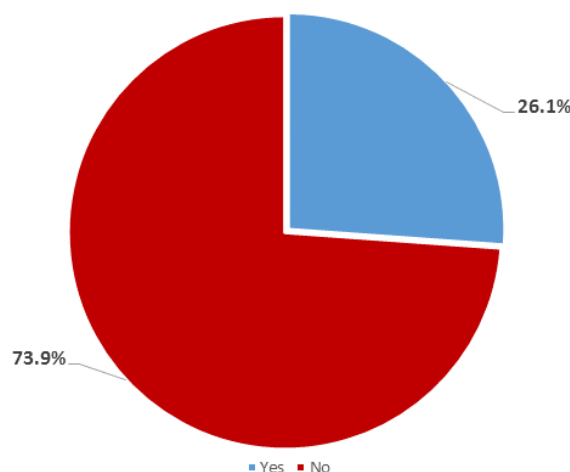
4.1 HYPOTHESIS 4: International students do not complain because they are not aware of FWO

In seeking to understand the challenges facing international students in contacting FWO for assistance, it is important to understand their state of knowledge about FWO, their perceptions of its role and effectiveness, and the factors that influence how international students might interact with FWO. These aspects were a key focus of the empirical data-gathering stage of the project involving the online survey and focus groups.

Overall, we encountered a strong and consistent ignorance of the existence of FWO. This was common across the online survey and focus groups. In both the Adelaide and the University of New South Wales (UNSW) focus groups not one international student displayed any prior knowledge of FWO. Only the international students participating in the focus group organised through Redfern Legal Centre were aware of FWO. An explanation for their knowledge of FWO is that this group was particularly proactive and had made significant efforts to inform themselves of their rights and options for enforcement, since the group exclusively consisted of international students who had previously sought assistance of Redfern Legal Centre about a workplace matter.

This widespread ignorance of FWO revealed in the focus groups is also reflected in the survey, with almost three-quarters of survey respondents having never heard of FWO (Figure 4.1).

Figure 4.1: Have you heard of the Fair Work Ombudsman? (n=765)⁶⁸



⁶⁸ One respondent did not answer this question.

The survey also pressed students to speculate on FWO's role. This was an open question. About half of respondents (n=384) provided answers, with half leaving the question blank. A likely explanation for why half of survey participants did not answer the question is that they were among the 73.9% of students who had not heard of FWO, and were not even able to speculate on the function of FWO.

The responses were cleaned and coded into broad categories (Table 4.1). 21.6% expressed having no notion of what FWO does, and 4.2% thought FWO was an agency offering assistance with employment or internship opportunities. Combining those who did not answer with those who were clearly mistaken as to FWO's role, it would seem that 63% (n=482) did not know what FWO does. One of the comments from the survey is particularly incisive, revealing the respondent's ignorance of FWO and their unfamiliarity with the term, 'Ombudsman'.

I had no clue what an Ombudsman was up till 6 months ago when an Australian friend suggested use of an Ombudsman to dispute an electricity bill — I doubt any international students would know what an Ombudsman is because I've never heard the term used anywhere else in the world.

Just under three-quarters of respondents who answered the question (74.2% of all respondents) were able to identify to some extent that FWO was associated with work rights and fair work conditions. As is evident in Table 4.1, these respondents had a reasonably accurate perception of the role of FWO. This perception may have been gleaned from FWO's name, from the evident purpose of the survey, or from some prior knowledge.

Table 4.1: Perceptions of what FWO does (n=384)⁶⁹

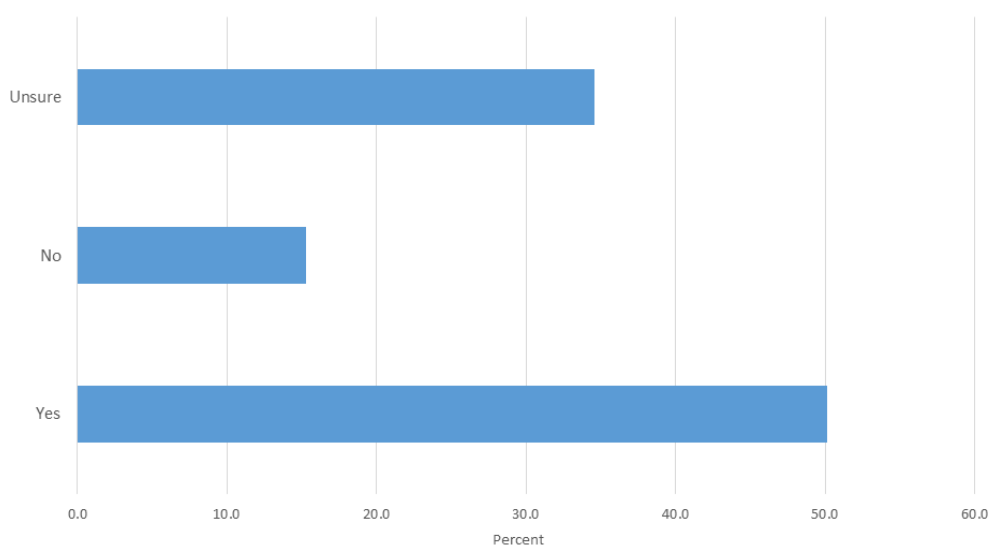
	n	Percent
Governance of workplace practices and rights of workers (helping workers get better work conditions, helping both employees and employers comply with workplace rules and regulations).	101	26.3
Don't know, unsure or unfamiliar	83	21.6
Protect rights and welfare of workers	42	10.9
Provide information and advice related to rights at the workplace	37	9.6
Represent employees with workplace issues	34	8.9
Monitor and investigate work places for breaches of working conditions	29	7.6
Mediate work disputes between employer and employee	20	5.2
Enforces workplace rules and regulations	16	4.2
Help retrieve wages	10	2.6
Place to lodge a workplace complaint	10	2.6
It is a service only for Australians and Permanent Residents, not international students or those working in unskilled/semi-skilled jobs	4	1.0
Legal aid, sue employers	3	0.8
It is an organisation where you can volunteer at	2	0.5
It is an employment agency	16	4.2
Other	7	1.8

4.2 HYPOTHESIS 5: International students do not complain to FWO because they are reluctant to make contact with FWO

After probing respondents' prior knowledge of FWO's existence, the survey provided a brief factual explanation of its function and asked if respondents would approach FWO if they had an issue with their wages or had other workplace issues or concerns. For both the survey and focus groups, providing this information about FWO's role led to a substantial number of international students confirming that they would be willing to contact FWO in this circumstance.

⁶⁹ 382 respondents did not answer this question.

Figure 4.2: Would you approach FWO if you had a problem at work? (n=764)⁷⁰



As Figure 4.2 shows, about half of the respondents (50.1%, n=383) indicated they would approach FWO if they had a problem at work, and only 15.3% (n=117) indicated that they would not. 34.6% (n=264) indicated that they were unsure if they would approach FWO, underscoring the need to understand the reasons behind this uncertainty in approaching FWO. This uncertainty regarding whether to contact FWO was reflected in the focus groups. A number of participants in the focus groups remained unwilling to contact FWO, despite knowing of its role.

In Chapter 3, we explored reasons why students may not approach FWO even if they are subject to exploitation in the workplace as a result of their status as vulnerable workers and their motivations for working. The research revealed a willingness to accept below award wages for a range of reasons, as well as a fear of negative consequences if they were to complain; in particular, a fear of losing their job.

In addition, the survey and focus groups revealed several reasons why respondents were reluctant to complain to FWO.

First, there was a general feeling that **complaining to FWO would not help improve their situation**. This reflects the general findings in the survey about respondents' attitude to complaining. The survey and focus groups revealed that students are less concerned about gaining a legal remedy than they are about maintaining security of employment. There are a range of risks associated with complaining that are unrelated to the effectiveness of remedies that FWO can offer.

Second, there was a lack of awareness of how to complain to FWO in the first place. Both these aspects were echoed in the findings from the online survey, where the leading reason given as to why respondents might not approach FWO was **lack of knowledge**

⁷⁰ Two respondents did not answer this question.

on how to make contact (38.7%, n=283). Furthermore, 31.4% (n= 230) of respondents indicated that they did not think that contacting FWO would be of any help to them.

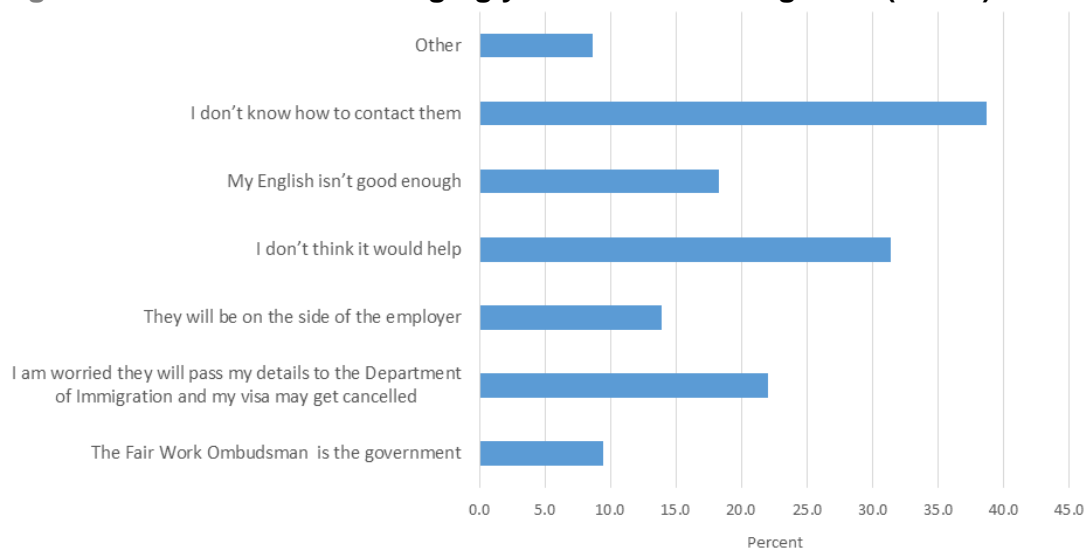
In the focus groups a number of students commented that they were concerned over their lack of ability to prove their case to FWO, having poor English and confusion over FWO's website. For those few international students who had prior knowledge of FWO, a number of them commented that FWO had a poor reputation at being capable of delivering effective and meaningful assistance, and the advice they had received from other international students about not contacting FWO. A number of focus group participants (especially those studying at private colleges) also commented on their nervousness in approaching FWO because of their inability to communicate clearly about their situation given their limited English skills, especially over the phone. This was also reflected in the survey, in which 18.3% (n=134) of respondents were worried that their English language proficiency was not good enough to communicate with FWO.

Third, some focus group participants expressed concern that **FWO was a government agency and had a relationship with other arms of government such as the Department of Immigration and the Australian Taxation Office (ATO).**

Most focus group participants received 'cash-in-hand' payments below the minimum wage. Some participants commented that this made them complicit in breaching Australian law and potentially liable for a sizable tax debt. A number expressed a fear that by complaining about their situation to FWO, their details would then be passed on to the ATO and this would result in further action. Other students were also concerned that FWO would pass their details on to the Department of Immigration and Border Protection (DIBP) and that this would adversely affect their ability to remain in Australia on a valid visa.

In the survey, 22% of respondents (n=161) expressed concern that their information would be passed onto the Department of Immigration, resulting in the cancellation of their student visa. A further 9% of respondents expressed a general concern that FWO was part of the government (see Figure 4.3).

Figure 4.3: Reasons discouraging you from contacting FWO (n=732)⁷¹



Notably, a number of focus group participants from Russia and China also expressed a reluctance to contact FWO because of a general mistrust of government.

One participant in the focus groups summarised the concerns succinctly:

The Fair Work Ombudsman is a government agency ... there is a connection between Fair Work and the ATO for example for taxes, so if you are working in cash and not paying taxes, you are afraid that you are going to get a large bill. It [FWO] may also have a relationship with Immigration and you just don't know ... it has to be very clear for a student that the Fair Work is going to be on your side and not put at risk your visa or your taxes.

Another participant pointed out that his employer had directly made a threat to cancel his visa through reporting his situation to DIBP, stating, 'he was like if you go to the Fair Work Ombudsman you are going to lose your visa. If you do something I don't like I will send you back to your country' — a threat that media investigations have exposed has been made by other employers to international students in the recent past.⁷²

In sum, there is clearly no single reason that explains the reluctance of international students to come forward to FWO with a complaint. Instead, there are a number of distinct, yet interrelated, concerns, many of which appear fairly deep-seated.

4.3 HYPOTHESIS 6: International students do not complain because they find it difficult to access FWO services

There were also a substantial number of students both in survey and focus groups who expressed a willingness to approach FWO once they understood its role. For a large number of these respondents, ignorance around FWO and of how to contact FWO were

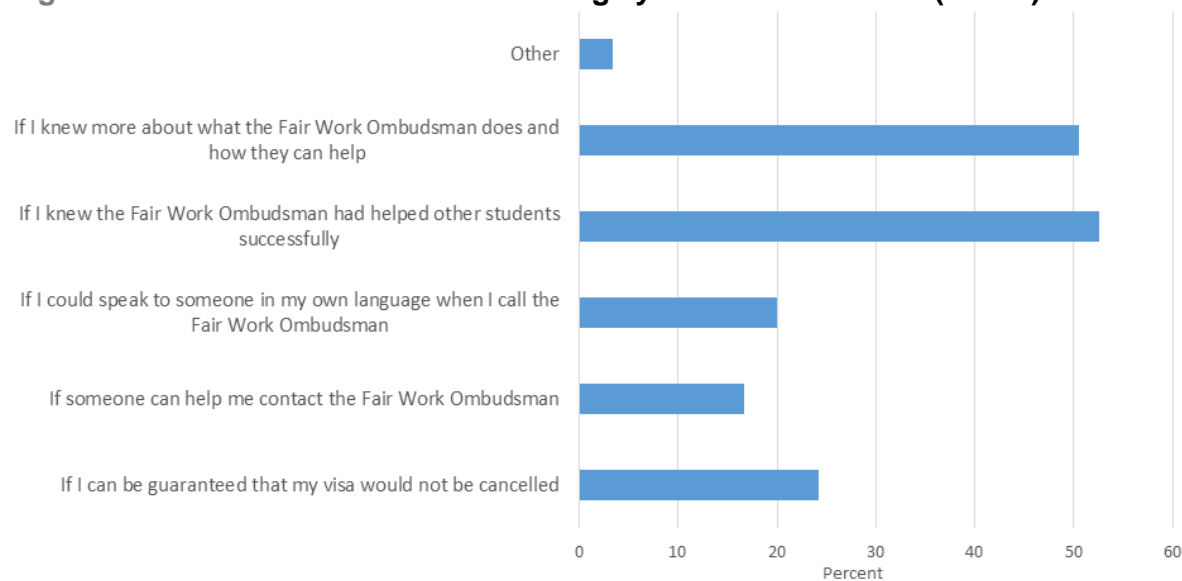
⁷¹ 34 respondents did not answer this question.

⁷² Ferguson and Toft, above n 42.

key barriers to making a complaint about a workplace issue or exploitation. It is critical, then, that FWO have effective methods of advertising its presence and its functions in order to service the needs of these students.

Our empirical research also sought to identify the views of international students as to how FWO could improve its engagement with them. In both the focus groups and the online survey international students were asked to identify reasons that would encourage them to contact FWO for assistance.

Figure 4.4: Reasons that would encourage you to contact FWO (n=766)



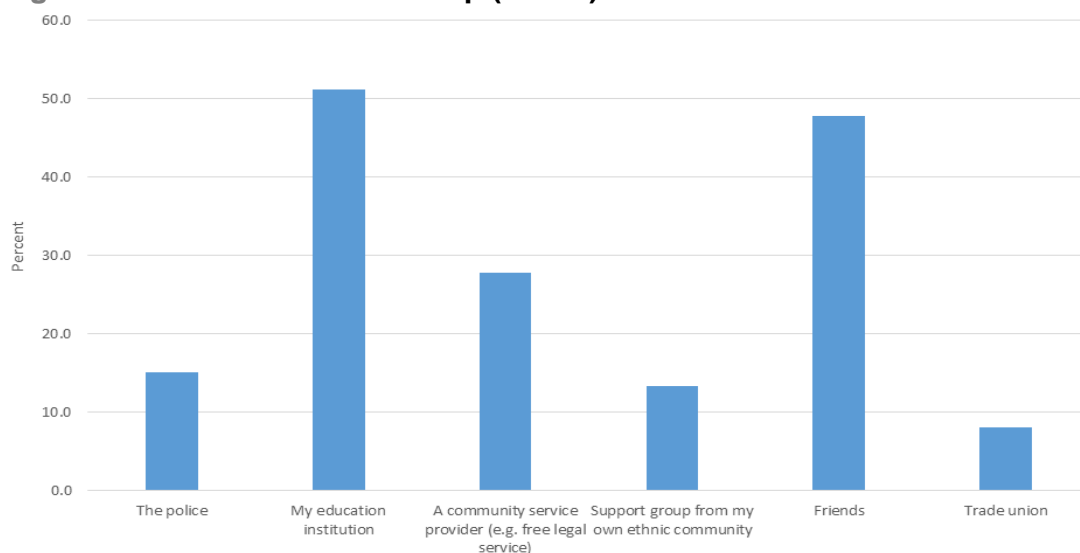
As indicated in Figure 4.4, the two highest cited reasons by respondents that would encourage them to approach FWO were having knowledge of FWO having successfully assisted other international students with their workplace issues (52.5%, n=402), followed closely by 50.5% (n=387) who indicated that having more knowledge of FWO’s role and function and how they can help with workplace issues. This finding was echoed in the focus groups, with many participants commenting on how useful it would be to find out how other international students had been assisted by FWO to recover wages owed to them and to resolve other workplace disputes. As one student put it, ‘we need to have some successful experiences told to us before we will contact them ... if you don’t have a precedent why would I trust you?’

The importance of feeling secure that making a complaint to FWO would not result in an immigration-related consequence was also a pivotal factor influencing whether an international student would approach FWO. In the online survey about one-quarter (24.2%, n=185) of respondents reflected that they would approach FWO if they had some form of assurance that this would not result in the cancellation of their student visa. This was a point emphasised by many focus group participants as well.

Improving access to FWO was also cited as a factor by one-fifth (n=153) and 16.7% of survey respondents who indicated that being able to speak with someone at FWO in their own language and having help from someone to contact FWO respectively. Although FWO does offer extensive interpreting services, this was poorly understood by many international students in the survey and focus groups. One participant stated that FWO should ‘hire an interpreter so that we can speak in our own language instead of English.’

In the online survey and the focus groups, international students were asked whether there were other ways in which they would prefer to contact FWO for assistance or another support service. As shown in Figure 4.5 below, most students would approach their respective education institution (51.1%, n=384) followed by their friends (47.8 %, n=359) and just over one quarter would seek assistance from a community service provider (27.8%, n=209).

Figure 4.5: Other sources of help (n=751)⁷³



The central role of education providers was echoed in the focus groups. Many thought that the types of services FWO offered should be provided by their education providers.

⁷³ 15 respondents did not answer this question.

Figure 4.6: Would you contact FWO about a workplace issue if you could contact them at your education institution? (n=757)⁷⁴

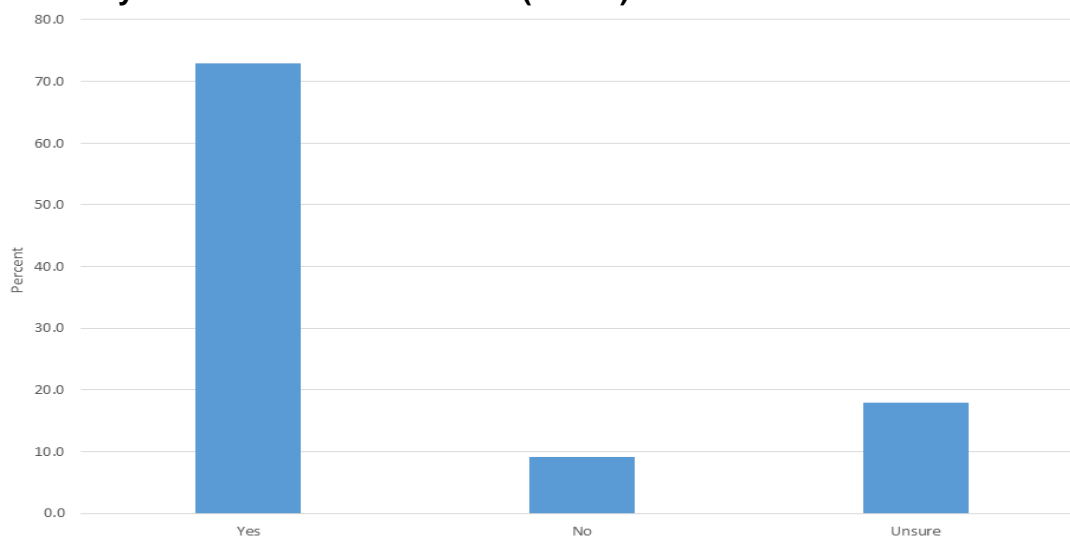


Figure 4.6 above illustrates that 72.9% of respondents (n=552) indicated that they would approach FWO if they could do so at their respective education institution. In other words, when these responses are compared with Figure 4.2 above, being able to contact FWO through their education provider increased students' willingness to contact FWO from 50.1% to 72.9%.

These findings suggest there is great potential for FWO to increase its engagement with international students through developing an integrated strategy involving partnerships with education providers. This is consistent with the statutory obligations of education providers under the *Education Services for Overseas Students Act 2000* (Cth) to provide care for students in relation to their study and related activities, discussed in Chapter 2.

4.3.1 FWO's Ability to Engage International Students through its Website

While FWO has 22 offices throughout Australia which people can attend, most enquiries and complaints are channelled through FWO's website or InfoLine. There were 15.3 million website visits in 2015–16 and website content is translated into 27 different languages.⁷⁵

If an international student is seeking FWO's assistance, rather than merely seeking information, there are three ways for them to contact FWO which are made available through the website.

The **InfoLine** is a telephone service, staffed by Fair Work advisers. In 2015–16 there were more than 394 460 calls made to the InfoLine, with employees or their agents making up

⁷⁴ Nine respondents did not answer this question.

⁷⁵ Fair Work Ombudsman, '2015–16 Fair Work Ombudsman Annual Report' (Report, 28 September 2016).

67% of the enquiries. The average call wait time was 11:07 minutes with the average call lasting 10:08 minutes. The number for the InfoLine can be sourced through FWO's website. There was a fall in calls to the InfoLine in 2015–16 which FWO has attributed to encouraging customers to visit the FWO website and, in particular, to submit enquiries online through My Account. Relevantly, for many international students, the InfoLine has a translating and interpreting service, which was used by 3886 customers in 2015–16. According to FWO, advice on wages is the most common reason for people to call the InfoLine.

My Account is an authenticated online space that enables users to save tailored information, such as pay rates, access previous searches and submit enquiries. My Account registrations more than doubled in 2015–16, with over 82 000 individuals signing up for the online self-service gateway.⁷⁶ The My Account tool requires users to enter in personal information pertaining to their identity and employment in order to receive assistance. My Account is available to both workers and employers, and their representatives.

The **Anonymous Report** tool was launched on 11 April 2016 and its use has been steadily growing each month since its introduction. By the end of 2016, 6516 reports had been made by members of the public using this tool.⁷⁷ The Anonymous Report tool does not require users to provide any identifying personal information. Users are encouraged, however, to provide their employer's ABN as well as answer some general questions regarding their personal background and present employment. They are then given a limited amount of space in which to detail their complaint. Users of the Anonymous Report tool do not hear back from FWO. FWO uses this information as part of its intelligence gathering process. The Anonymous Report tool is not limited to workers, but can be used by friends or other members of the public interested in reporting a violation of Australian workplace law.

The website operates primarily as an informational tool with its front page hosting seven main topics,⁷⁸ each with its own particular set of drop-down menu items. None of the tabs in these seven topics leads to a telephone number.

There is a 'Contact Us' tab on the front page of the website which is in small writing on a banner that is placed above what appears as the official website. If one enters the 'Contact Us' tab, the only telephone number that appears on the page is for a Translating and Interpreting Service. The number appears at the bottom of the page and is only visible after scrolling down. There is a further tab titled 'call us' that appears twice on the 'Contact Us' page, in the third and fourth information boxes titled 'Pay and entitlement questions' and 'Disputes about pay and entitlements'. The 'call us' tab is also only visible after scrolling down, and it is no more prominent than a range of other tabs which lead to

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ The seven topics are: Pay; Leave; Ending Employment; Employee Entitlements; Awards and Agreements; How We Will Help; About Us.

information on various topics. When the 'call us' tab is opened, it leads to a telephone number for answering questions related to pay and entitlements.

According to a FWO representative, the design of the website has been carefully considered in order to empower website users to resolve their own workplace issues and disputes:

We are trying to encourage customers to seek the information themselves first. One of our strategic goals is to ... empower those employees and employers to get the right information and then try and resolve it themselves in the workplace.⁷⁹

This is in line with FWO's Strategic Intent which states, in part: 'We aim to build the skills of employees and employers to positively engage with one another and address issues without our involvement. This reduces the time and cost of compliance, allowing workplaces to get on with their core business.'

The clear intention of the FWO is to direct those who have the capacity to self-help to its website resources, to free up telephone advisors to assist those who do not have the capacity to self-help. One concern that arises is that the focus on self-help has meant that the website is not well suited to those who need direct personal assistance.

Migrant workers, such as international students, may have particular difficulties using the website due to linguistic challenges, and unfamiliarity with Australian law. As this research had discussed, international students are particularly vulnerable in the workplace. Students are already reluctant to complain about issues arising in the workplace for a range of reasons. When they do decide to complain, they may be easily put off unless they receive strong encouragement from an early stage. Third, the power differential between international students and their employers is particularly acute. This was revealed not only in the unwillingness to complain, but also in the fact that when respondents *did* complain, the situation did not improve or got worse over 50% of the time (Figure 3.8). Furthermore, there was a high number of students who expressed concern that employers would respond to complaints by giving them less shifts, replacing them, or organising for their visa to be cancelled (Figure 3.9). In addition to its general service for workers in Australia, there is a strong case for promoting different pathways than self-help for international students.

Given the centrality of FWO's website to the assistance offered to international students, we determined it would be useful to gauge the ability of international students to navigate the website and to access these three means of support provided by FWO. At the conclusion of the online survey and initial four focus groups, we arranged two additional focus groups. These were solely focused on trialling the website. 10 international students from the University of Adelaide's Business school agreed to participate in the two focus groups and were given half an hour to review FWO's website. Each focus group participant was asked to bring their personal device and was provided with a hypothetical scenario

⁷⁹ Interview Assistant Director, Assisted Digital, Fair Work Ombudsman.

involving their employment at a restaurant being paid an hourly wage of \$13. They were directed to FWO's website and encouraged to seek assistance through it.

Participants were given 20 minutes to navigate the website and in the remaining half hour of the focus group, participants shared their experience and views on the effectiveness of the website in assisting them to find information about the legality of their hourly wage and their ability to seek further assistance.

Participants had varying degrees of success in obtaining information about their situation. Although all 10 students expressed a prior knowledge that it was illegal to be paid \$13 in Australia and all 10 students found the page on the website about the minimum wage, five stopped their investigations at this page, with the remaining five students looking up the restaurant industry award. Three students attempted to use FWO's pay calculator to ascertain the correct wage owed to them but two of these students stopped using the pay calculator because they did not understand it. A number of the students who reached the page about the restaurant industry award commented that it was hard to identify which wage classification was applicable to their particular situation, noting the complexity of the award.

In terms of accessing information about the three specific ways in which FWO can assist international students, the following rates of success were achieved by the focus group participants in the 20 minutes allocated to them:

1. Four out of 10 found the phone number for the InfoLine
2. Two out of 10 found the My Account tool
3. Two out of 10 found the Anonymous Report tool

Given there was some overlap between the number of focus group participants who were able to find more than one support mechanism via the website, these figures demonstrate that for at least half the international students in the two website focus groups, it was difficult to identify even one FWO support service offered via the website after 20 minutes of searching online. A number of students commented on finding the website difficult to navigate.

Participants shared a number of observations on their experience of using the website.

1. One stated: 'it's so hard to find the number on how to call', with another student stating 'a more direct way would help'.
2. Another observed how the website channelled users into answering a number of questions before providing information on how to make a complaint. This student said, 'I think at the end of the first question, and not at the end of a thousand questions, [the website should say] we can help you in three ways and to put each option clearly.'
3. Another said, 'I didn't like how they didn't tell me how to help me. I found the anonymous help line but I couldn't find anything else. It's hard.'

4. Another observed, 'this website takes much time to search for key information about pay. The "contact us" button is not obvious. It's too small.'

All 10 focus group participants said their preferred vehicle to seek assistance would be the telephone InfoLine rather than My Account or Anonymous Report. Although a number of international students said they were attracted to the online nature of the My Account tool, they were concerned that they would have to put in identifying information. Although this was a clear benefit of the Anonymous Report tool, when focus group participants realised they would not hear back from FWO regarding the making of an anonymous online report, they elected not to use this option.

Although the design of FWO's website is to empower users to resolve disputes themselves, many of the focus group participants felt this would be far beyond their ability or power. Eight out of 10 focus group participants said they would not feel comfortable going to their employer and telling them they are being underpaid. As one international student put it, 'I would go to my employer in my home country and tell them they are underpaying me but as an international student in Australia I would not do this.'

4.4 Conclusions

This chapter used the empirical data gleaned from the online survey and focus groups to examine the role of FWO and its strategies for engaging international students. That FWO was willing to commission this research project and to share information with the researchers relating to the significantly smaller proportion of Requests for Assistance made by international students vis-a-vis *other* visa holders and workers more generally, illustrates that FWO itself knows it faces serious challenges in seeking to engage international students. What follows now is a brief summary of the main findings from this chapter which inform the recommendations in the final chapter of the Report:

1. Amongst international students there appears to be a lack of understanding of FWO's existence and its role.
2. International students are reluctant to contact FWO for assistance about workplace issues and exploitation. This is for a number of reasons:
 - a. There is concern that FWO is part of the government and may pass information onto other government agencies including the ATO and the DIBP.
 - b. Some international students expressed concern about their complicity in breaching Australian law by accepting 'cash-in-hand' payments.
 - c. Some commented on the difficulties in proving their situation to FWO given a lack of evidence because of their acceptance of cash payments.
 - d. Some international students were unaware of FWO's extensive translation services and were afraid to contact FWO because of their limited English-language ability.
3. Many international students did not know how to contact FWO and found its website difficult to use.

- a. The international students who participated in the two website focus groups expressed a clear preference for the telephone InfoLine as a means of seeking assistance from FWO.
 - b. The international students who participated in the two website focus groups found it difficult to identify the support services offered by FWO, with many failing to find the InfoLine number, the My Account tool or the Anonymous Report tool during the allocated time.
 - c. Many international students are left unaided by FWO's strategy in empowering workers through its website. International students in all of the focus groups conveyed an unwillingness and incapability to approach their employer directly about a workplace issue and preferred that FWO assist them more directly.
4. A majority of survey participants said that if FWO had a presence at their educational institution they would be more likely to seek the services of FWO about a workplace issue or dispute. Seeking assistance via other social networks and support services was also seen as a broadly helpful and positive option for international students.

Chapter 5

Recommendations

The research project set out to inquire why so few international students approach the Fair Work Ombudsman (FWO) with issues arising in the workplace. We discovered that there are a range of reasons, some of which are beyond the control of FWO, and others that have clear implications for how FWO operates its current services.

The research revealed that many students simply do not complain about their conditions at work, even in the face of serious workplace breaches for fear of the consequences of complaining. The main reason for survey respondents' and focus group participants' reluctance to complain was a fear of losing their job which is linked to the labour market reality that international students find it very hard to find jobs in the first place. FWO is limited in how it can respond to these broader labour market issues. This highlights the importance of FWO's general role of monitoring workplace compliance outside of its complaints mechanisms. It also highlights the need for FWO to make it as easy as possible for international students to access its services in the face of these barriers.

It is important to acknowledge the scale of the challenge that FWO faces in responding to the needs of international students in the workplace. FWO is confronted by the huge challenge presented by Australia's geography and the significant number of international students in the labour market. FWO's inspectorate is required to serve up to 11.6 million workers,⁸⁰ a significant portion of whom are temporary migrants with work rights in the domestic economy.

In relation to international students, FWO has already undertaken a number of general and specific initiatives to address the needs of international students, including establishing an Overseas Workers team in mid-2012 to enforce the workplace rights of visa holders.⁸¹ FWO has also sought to engage with Council of International Students Australia (the peak representative body for international students) and to develop fact sheets, and initiate inquiries related to industries in which international students are prevalent, for example, cleaning, horticulture and hospitality. Finally, the fact that FWO created a tender process for research specifically focusing on FWO's relationship with international students is an indication of its determination to improve its services for this group of workers.

The recommendations that follow are designed to enhance FWO's current efforts. Some of the recommendations require considerable new resources to implement, whereas others have minimal costs associated with them. Although it is possible to pick and choose among the recommendations, it is important to emphasise that the research reveals a

⁸⁰ Australian Bureau of Statistics, *6105.0 — Australian Labour Market Statistics, July 2014* (8 July 2014) <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/6105.0>>.

⁸¹ See, eg, Australian Research Council, 'New Initiatives in Enforcing Employment Standards: Assessing the Effectiveness of Federal Government Compliance Strategies' (Linkage Grant, 2009–12) <<http://law.unimelb.edu.au/centres/celrl/research/current-research-projects/new-initiatives-in-enforcing-employment-standards-assessing-the-effectiveness-of-federal-government-compliance-strategies>> (with John Howe and Sean Cooney, from the University of Melbourne, as Chief Investigators for the project); Fair Work Ombudsman, 'FWO Inquiry into 7-Eleven', above n 49; Fair Work Ombudsman, 'FWO Inquiry into the Baiada Group', above n 49.

significant scale of exploitation of international students in the workforce, and therefore there is a very strong case for FWO to request additional resources to implement all the recommendations to improve considerably its overall service provision for international students.

The precarious position of international students in the Australian workforce combined with the fact that only a small proportion of international students are accessing FWO suggests new strategies need to be employed. The FWO's current approach for workers more generally is largely one of education and empowerment. Much of the FWO's website is dedicated to providing information to workers to enable them to resolve workplace disputes directly with their employer. This approach may work effectively for Australian workers more generally but our research indicates that this is not an effective strategy for international students. Our research found that international students face inherent and deeply entrenched barriers to seeking assistance to resolve workplace issues, with many concerned about access to the job market, employer retribution and intimidation, poor English language ability, difficulties in establishing proof of their claim and fears over their details being passed on to other arms of government and resulting in an adverse immigration or taxation consequence.

In our view, international students require a **direct, obvious** and **tailored** system by which to make a workplace complaint, and that this system should involve **personal contact at an early stage** of the issue being raised. We recognise that these core requirements of a specialist system by which international students can access assistance require additional resources to be deployed on their behalf, however, there are a number of other actors whom FWO can engage in these efforts. Our research found that international students could potentially receive support from a range of sources. As such, the Report recommends the FWO engage with other stakeholders, in particular education providers, other government agencies and community service providers to develop a coordinated approach in the development and implementation of a new system of support for international students.

The recommendations that ensue derive from the research conducted for this Report. It is important to bear in mind that the project was itself very limited, being conducted in two states over a four-month period. The project commissioned by FWO was specific in scope, addressing particular issues of importance to FWO, in particular, the barriers to international students accessing its services. This Report should be considered as part of the growing body of scholarly literature addressing the particular vulnerabilities and experiences of international students in the labour market. In this context, the goals of this Report have been modest — to help identify key issues that require further investigation and to develop a set of preliminary recommendations for reform of the FWO's approach in its engagement with international students.

Ideally, before implementing any of the recommendations, they should be the subject of further consultation with international students. Furthermore, there is a need for further research in relation to the experience of international students in the workforce that focuses on the diversity of the student experience, covering all the types of study

international students undertake, the type of institution they attend, and accounting for the diversity of student nationalities, cultural backgrounds and language groups.

The recommendations for this Report are grouped into themes.

5.1 Enhancing Existing Services

The fact that FWO is receiving proportionally less contact from international students compared with other groups of visa holders and Australian workers more generally, indicates that its current services are not adequately meeting the needs of international students.

Recommendation 1

FWO should introduce a dedicated contact team for international students (and possibly other visa holders) within its Infoline and complaints handling teams.

Although the research team is mindful of FWO's overall strategy of empowering workers to resolve disputes directly with their employers, we do not believe this strategy is effective for most international students. A significant finding from the research was that over 50% of survey respondents who had made a complaint to their employer reported that things stayed the same or got worse, and 60% had a negative perception of how employers deal with complaints. As Chapter 3 demonstrates, this was a point reinforced in each of the focus groups, with one international student expressing to us the greater risks and challenges for an international student in making a complaint to a government regulator in a foreign country:

I have some Australian friends when they encounter issues they just complain. They just talk to their employer. They feel comfortable doing this because they know their rights and they have their family backing them if something goes wrong. We are here as individuals and most of us have no-one else to turn to. It is harder.

Given the level of their vulnerability in the workforce, international students need direct contact with a person who can assist them to take their concern to the next stage, preferably from their own language group. That group of specialists needs to be trained in the particular vulnerabilities of international students, and practices such as not providing pay slips that are associated with exploitation, which makes it more difficult for workers to prove any wrongdoing by their employers. Such specialists would have a different approach when recommending responses in these cases, with a presumption that self-help is unlikely to be an appropriate response.

Depending on resources, FWO should consider having bi-lingual specialist personnel who speak at least one of the major languages of international students, in particular, Chinese.

As part of this reform, FWO needs to ensure international students are made aware of its dedicated service for international students in the Australian labour market. FWO should liaise with the Department of Immigration and Border Protection to ensure this information is given to international students prior to their entry into Australia and as part of the

information they receive about their visa and its conditions. FWO should also ensure this dedicated service is promoted by education and migration agents who often play a key role in facilitating international students' entry into Australia and during the orientation week and induction programs organised by most education providers.

Recommendation 2

FWO should improve its website to better address the needs of international students.

In relation to international students, information on the FWO website is not well targeted to their needs. We recommend that the front page of the website include a topic 'Visa Holders' and that this have a drop-down menu that has a separate topic 'International Students'. Once the international students page is reached, there should be clear information provided on the three specific support mechanisms (InfoLine, My Account and Anonymous Tip Off) offered by FWO to international students as well as links to other support services offered by non-government providers. This page should also provide a clear link to the 'Request for Assistance' form. Ideally the Visa Holders pages and the Request for Assistance form should be translated into key languages spoken by those groups.

The International Students page on the website should make it clear that FWO offers a specific and tailored service for international students as part of its three specific support mechanisms. The service should make assurances to students, to the extent possible, around a number of important points:

1. No information provided by international students to FWO will be passed on to any other government agency.
2. International students who have accepted 'cash-in-hand' payments will not face legal consequences for accepting these payments.
3. There are no costs involved in contacting FWO.

In our view, points (i) and (ii) are critical for ensuring that international students feel able to approach FWO without fear of an adverse immigration or taxation consequence. Without this assurance being made, it is highly unlikely international students will contact FWO for assistance.

International students with limited English should be able to navigate the website and access the services FWO offers with ease. One suggestion that emerged from the focus groups is that the direct link to the International Student portal on the website should be translated into key languages. It is important that international students are able to easily and quickly discover the contact details for the Infoline, My Account and Anonymous Tip Off and information about FWO's translation services in 27 different languages. We recommend that once the FWO develops its website resources for international students that these be trialled with international students to ensure their usability and effectiveness.

Recommendation 3

FWO should consider increasing its interventions involving international students, including writing letters of demand to employers, and offering assistance with small claims.

One of the significant findings of the research was that many international students were unaware of FWO, and even when they were aware of FWO, they were sceptical about how FWO could assist them. One of the reasons for this is that the FWO has had limited, publicised success in assisting international students. The most direct way to remedy this is to focus attention on assisting international students in accessing tangible legal remedies for their complaints, and then advertising success stories, so that general awareness is raised and a culture of contacting FWO is established.

5.2 Raising Awareness of FWO

Given their reluctance to complain, international students need encouragement to do so. One suggestion that emerged from the focus groups was that FWO **should advertise its success stories in relation to international students.**

Recommendation 4

FWO should provide international students via its website and online social media sites with a series of success stories highlighting its achievements on behalf of international students.

One of the significant findings of the research was that many international students were unaware of FWO's advocacy on behalf of international students, and even when they were aware of FWO, they were sceptical about how FWO could assist them. It is important that FWO's successes, particularly in securing back pay for wage underpayments or non-payment of wages, are communicated clearly to international students. At present FWO's successes in relation to its enforcement activities on behalf of workers are primarily communicated via the 'media release' function on its website and through its annual report. Both of these are unlikely to be accessed by international students. The style of writing necessitated by a media release or annual report is not of the sort to engage international students. Instead, FWO needs to personalise its communication with international students through personalised stories (even if pseudonyms are used), employing images, catchy headings and key takeaways in terms of dollar figures and outcomes, communicated in multiple languages, which will help motivate international students to contact FWO because of a belief of FWO's effectiveness on behalf of international students. FWO should work with education providers to communicate its message to students, particularly via social media channels. FWO should also consider supporting international students whom it has effectively assisted to publicise their personal 'success story', including through social media channels.

5.3 Engaging Education Providers

The research revealed the importance of education providers for international students. **A very significant finding of the survey was that willingness to contact FWO jumped**

from 50% (Figure 4.2) to over 70% if FWO could be accessed through respondents' education provider (Figure 4.6). This was a finding that was confirmed by the focus groups with many international students commenting on their belief that their education provider bore responsibility for assisting them with workplace issues and was the first place they would go to, or prefer to go to, for assistance relating to a workplace issue. There are a number of ways that FWO could engage more closely with education providers to better service international students in relation to their workforce needs.

Recommendation 5

FWO should establish close ties with education providers to assist workers to access the enhanced services discussed above.

FWO should work closely with education providers to create a direct channel to international students. FWO should continue to work with education providers to supply materials to international students. FWO should also continue to organise information sessions at the commencement of study periods which informs international students of their rights under Australian law. For universities, it should consider doing this at the faculty level and address issues such as internships that arise in particular disciplines. Throughout the academic year FWO should work with universities to ensure that international students are provided with information about its role and services.

Recommendation 6

FWO should consider developing a pilot program working with universities to appoint a new full-time advocacy and workplace complaints resolution position dedicated to assisting international students with issues they encounter at work.

Given the trust international students have in their education providers, and given the statutory obligations education providers already have in relation to international student welfare, we believe that education providers should play a central role in assisting students with workplace disputes in collaboration with FWO.

In the first instance, we recommend that FWO seek to engage the university sector to pilot a new workplace complaints service for international students. There is a clear business case for university participation in this initiative. The widespread and endemic exploitation of international students in the Australian labour market poses a real threat to the ongoing viability and reputation of the tertiary education sector.

The person servicing the workplace complaints service would need to be legally trained, with an employment law background, and have a physical office within the university. The role of the workplace complaints advisor would be to inform international students of their workplace rights and actively assist in writing letters of caution and where necessary, letters of demand to the employers of international students. Failing an appropriate rectification of the situation, the advisor would assist international students to approach FWO's dedicated international student team for further support. As the workplace complaints service is funded and coordinated by individual universities and not FWO, this will help alleviate the concern of many international students about accessing help from a

government regulator or about their information being passed onto other government departments.

We recognise that students in the university sector may not be the most vulnerable students in the workforce; however, universities are in the best position to run such a pilot. If the pilot is successful FWO should work with TAFEs and private colleges to offer a similar service to international students. Given that private colleges are unlikely to have the resources to assist with this, it may be necessary for FWO to establish a position that is shared between a number of private colleges. Ideally, contributing to the workplace complaints service would be made a condition of registration of the private colleges.

Recommendation 7

FWO should encourage other non-government support services to provide drop-in centres for international students at education providers during semester.

FWO should continue to provide financial and other resources and support for non-government providers to increase their contact with international students. Our research indicated that many international students prefer to contact non-government providers for support. Neither FWO nor the proposed university-run work advisory services will be able to meet the needs of international students in their entirety and as such, it is important these be supplemented by the critical, front-line work of other community service providers.

5.4 Engendering Trust in FWO

Another significant finding from the research was that respondents expressed concern about approaching FWO because they might get in trouble, either for engaging in illegal work practices, or breaching a condition of their visa. In resolving this issue FWO needs to improve greatly international students' awareness of their legal rights and to work constructively with other government departments and agencies to ensure that international students can make complaints on a confidential basis and without fear of a punitive consequence relating to the immigration status or tax liability.

Recommendation 8

FWO should run an education campaign aimed at international students or to workers in general explaining the law around cash payments, and the accrual of tax liability.

There is an important education function for FWO in making it clear to international students that being paid in cash is not illegal, and that they are not liable to pay tax until the end of the financial year, and their liability is dependent on them earning income above the tax free threshold. One option might be to establish a collaborative project with the Australian Taxation Office (ATO) on Tax Liability for International Students — covering questions such as: what are your responsibilities; what are employers' responsibilities; and, what do you do if your employer has not withheld tax?. The research found that unscrupulous employers often leverage international students' ignorance around Australian taxation arrangements to discourage the making of complaints and to foster a

compliant workforce. An important aspect of empowering international students to approach the FWO is to ensure they know their legal rights.

Recommendation 9

FWO should pursue law reform to ensure other departments cannot access information it gathers for its investigation of workplace complaints.

As a priority, FWO needs to pursue reform to current law to make it clear that information gathered by FWO relating to unauthorised work cannot be passed on to the Department of Immigration and Border Protection, the ATO or other government departments. This might be pursued in a staged manner. First, pursuing legislative reform; or reform to existing regulations on information sharing, or even developing a written practice direction. Second, this may involve establishing a clear and transparent Memorandum of Understanding with the Department of Immigration or the ATO. It may also have operational implications for Taskforce Cadena. Whatever can be achieved needs to be communicated to international students so that they are aware of the extent of the confidentiality of their communication with FWO. It is our strongly held view that the greater the degree of confidentiality FWO can offer to international students, the greater the likelihood that international students will be willing to contact FWO for assistance and assist in FWO investigations.

Recommendation 10

FWO should work with the ATO on how to address unmet tax liability as a barrier to making a workplace complaint.

Whether or not it is possible to create an absolute firewall between FWO and other government departments, FWO should cooperate with the ATO on how to address unmet tax liability as a barrier to making a workplace complaint. It may be possible for the ATO to agree to resolving tax liability issues only after complaints have been finalised. The ATO might consider creating a portal through which visa holders can calculate their tax liability, to which FWO can direct them from its website.

Appendix 1

Background Report on International Student engagement with the Fair Work Ombudsman

Dr George Tan, Hugo Centre for Migration and Population Research

October 2016

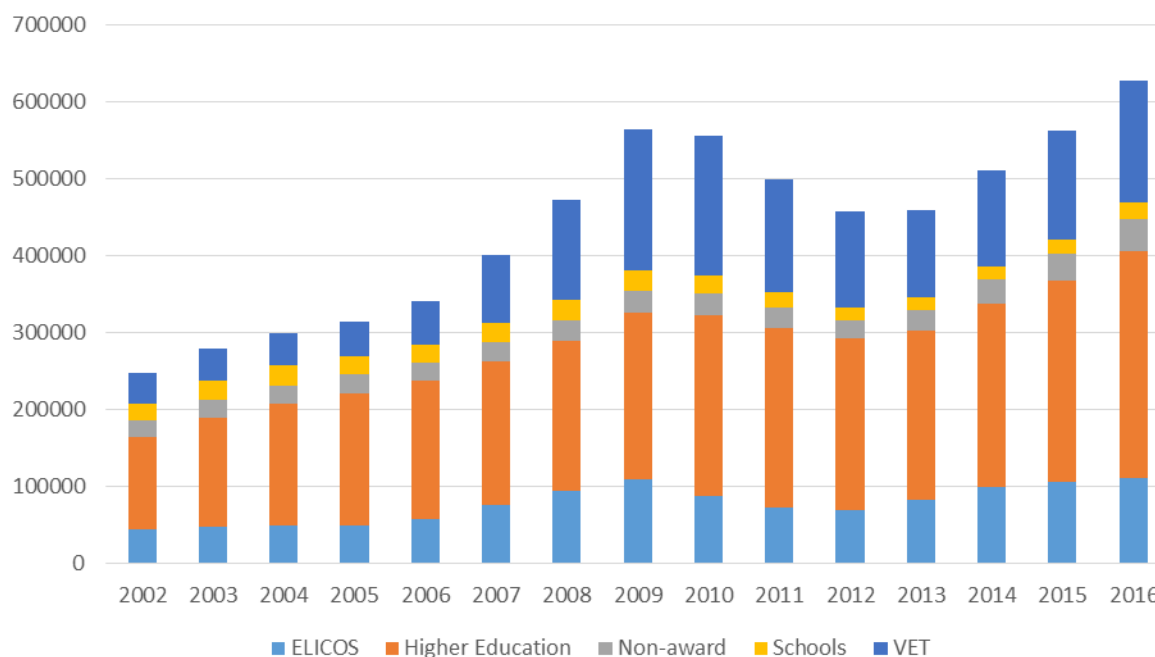
Introduction

This report seeks to form the background for the study on international students engaged in non-compliant work commissioned by the Fair Work Ombudsman. This report extracts data from a number of statistical datasets such as Australian Bureau of Statistics' (ABS) 2006 and 2011 Census of Population and Housing, the 2010 and 2013 Characteristics of Recent Migrants (CORM) Survey as well as international student data from the Department of Education and Training (DET) and Austrade. There are currently no publicly available or existing dataset that can provide information on the personal characteristics or employment information of international students in Australia. However, using particular parameters when analysing Census and CORM datasets makes it possible to piece together a good picture of international students, their personal characteristics and employment. The ABS's Census of Population, conducted every five years, collects data on the key characteristics of people residing in Australia on Census night which usually occurs in the month of August, however it only reports the birthplace country of the person and not their visa status. The Characteristics of Recent Migrants Survey on the other hand surveys migrants and other temporary residents about their labour force status and other characteristics. Further, it not only seeks demographic and employment information from these migrants but also distinguishes the type of visa held. International student data from DET and Austrade is in the form of total count and used primarily for statistical reporting purposes, this data is used to set the context in terms of international student enrolment, source countries and distribution across the states. While there are some limitations to how these datasets are used and there are some caveats as later discussed, these datasets, particularly the CORM, contains a substantial amount of information specific to international students, are likely the most comprehensive datasets available that can be interrogated to better understand

international student employment. It should be noted that the aim of this report is mainly to provide a statistical overview of international students and how they engage with the Australian labour market.

The first section in this report outlines the trends and patterns of international students studying in Australia in terms of source country and where they are located across Australia. Using Census and CORM data, it then seeks to present data relating to their employment at the national level. They include employment status, income level, hours worked and the industries in which they work. The second section analyses the employment characteristics of international students by their birthplace countries. This allows for a better understanding of how international students from particular birthplace countries perform in the Australian labour market. Similarly, the employment characteristics of international students are also analysed at the state/territory level which sheds light on the differences international students have when engaging with the labour market in different parts of Australia. Some of these data analyses draw on data from the 2006 and 2011 census which allows for the observation of any changes emerging within this period. The third section mainly relies on CORM survey data and explores the job search experience of international students in Australia. This provides a little more detail which is not available through the census as it explores employment issues such as help received in looking for their first job and the difficulties they had when looking for work.

Figure 4: International student enrolments, Australia, 2002-2016.

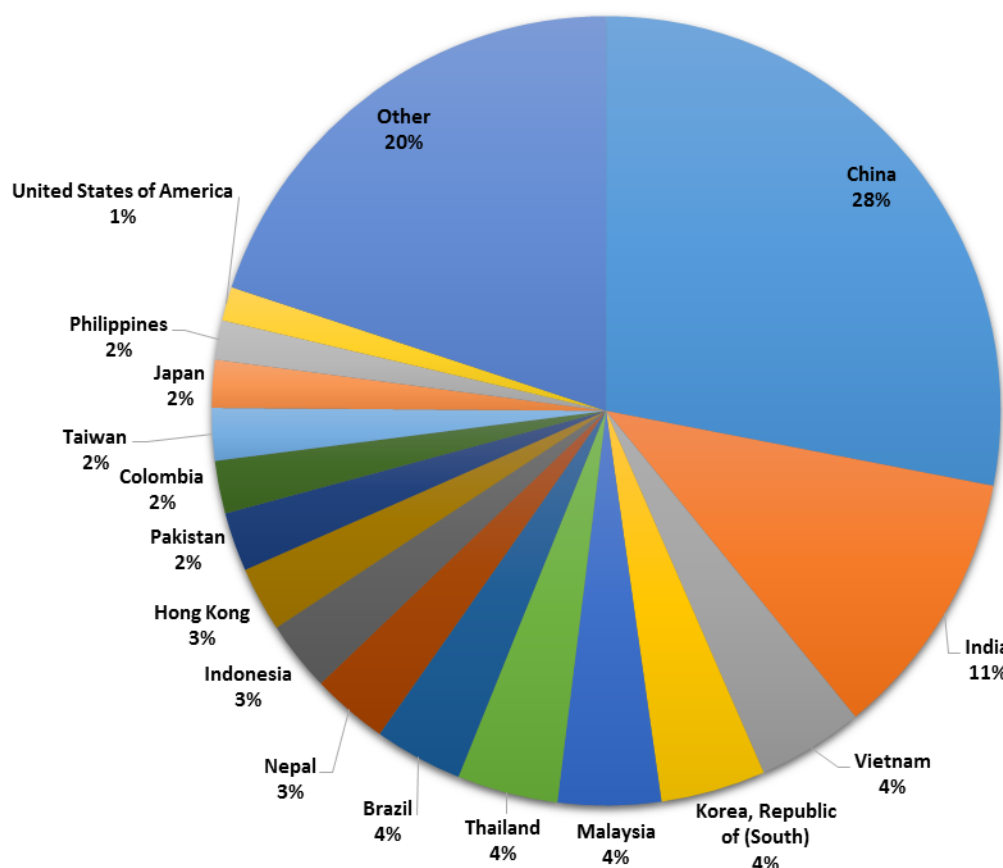


Source: Austrade data

As Figure 1 shows, the international education sector has seen an upward trend since the turn of the century. Its previous peak, in 2009, saw a total of 564,405 international students enrolled across all education sectors and this was followed by a slump in enrolment numbers attributed to the Global Financial Crisis, the strong Australian dollar, incidents of violence against Indian students in Victoria but most importantly, changes to immigration policy delinking international education and permanent residency. Nonetheless, the international education industry has recovered with 2016 enrolment figures at an all-time high of 627,503. It is clear that higher education is the most important sector with almost half (47.1%) of all international students enrolled at this level.

Figure 2 shows that the top source country for international students across all sectors in 2016 is China (28%) followed by India (11%), Vietnam (4%), South Korea (4%), Malaysia (4%), Thailand (4%) and Brazil (4%); evidently East and South Asia continue to remain significant source regions for international students. International students in Australia have a young age profile, in 2015 as shown in Table 1 below, most international students (43%) were in the 20-24 years age group, followed by 6 percent aged 35 years and over and only 3.7 percent were under 18 years of age.

Figure 5: Top source countries for international students, Australia, 2016.



Source: Austrade data

Table 1: Age profile of international students, Australia, 2015.

Age Group	n	Percent
Less than 18 years	18,386	3.7
18-19 years	40,723	8.2
20-24 years	214,285	43.0
25-29 years	139,371	28.0
30-34 years	55,644	11.2
Over 35 years	29,746	6.0
Total	498,155	100.0

Source: Department of Education and Training 2016.

Further analysis also showed a variation in age profile across the different education sectors. For example, students in the VET sector tended to be slightly older with around one-third (33.3%) in the 25-29 years age group. Unsurprisingly, students in the schools sector were youngest with more than two-thirds (67.4%) aged less than 18 years. About half of students in the higher education sector were aged between 20-24 years (50.9%). Remaining sectors (ELICOS and non-award) similarly reflected this to be the

predominant age group for their international enrolments (Department of Education and Training 2015).

Employment characteristics of international students

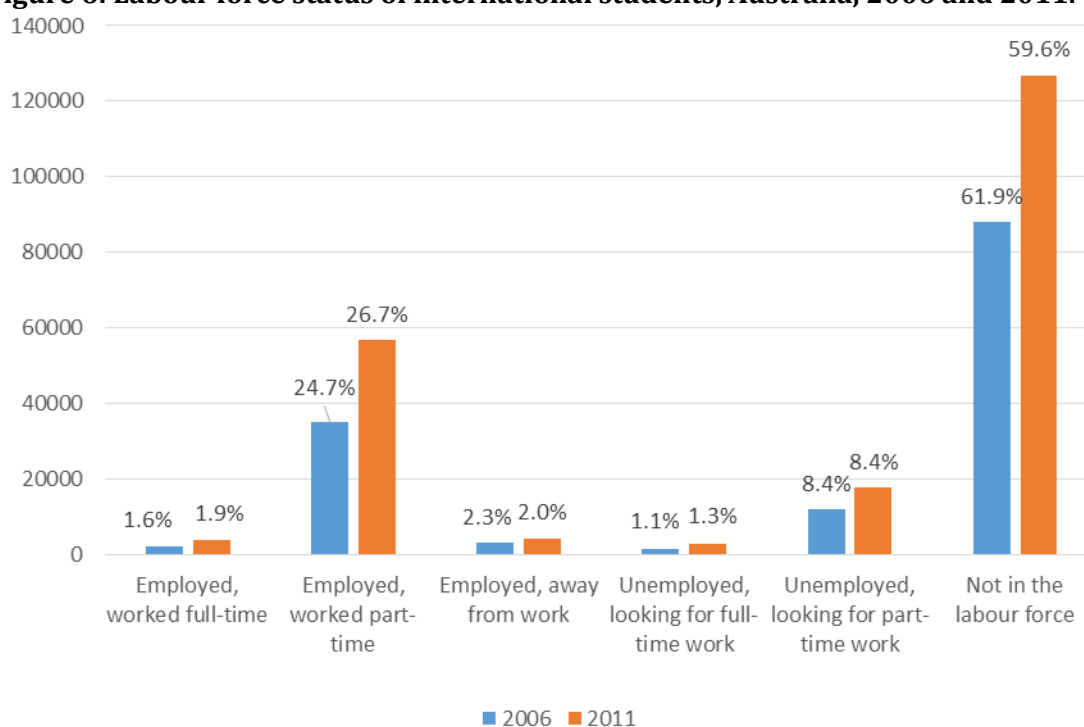
Using Census and CORM datasets, we are able to analyse data relating to the international students and their employment during the course of their studies. As there are no existing or easily accessible datasets with the same level of data specific to international students, these datasets remain the most comprehensive for the purposes of this report, however, there are some limitations. While CORM surveys do contain a substantial amount of information specific to international students, some of the data outputs can be unreliable due to small numbers produced during the analysis. By contrast, while Census data is a rich source of information of the population present in Australia on Census night, it fails to distinguish the migration status of the population as it does not collect information on the visa category of respondents. That said, tweaking the following set parameters similarly used by the ABS⁸² allows us to drill down and extract data that is likely to mostly contain international students, however it is noted that there will be some respondents included in this data set who might have arrived in Australia under permanent visas (for example refugee, family or skilled migration visas) or as secondary visa-holders (for instance where a parent holds a 457 visa). The parameters used are – *‘Not Australian citizen’, ‘Enrolled in full time study’, ‘Arrived in last 4 years’ and ‘Aged 15 years and over’*. Using both CORM and Census datasets where applicable to extract and analyse information relating to international students and their employment conditions will help form a clearer picture of the employment status of international students, the industries they are commonly working in, their income levels, the number of hours they work and how these might be influenced by characteristics such as birthplace countries and English language proficiency.

As Figure 3 below illustrates, the increase in the number of international students in Australia certainly has played a part in the actual number of students employed. For instance, the number of international students employed in part-time work increased from 35,179 in 2006 to 56,882 in 2011, however the proportion of international students

⁸² These parameters are also used by the Australian Bureau of Statistics when trying to identify international students from Census data. See Perspectives on Migrants, 2007 Cat. 3416.0. They include persons who are ‘Overseas born’; ‘Enrolled in full time study’; ‘Arrived in last 4 years’ and ‘Aged 15 years and over’.

who were employed has remained relatively stable in the 2006-2011 period. Census data from 2006 reveals over half of international students (61.9%) were not in the labour force. For those who were employed (combined 28.6%), the majority were employed on a part-time basis (24.7%). This was not too dissimilar in 2011 with 59.6 percent who were not in the labour force. The proportion of international students who were employed slightly increased to a combined 30.6 percent with majority (26.7%) employed on a part time basis, suggesting that in general, the bulk of employment activity is in part-time work for around one-quarter of international students.

Figure 6: Labour force status of international students, Australia, 2006 and 2011.



Source: Census of Population and Housing 2006 and 2011.

However, CORM data presents a slightly different picture as it suggests that a much higher proportion of international students are engaged in the local labour market. Table 2 below shows that in 2010 and 2013, over half (55%) of international students surveyed indicated that they were employed and while 42.1 percent were not in the labour force.

Table 2: Labour force status of international students, Australia, 2010 and 2013.

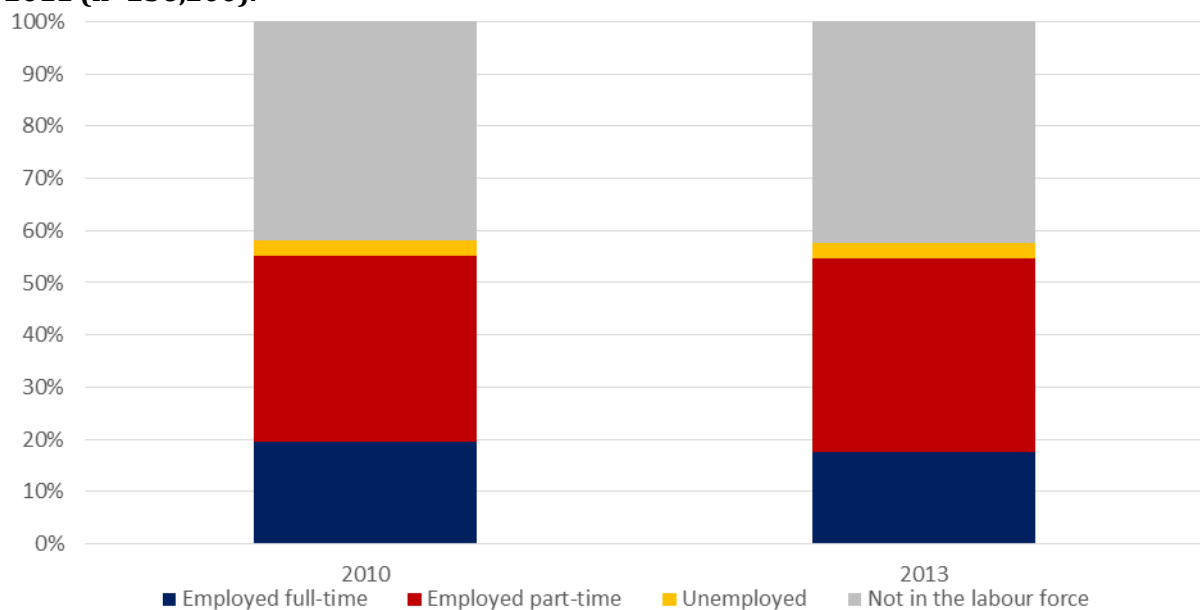
Age Group	2010		2013	
	n ('000)	Percent	n ('000)	Percent
Employed	145.3	55.0	132.6	55.0
Unemployed	7.8	3.0	7.2*	3.0*
Not in the labour force	111.3	42.1	99.6	42.1
Total	264.3	100.0	236.2	100.0

Source: Characteristics of Recent Migrants Survey 2010 and 2013.

*There is a relative standard of error of 25-50% and should be treated be caution.

Further analysis shows that the majority of international students who were employed were typically engaged in part time work as shown in Figure 4 below. However, it is interesting to note that the 2013 CORM survey reflected that 17.4 percent of international students were employed in full-time work (19.6% in 2010). While at first glance this might suggest that these students are in breach of their visa conditions by working more than the stipulated hours permitted by their student visas, it must be considered that as the CORM surveys were conducted in the month of November, it is plausible that these students have completed their semester thus allowing them unlimited work hours. Nonetheless, the data here shows that part-time work is clearly the dominant form of employment for international students engaged in the Australian labour market.

Figure 7: Employment status of international students, Australia, 2006 (n=264,300) and 2011 (n=236,200).

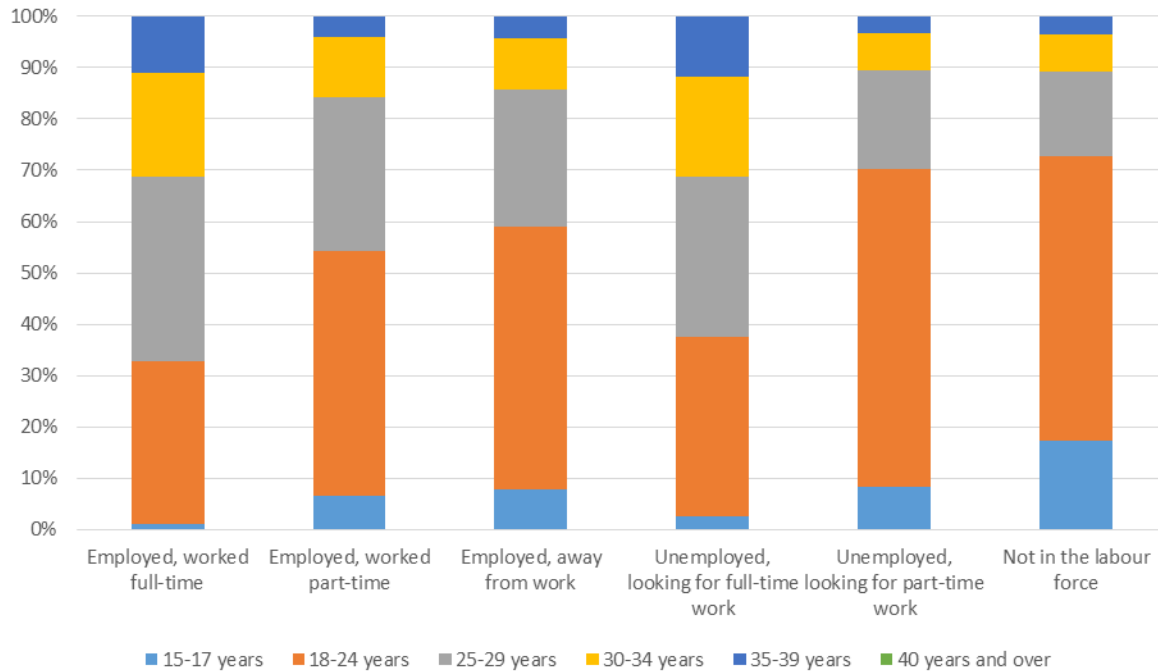


Source: Characteristics of Recent Migrants Survey 2010 and 2013.

*There is a relative standard of error of 25-50% for unemployed in 2013 and this should be treated with caution.

Analysing the employment status of international students by age as shown in Figure 5 highlights that students aged 18-24 years form the majority working or seeking to look for work part-time or seeking part-time work followed by the 25-29 years age group. This clearly relates to the fact most international students in Australia belong in these two age groups (see Table 1).

Figure 8: Employment status of international students by age group, Australia, 2011.



Source: Census of Population and Housing 2011.

Table 3: Income of international students per week, Australia, 2006 and 2011

2006			2011		
Age Group	n	Percent	Age Group	n	Percent
\$1-\$149	19467	28.5	\$1-\$199	29262	26.6
\$150-\$249	18066	26.5	\$200-\$299	23489	21.4
\$250-\$399	17269	25.3	\$300-\$399	20095	18.3
\$400-\$599	8199	12.0	\$400-\$599	21686	19.7
\$600-\$799	2740	4.0	\$600-\$799	8311	7.6
\$800-\$999	1047	1.5	\$800-\$999	3128	2.8
\$1,000-\$1,299	788	1.2	\$1,000-\$1,249	1908	1.7
\$1,300-\$1,599	313	0.5	\$1,250-\$1,499	918	0.8
\$1,600-\$1,999	142	0.2	\$1,500-\$1,999	610	0.6
\$2,000 or more	270	0.4	\$2,000 or more	559	0.5
Total	68301	100.0	Total	109966	100.0

The combined proportion of students earning less than \$400/week is 80.2%.

The combined proportion of students earning less than \$400/week is 66.2%.

Source: Census of Population and Housing 2006 and 2011.

Table 3 above lists the income levels of international students based on Census data from 2006 and 2011. Due to changes in the lower income brackets between 2006 and 2011, it is difficult to make a direct comparison of how much international students earned between the two census periods. At a glance, the largest proportion of international

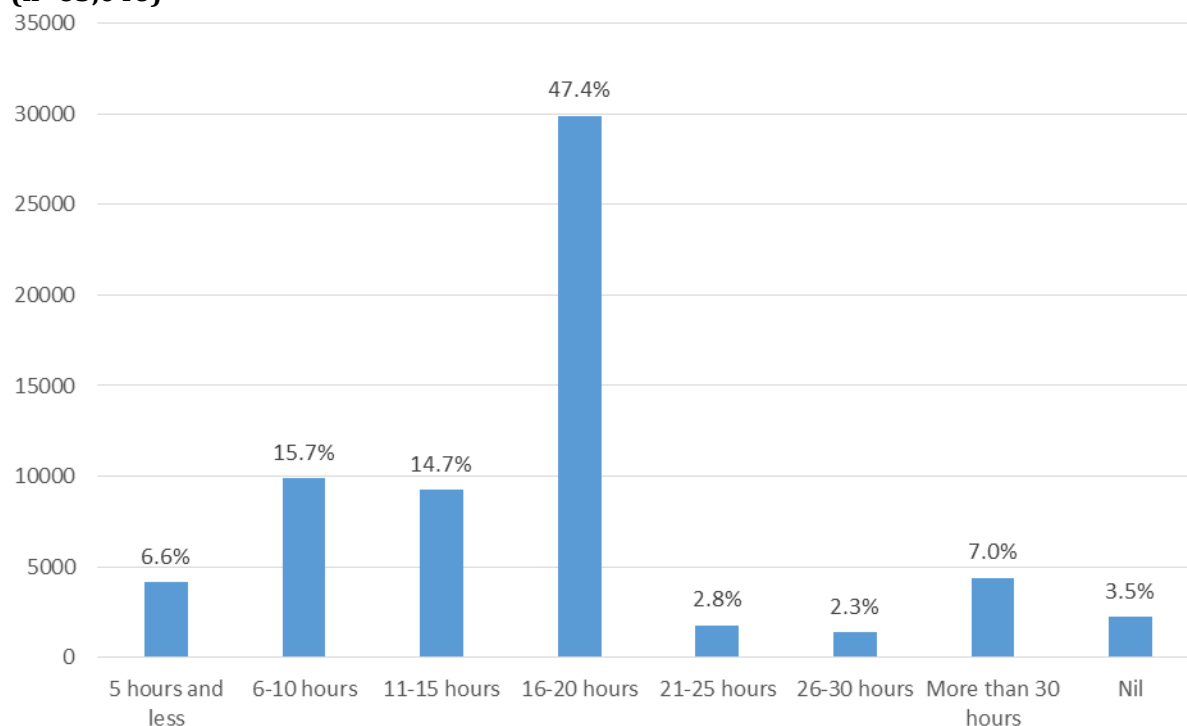
students earned between \$149 or less per week, however it is evident that the majority earned less than \$400 per week when combining income brackets from \$1-\$399. It is interesting to note that as a whole, international students were earning more per week in 2011 compared to 2006. As Table 3 above shows, the proportion earning \$400-\$599 per week increased from 12 percent in 2006 to 19.7 percent in 2011; there were also increases at the remaining higher income levels.

When it comes to hours worked, the Census as illustrated in Figure 6 showed that most international students (84.4%) stated that they had worked within the 20 hours per week stipulation on their student visa (at that time). As earlier mentioned, given that it is not possible to be sure that all respondents extracted from the Census data are international students, we cannot assume that the combined 12 percent of international students working more than 20 hours/week are in breach of their student visa conditions⁸³. Nonetheless, it is quite clear in Figure 5 that for international students who do work, almost half (47.4%) sought to maximise the number of hours (16-20 hours/week) that they are legally allowed to work under their student visa.⁸⁴

⁸³ This refers to the maximum number of 20 hours international students were permitted to work per week prior to the changes introduced in 2012.

⁸⁴ However, given the perception of potential repercussions of admitting to breaching the maximum hours they are allowed to work per week, there is a disincentive for those who worked more than 20 hours per week to accurately report that in the Census, hence, this data could to some extent be unreliable.

Figure 9: Hours worked by international students in the last week, Australia, 2011 (n=63,046)



Source: Census of Population and Housing, 2011.

CORM survey data however presents a slightly different picture as shown in Table 4 below. Bearing in mind relative standard of error present in some ranges for hours usually worked in all jobs or businesses, it is evident that most international students (28.9%) worked between 20-25 hours/week.

Table 4: Hours usually worked in all jobs or businesses, Australia, 2013.

Age Group	n ('000)	Percent
1 hour to less than 5 hours	0	0.0
5 hours to less than 10 hours*	7.3	5.8
10 hours to less than 15 hours	15.2	12.1
15 hours to less than 20 hours	11.2	8.9
20 hours to less than 25 hours	36.2	28.9
25 hours to less than 30 hours*	6.6	5.3
30 hours to less than 35 hours*	6	4.8
35 hours to less than 40 hours	16	12.8
40 hours to less than 45 hours*	20.7	16.5
45 hours to less than 50 hours**	2.5	2.0
50 hours to less than 55 hours**	1.7	1.4
55 hours to less than 60 hours	0	0.0
60 hours to less than 65 hours**	1.8	1.4

65 hours to less than 70 hours	0	0.0
70 hours or more	0	0.0
Total	125.2	100.0

Source: *Characteristics of Recent Migrants Survey 2013*.

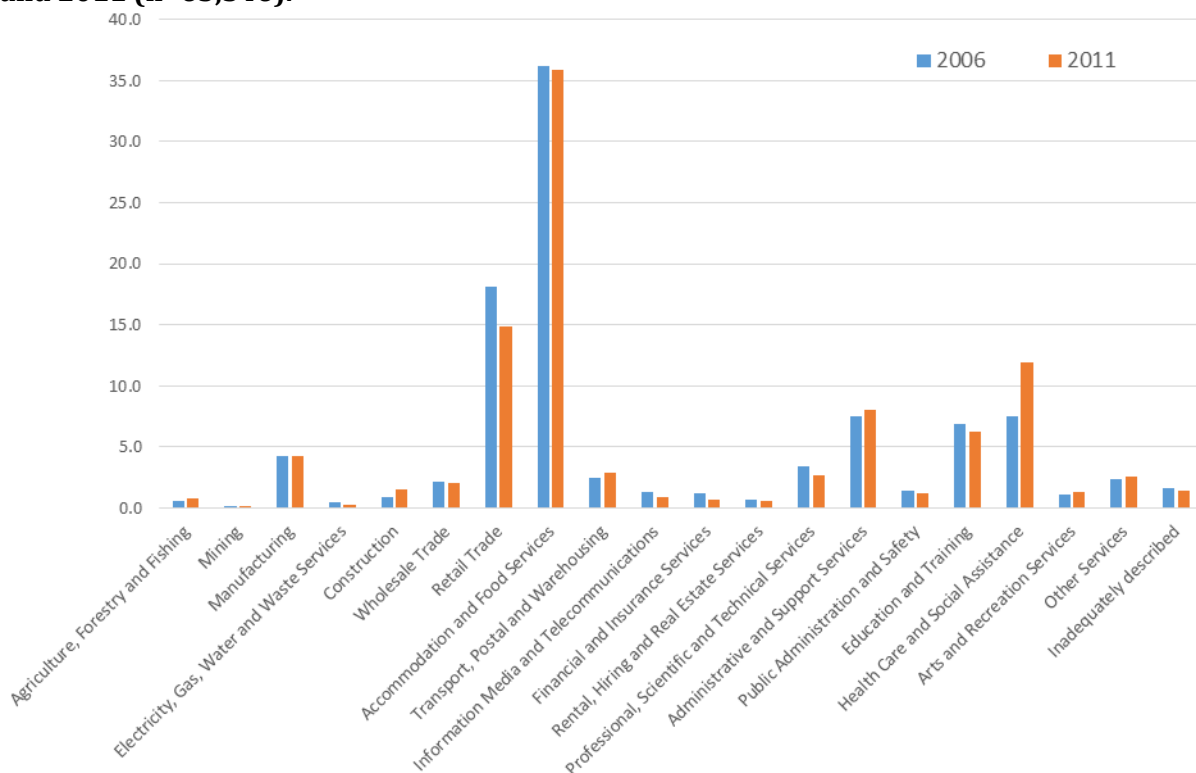
**There is a relative standard of error of 25-50% and this should be treated be caution.*

***There is a relative standard of error greater than 50% and is considered too unreliable for general use.*

This is not an necessarily an indication of a breach in visa conditions since, from 2012, international students were permitted to work under more flexible arrangements of up to 40 hours per fortnight and students completing Masters or Doctoral degrees were not subject to any work restrictions. Limitations comparing Census and CORM data in Figure 5 and Table 4 respectively aside, it is difficult to ascertain how much the higher proportion of international students working more than 20 hours per week in Table 4 can be attributed to changes to work conditions on student visas or to the fact that the CORM survey took place in November thus including respondents working during semester break.

Analysing the industries international students tend to be employed in from Census data demonstrates the role migrants have in taking on the jobs generally categorised as ‘3 D’ – dirty, dangerous and demeaning, in other words, jobs shunned by locals for these very reasons. For a large part, there appears to be some truth in this with many international students tending to work in low-wage industries and in some instances jobs that fall under the ‘3 D’ category . As illustrated in Figure 7 below, the key industries which international students tend to be employed include Manufacturing; Retail Trade; Accommodation, Food and Services; Professional Scientific and Technical Services; Administrative and Technical Services; Education and Training; and Health Care and Social Assistance. Accommodation and Food Services employed the highest proportion of international students in both 2006 (36.2%) and 2011 (35.9%), followed by Retail trade for 18.1 percent of international students in 2006 and 14.9 percent in 2011.

Figure 10: Industries employed in – international students, Australia, 2006 (n= 39,255) and 2011 (n=63,546).



Source: Census of Population and Housing, 2006 and 2011.

Two industries which had noticeable change from 2006 to 2011 were Retail Trade and Health Care and Social Assistance. The former saw a 3.2 percent decrease in the proportion of international students employed in that industry which could be partly explained by the shift towards e-commerce which in a 2012 report commissioned by the National Retail Association (NRA) estimated that 84,600 jobs would be lost due to structural changes and competition as a result of the growth in online shopping⁸⁵.

Notably, the latter - Health Care and Social Assistance – experienced a 4.3 percent increase in an industry which is Australia’s largest employment sector⁸⁶; largely driven by Australia’s ageing population due to increasingly life expectancy and also by the first wave of the baby boomer generation retiring.

⁸⁵ This finding emerged from the report which Ernst & Young (commissioned by NRA) investigated into the economic impact of the low value threshold on the retail industry. See:

[http://www.ey.com/Publication/vwLUAssets/PI/NRA_Economic_Impact_Report/\\$FILE/NRA%20Economic_Impact_Report.pdf](http://www.ey.com/Publication/vwLUAssets/PI/NRA_Economic_Impact_Report/$FILE/NRA%20Economic_Impact_Report.pdf)

⁸⁶ <http://www.abs.gov.au/websitedbs/censushome.nsf/home/CO-65?opendocument&navpos=620#industry>

Analysis of international students in the labour market by birthplace country

Analysing international students and their involvement in the labour market by their country of birth sheds light on the level of engagement international students from particular countries have with the labour market. Focusing on the top 10 birthplace countries of international students engaged in part-time work as shown in Table 5 below, highlights how Chinese and Indian students constitute a significant proportion of the international student workforce in Australia. When combined, Chinese and Indian students form approximately one-third of all international students engaged in part-time work in 2006 (36.1%) and 20011 (33.2%).

Table 5: Top 10 birthplace countries of international students working part-time, Australia, 2006 and 2011.

2006	Percent (n=35,177)	2011	Percent (n=56,828)
India	18.8	India	19.9
China	17.3	China	13.3
Indonesia	4.9	Nepal	7.9
Malaysia	4.5	Indonesia	3.5
Bangladesh	4.4	Vietnam	3.4
Thailand	3.7	Philippines	3.4
England	3.0	Malaysia	3.3
Sri Lanka	2.9	Sri Lanka	3.0
South Korea	2.8	Thailand	3.0
Hong Kong	2.5	England	3.0
Other	35.1	Other	36.4

Source: Census of Population and Housing 2006 and 2011.

However, when looking at the proportion of international students not in the labour force based on the top 10 birthplace countries of international students engaged in part-time work in Australia (see Table 6) highlights how working while studying varies across birthplace countries.

Table 6: Proportion of international students not in labour force, Australia, 2006 and 2011.

2006	n	Percent	2011	n	Percent
India	13,396	32.0	India	20,783	30.1
China	30,140	65.0	China	51,539	72.4
Indonesia	6,938	61.1	Nepal	6,539	18.0
Malaysia	10,501	74.5	Indonesia	7,076	55.9
Bangladesh	2,690	27.2	Vietnam	8,177	61.3
Thailand	3,863	55.6	Philippines	5,153	48.7
England	3,429	55.0	Malaysia	12,463	73.0
Sri Lanka	2,465	40.6	Sri Lanka	3,995	41.9
South Korea	6,693	76.5	Thailand	4,497	52.7
Hong Kong	6,438	78.1	England	4,665	47.9

Source: Census of Population and Housing 2006 and 2011.

While Chinese international students comprised a significant proportion of all international students engaged in part-time work as shown in Table 5, around two-thirds (65%) and nearly three-quarters (72.4%) of Chinese international students in 2006 and 2011 respectively were not in the labour force⁸⁷; this highlights how working while studying was less common for Chinese students, a pattern similarly reflected by countries such as Malaysia and Indonesia. Conversely, only 32 percent and 30.1 percent of Indian students were not in the labour force. This suggests that as a whole, engaging in part-time work is perhaps more important for Indian international students.

Focusing on the top five industries in which international students were employed (see Figure 7) by birthplace country not only shows the prevalence of international students from particular countries but also highlights the emergence of international students from other countries. For example, as Table 7 shows, the two largest proportions of international students across the five industries were from China and India. However, in 2011 this changed slightly as shown in Table 8 with countries such as Vietnam, Philippines and Colombia featuring in the top 10 in industries such as Retail Trade, Accommodation and Food Services and Administrative and Support services. Further, a lower proportion of Chinese students worked in Administrative and Support services and in Health Care and Social Assistance in 2011. More notably Nepal, which was outside the top 10 birthplace countries across the five industries in 2006, not only replaced China as the top two birthplace countries for international students working in Administrative and Support services and in Health Care and Social Assistance, but also emerged as an important country in all industries apart from Education and Training.

⁸⁷ Not in the labour force refers to those aged 15 years and over who are neither employed nor unemployed. In this instance, for those who state that their occupation as 'student' are coded under 'Not in the labour force' in the Census.

Table 7: Top 10 birthplace countries of international students employed in key industries, Australia, 2006.

Retail Trade (n=7,099)		Accommodation and Food Services (n=14,229)		Administrative and Support Services (n=2,962)		Education and Training (n=2,648)		Health Care and Social Assistance (n=2,961)	
India	25.7	China	20.4	India	20.4	China	13.6	China	16.2
China	16.7	India	12.0	China	12.3	India	9.2	India	11.2
Indonesia	5.2	Thailand	6.7	Sri Lanka	9.1	Malaysia	6.4	Zimbabwe	4.7
Bangladesh	5.0	Indonesia	6.4	Bangladesh	6.8	USA	4.7	Malaysia	4.6
England	4.4	Bangladesh	5.2	Colombia	4.9	Singapore	4.6	Philippines	4.5
Malaysia	3.9	Malaysia	5.2	Indonesia	4.0	England	4.2	South Korea	3.7
New Zealand	2.9	Hong Kong	3.9	Thailand	3.9	Indonesia	3.9	England	3.6
Sri Lanka	2.7	South Korea	3.3	South Korea	3.6	New Zealand	3.1	Kenya	3.3
South Africa	2.3	Japan	2.7	Brazil	3.6	Canada	2.8	Sri Lanka	2.7
Hong Kong	1.9	England	2.7	Malaysia	2.3	Germany	2.7	Japan	2.5
Other	29.3	Other	31.7	Other	29.1	Other	44.9	Other	42.8

Source: Census of Population and Housing 2006.

Table 8: Top 10 birthplace countries of international students employed in key industries, Australia, 2011.

Retail Trade (n=9,428)		Accommodation and Food Services (n=22,796)		Administrative and Support Services (n=5,120)		Education and Training (3,991)		Health Care and Social Assistance (n=7,566)	
India	21.0	China	16.6	India	23.3	China	13.2	India	19.2
China	15.2	India	15.1	*Nepal	12.6	India	6.7	*Nepal	13.9
*Nepal	6.1	*Nepal	8.4	Colombia	9.8	Malaysia	6.2	China	10.0
England	5.1	Indonesia	5.1	China	6.9	*Iran	5.9	Philippines	8.9
*Vietnam	3.6	Thailand	5.1	Sri Lanka	6.5	England	3.8	Zimbabwe	5.8
*Pakistan	3.4	Malaysia	4.2	South Korea	3.8	Sri Lanka	3.7	Kenya	3.2
Sri Lanka	3.4	*Vietnam	4.1	Bangladesh	3.3	Indonesia	3.7	Malaysia	2.5
Indonesia	3.4	South Korea	3.1	Thailand	2.8	USA	3.6	Sri Lanka	2.5
South Africa	3.4	*Philippines	3.0	Indonesia	2.8	*Bangladesh	3.2	*Thailand	2.2
*New Zealand	3.3	England	2.8	*Philippines	2.3	*New Zealand	3.1	South Korea	2.1
Other	32.1	Other	32.5	Other	26.0	Other	46.9	Other	29.6

Source: Census of Population and Housing 2011.

***Denotes countries previously not in top 10 in 2006.**

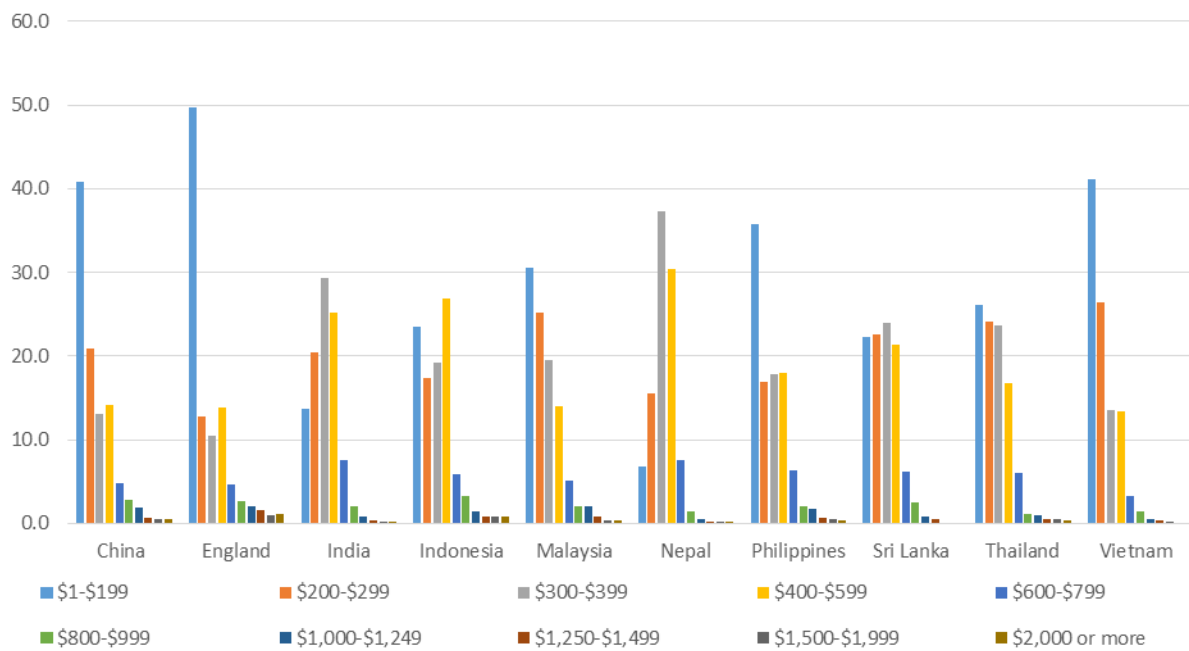
Table 9: Total Income (weekly) of international students, Australia, 2011

	n	Percent
\$1-\$199	29230	26.6
\$200-\$299	23452	21.4
\$300-\$399	20082	18.3
\$400-\$599	21656	19.7
\$600-\$799	8302	7.6
\$800-\$999	3124	2.8
\$1,000-\$1,249	1899	1.7
\$1,250-\$1,499	915	0.8
\$1,500-\$1,999	608	0.6
\$2,000 or more	557	0.5

Source: Census of Population and Housing 2011.

The role of part-time work for international students can be further explored by looking at their weekly total income. As Table 9 above shows, it is evident that the total weekly income of international students tend to be concentrated in the lower ranges with just over one-quarter (26.6%) of all international students earning between \$1-\$199/week followed by 21.4 percent earning \$200-\$299/week, 19.7 percent earning \$400-\$599/week and 18.3 percent earning \$300-\$399/week (18.3%). Only small proportions of international students reported income levels higher than \$599/week. However, exploring the total income of international students by birthplace country as illustrated in Figure 8 sheds light on how the role of work may differ for students from particular countries.

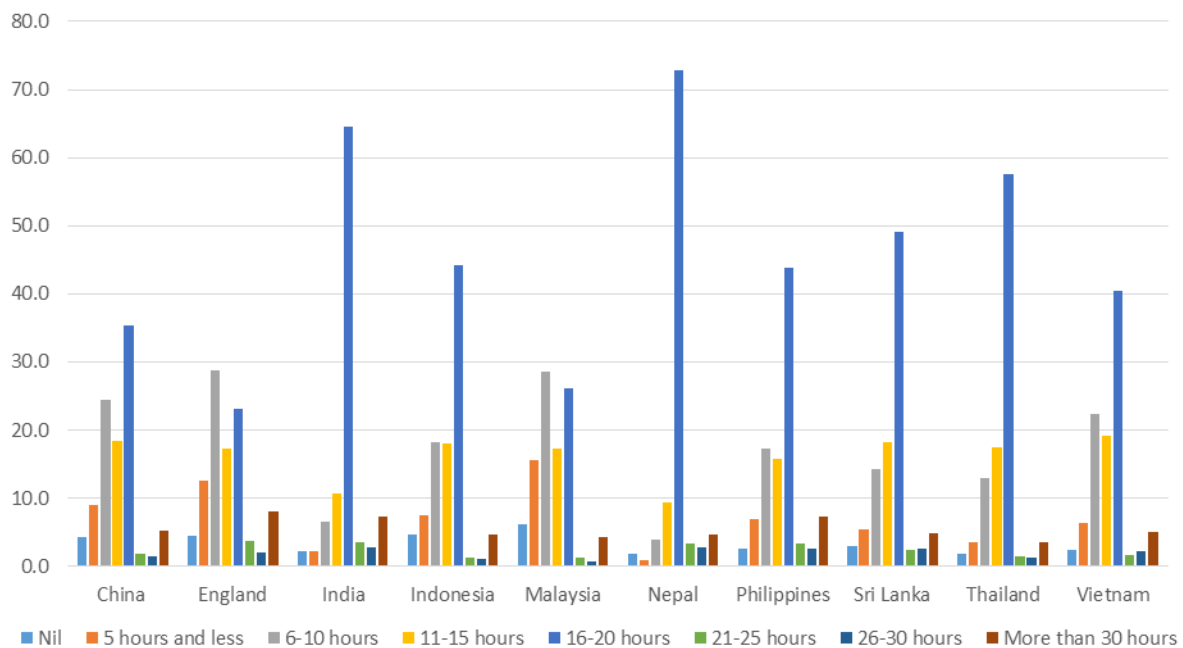
Figure 11: Total Income (weekly) of international students, top 10 birthplace countries engaged in part-time work, 2011.



Source: Census of Population and Housing 2011.

Most international students from the top 10 birthplace countries engaged in part-time work earned between \$1-\$199/week. This was certainly the case especially for those from China, England, Philippines, and Vietnam, however, it is interesting to note that students from some countries exhibited different patterns of income. International students from India, Indonesia, Nepal and Sri Lanka had higher proportions earning higher levels of income. Most Indian students for example earned between \$300-\$399/week; this was similarly the case for those from Nepal (37.2%) and Sri Lanka (23.9%). Most Indonesian students appeared to earn more with just over one-quarter (26.8%) earning between \$400-\$599/week. This suggests that the role of work varies for students from different countries and perhaps, for some international students, the need to work is crucial to their ability to live and study in Australia or to pay back bank loans used to finance their education. For example, research has found that the overseas education of Indian students is frequently financed through bank loans (Gillan et al. 2003; Mazarrol et al 2001). Similarly, Tan (2012) has concluded that for Indian students, part-time work was a key source of income for their living expenses compared to their Chinese counterparts.

Figure 12: Hours worked in last week, top 10 birthplace countries engaged in part-time work, 2011.



Source: Census of Population and Housing 2011.

As earlier discussed, most international students sought to maximise the amount of hours permitted to work under their student visa conditions. Breaking down the hours worked by the top 10 birthplace countries of international students engaged in part-time work substantiates this point and also further highlights the role of work for international students. As Figure 9 shows, international students from countries such as Nepal, India, Thailand, Sri Lanka, Philippines, Indonesia and Vietnam clearly have significant proportions of international students who worked 16-20 hours in the last week.⁸⁸ This was particularly so for 64.5 and 72.8 percent of Indian and Nepalese students respectively. Again, this serves to illuminate the importance of work for international students from particular countries who seek to work as much as they are permitted to under their visa conditions.

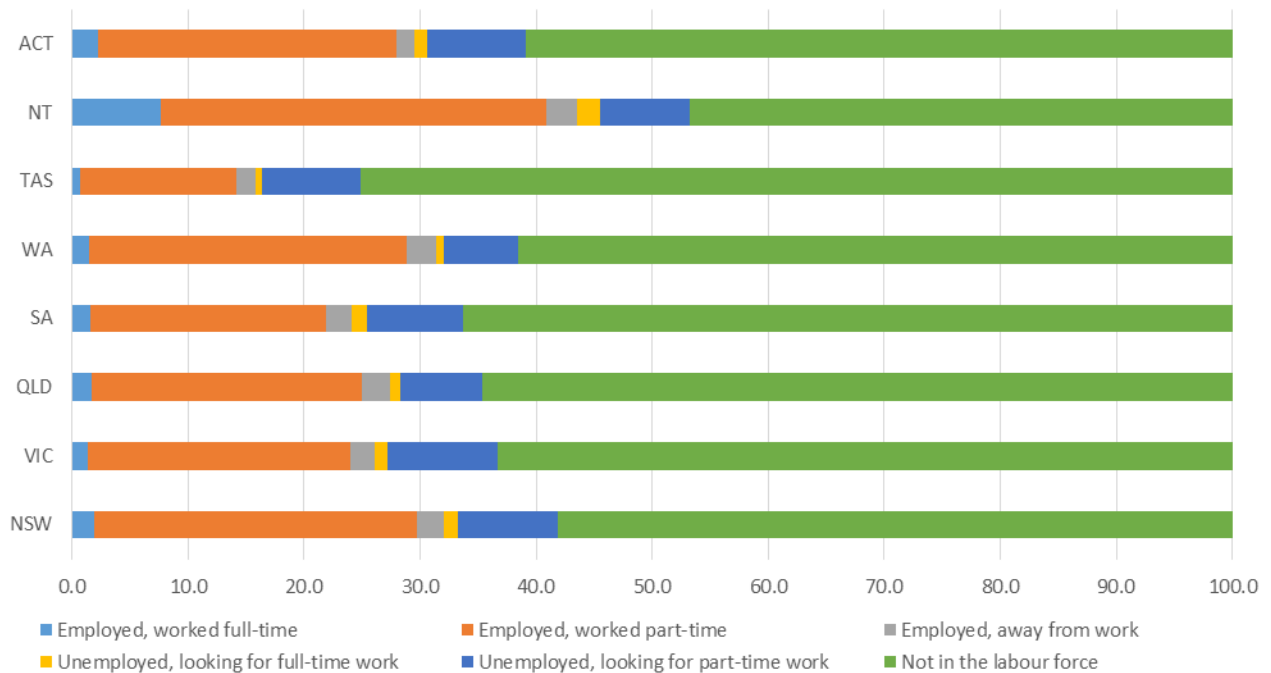
Analysis of international students in the labour market by state/territory level

Analysing the engagement of international students in the Australia labour market by State reveals some differences. For example, looking at the labour force status of international students at the State level as depicted in Figure 10 below shows how

⁸⁸ However, as earlier mentioned, given the perception of potential repercussions of admitting to breaching the maximum hours they are allowed to work per week, there is a disincentive for those who worked more than 20 hours per week to accurately report that in the Census, hence, this data could to some extent be understated.

particular states have higher proportions of international students engaged in the labour market.

Figure 13: Labour force status of international students by State, 2011.



Source: Census of Population and Housing 2011.

At a glance, it is evident that the majority of international students across all states were not in the labour force, this was particularly significant in Tasmania which had the highest proportion of international students not seeking employment (75.1%) compared to other states; this also means that they also have the lowest proportion of international students who were employed or seeking employment. Focusing on part-time work which is the main labour force status of international students in Australia, SA (following TAS) had the second lowest proportion of international students engaged in part-time work (20.3%). On the other hand, in terms of proportion, the NT had the highest proportion of international students working part-time (33.2%) followed by NSW (27.8%), WA (27.4%), ACT (25.7%), QLD (23.3%) and VIC (22.7%) .

Table 10: Labour force status of international students by state, 2006 and 2011.

	NSW			VIC			QLD			SA		
	2006	2011	Change	2006	2011	Change	2006	2011	Change	2006	2011	Change
Employed, worked full-time	895	1119	224	606	1140	534	344	653	309	167	265	98
Employed, worked part-time	12961	17559	4598	10191	15951	5760	4802	9367	4565	2134	3737	1603
Employed, away from work	1126	1250	124	920	1248	328	480	765	285	230	301	71
Unemployed, looking for full-time work	552	873	321	488	861	373	188	429	241	133	245	112
Unemployed, looking for part-time work	3991	5331	1340	4311	5626	1315	1468	2805	1337	878	1404	526
Not in the labour force	27176	37422	10246	28467	39723	11256	13292	20666	7374	6954	10933	3979
	WA			TAS			NT			ACT		
	2006	2011	Change	2006	2011	Change	2006	2011	Change	2006	2011	Change
Employed, worked full-time	203	551	348	12	33	21	35	64	29	66	162	96
Employed, worked part-time	3916	7902	3986	245	437	192	151	429	278	778	1500	722
Employed, away from work	376	598	222	32	35	3	12	22	10	49	124	75
Unemployed, looking for full-time work	89	274	185	9	49	40	9	16	7	31	67	36
Unemployed, looking for part-time work	915	1868	953	155	232	77	35	73	38	258	527	269
Not in the labour force	8808	12448	3640	1369	2044	675	213	428	215	1841	3222	1381

Source: Census of Population and Housing 2006 and 2011.

In terms of absolute numbers, as listed in Table 10, there was an overall increase in the number of international students in each of the labour force status categories. The role of part-time work is evident in New South Wales and Victoria continuing to maintain the largest numbers of international students working part-time (and also seeking part-time work). Analysing the income levels of international students also yielded some difference across states as Table 11 shows. Due to income rises, adjustments were made to several of the income ranges in the 2011 census to reflect this increase, hence, various income ranges under \$400 were re-categorised to \$1-\$399 to allow for comparison between the two census periods. This process was also repeated for the income ranges from \$1,000 to \$1,999 which were regrouped as \$1,000-\$1,999.

Table 11: Income levels of international students by state, 2006 and 2011.

	NSW			VIC			QLD			SA		
	2006	2011	% Change	2006	2011	% Change	2006	2011	% Change	2006	2011	% Change
\$1-\$399	80.1	65.2	-14.9	80.6	67.6	-13.0	77.8	64.2	-13.6	82.3	68.6	-13.7
\$400-\$599	12.2	20.6	8.3	11.7	19.0	7.2	13.1	20.5	7.4	11.5	18.8	7.3
\$600-\$799	4.1	7.9	3.8	3.9	7.3	3.3	4.5	8.1	3.5	3.0	6.8	3.8
\$800-\$999	1.5	2.8	1.3	1.5	2.8	1.3	1.9	3.3	1.4	1.4	2.6	1.2
\$1,000-\$1,999	1.7	3.1	1.4	1.8	3.0	1.2	2.3	3.4	1.1	1.5	2.6	1.1
\$2,000 or more	0.4	0.4	0.0	0.4	0.4	0.0	0.4	0.6	0.2	0.3	0.5	0.3
	WA			TAS			NT			ACT		
	2006	2011	% Change	2006	2011	% Change	2006	2011	% Change	2006	2011	% Change
\$1-\$399	82.6	68.1	-14.5	81.7	76.6	-5.1	82.6	68.1	-7.8	81.7	76.6	-18.7
\$400-\$599	10.3	18.0	7.8	9.6	12.3	2.8	10.3	18.0	6.2	9.6	12.3	11.0
\$600-\$799	3.5	7.4	3.8	4.8	5.6	0.8	3.5	7.4	0.7	4.8	5.6	2.6
\$800-\$999	1.4	2.5	1.1	0.8	2.5	1.8	1.4	2.5	0.0	0.8	2.5	2.3
\$1,000-\$1,999	1.9	3.4	1.5	2.4	2.6	0.2	1.9	3.4	1.6	2.4	2.6	2.2
\$2,000 or more	0.4	0.7	0.3	0.8	0.4	-0.4	0.4	0.7	-0.7	0.8	0.4	0.5

Source: Census of Population and Housing 2006 and 2011.

This analysis revealed an overall increase in the proportion of international students earning higher wages. Across all states, there was a decrease in the proportion of students earning \$1-\$399, most states apart from TAS and NT had double digit percentage decreases of 13 to 18.7 percent. Conversely, there were gains in remaining income ranges across all states particularly at the \$400-\$599 income level. This could be a reflection of the necessity of international students

needing to increase their earnings to pay for higher living expenses driven by the strong Australian dollar back in 2011.

Table 12: Industries which international students were employed in by state, 2006 and 2011

	NSW			VIC			QLD			SA		
	2006 % (n=14234)	2011 % (n=19119)	Change 06-11	2006 % (n=11060)	2011 % (n=17541)	Change 06-11	2006 % (n=5328)	2011 % (n=10343)	Change 06-11	2006 % (n=2398)	2011 % (n=4137)	Change 06-11
Agriculture, Forestry and Fishing	0.2	0.4	0.2	0.4	0.7	0.3	1.7	1.3	-0.4	0.6	1.8	1.2
Mining	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.3	0.2	0.3	0.0	-0.3
Manufacturing	4.1	4.3	0.1	4.3	6.0	1.6	3.8	3.5	-0.3	5.6	3.5	-2.1
Electricity, Gas, Water and Waste Services	0.3	0.2	-0.1	0.7	0.4	-0.3	0.1	0.2	0.1	1.0	0.2	-0.8
Construction	1.1	1.6	0.5	0.5	1.7	1.2	1.1	1.2	0.0	0.8	0.9	0.2
Wholesale Trade	2.5	2.4	-0.1	2.4	2.5	0.1	1.7	1.5	-0.3	1.4	1.5	0.1
Retail Trade	21.9	16.1	-5.8	16.9	14.4	-2.6	15.7	14.2	-1.5	12.9	9.4	-3.5
Accommodation and Food Services	37.1	36.3	-0.8	34.3	35.4	1.1	40.0	36.2	-3.8	33.9	32.2	-1.7
Transport, Postal and Warehousing	1.2	1.6	0.4	4.2	3.5	-0.8	2.1	4.2	2.1	6.1	5.9	-0.1
Information Media and Telecommunications	1.2	1.2	0.0	1.9	0.9	-1.0	1.1	0.7	-0.4	0.8	0.6	-0.2
Financial and Insurance Services	1.3	0.9	-0.4	1.5	0.7	-0.7	0.9	0.7	-0.2	0.8	0.6	-0.2
Rental, Hiring and Real Estate Services	0.7	0.7	-0.1	0.5	0.6	0.1	0.7	0.5	-0.2	0.7	0.5	-0.1
Professional, Scientific and Technical Services	3.6	3.1	-0.5	3.7	2.7	-1.0	3.4	2.5	-1.0	2.4	1.6	-0.8
Administrative and Support Services	6.4	8.0	1.6	9.1	8.5	-0.7	7.7	8.0	0.3	8.2	10.3	2.1
Public Administration and Safety	0.5	0.7	0.2	2.2	0.9	-1.3	1.0	1.4	0.4	1.4	1.3	0.0
Education and Training	5.7	6.3	0.7	7.2	6.5	-0.7	8.5	7.3	-1.3	8.5	5.4	-3.2
Health Care and Social Assistance	8.3	12.3	3.9	6.1	10.4	4.3	6.9	12.4	5.5	12.3	21.2	8.9
Arts and Recreation Services	1.0	1.3	0.3	1.4	1.2	-0.3	1.3	1.5	0.1	0.8	0.8	0.0
Other Services	2.8	2.5	-0.3	2.6	3.1	0.5	2.1	2.6	0.5	1.7	2.2	0.5
	WA			TAS			NT			ACT		
	2006 % (n=4279)	2011 % (n=8762)	Change 06-11	2006 % (n=277)	2011 % (n=495)	Change 06-11	2006 % (n=177)	2011 % (n=503)	Change 06-11	2006 % (n=868)	2011 % (n=1758)	Change 06-11
Agriculture, Forestry and Fishing	0.5	0.5	0.0	5.1	4.2	-0.8	2.3	0.0	-2.3	0.0	0.0	0.0
Mining	0.5	0.5	0.0	0.0	0.0	0.0	0.0	0.6	0.6	0.0	0.0	0.0
Manufacturing	5.4	3.2	-2.1	5.8	1.2	-4.6	1.7	2.2	0.5	1.7	1.4	-0.4
Electricity, Gas, Water and Waste Services	0.3	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Construction	1.1	2.0	0.9	0.0	1.2	1.2	1.7	0.0	-1.7	0.0	0.9	0.9
Wholesale Trade	1.7	1.9	0.1	1.1	0.6	-0.5	0.0	1.4	1.4	1.2	0.4	-0.8
Retail Trade	17.7	17.5	-0.2	9.7	8.1	-1.7	23.2	20.5	-2.7	15.4	17.1	1.7
Accommodation and Food Services	39.4	38.5	-0.9	44.0	52.5	8.5	28.8	40.0	11.1	39.5	41.6	2.1
Transport, Postal and Warehousing	1.2	2.1	0.9	2.9	2.2	-0.7	1.7	3.8	2.1	1.4	1.0	-0.4
Information Media and Telecommunications	0.8	0.6	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	1.4	0.4	-1.0
Financial and Insurance Services	0.7	0.5	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.6	0.6	0.0
Rental, Hiring and Real Estate Services	1.0	0.7	-0.4	1.1	0.0	-1.1	1.7	0.6	-1.1	0.6	0.4	-0.2
Professional, Scientific and Technical Services	2.7	2.5	-0.2	3.2	3.6	0.4	7.3	1.0	-6.4	3.1	2.3	-0.8
Administrative and Support Services	8.6	7.9	-0.7	0.0	2.4	2.4	2.8	3.6	0.8	7.0	7.6	0.5
Public Administration and Safety	2.4	2.0	-0.3	2.9	1.2	-1.7	6.8	6.4	-0.4	5.1	4.0	-1.1

Education and Training	5.6	4.7	-0.9	14.1	8.9	-5.2	6.8	3.8	-3.0	14.5	10.9	-3.7
Health Care and Social Assistance	8.3	11.1	2.8	8.3	10.9	2.6	8.5	12.9	4.4	5.3	8.8	3.5
Arts and Recreation Services	0.8	1.6	0.8	0.0	1.0	1.0	6.8	1.8	-5.0	0.9	1.1	0.2
Other Services	1.3	2.0	0.7	1.8	1.8	0.0	0.0	1.6	1.6	2.3	1.7	-0.6

Source: *Census of Population and Housing 2006 and 2011.*

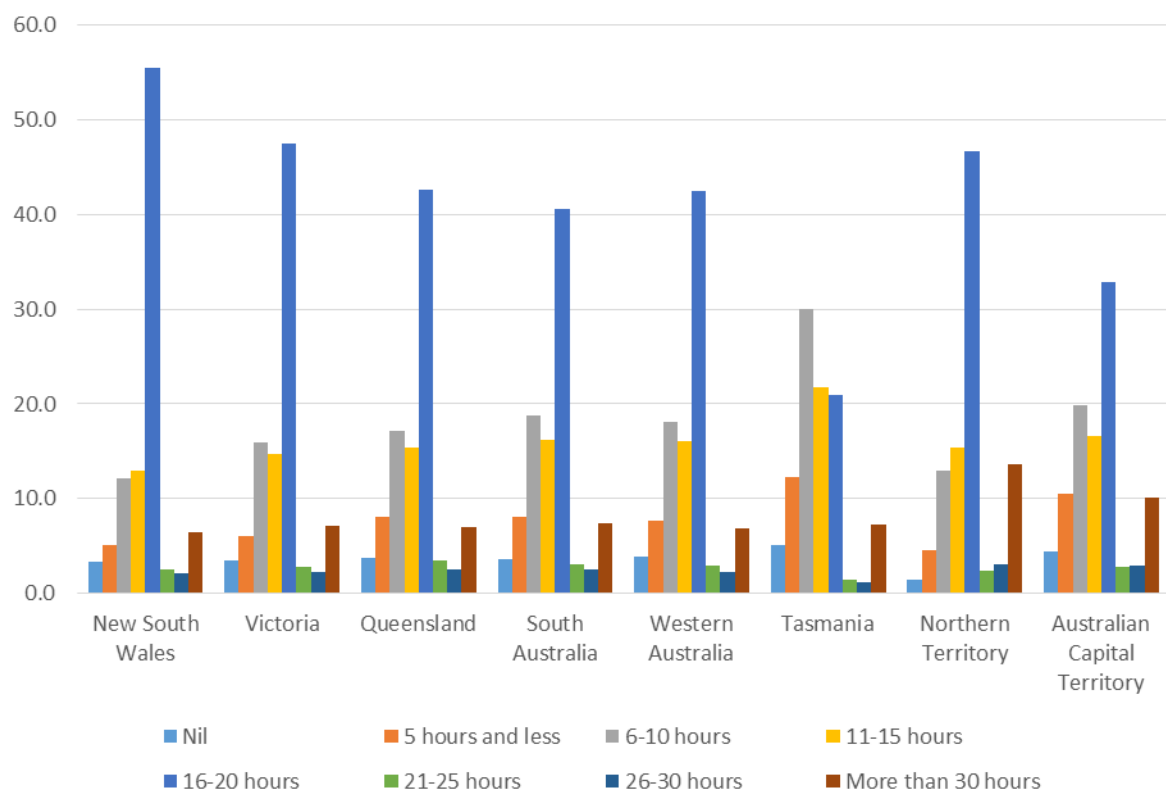
As mentioned earlier, Manufacturing; Retail Trade; Accommodation, Food and Services; Professional Scientific and Technical Services; Administrative and Technical Services; Education and Training; and Health Care and Social Assistance were the key industries that employed international students. Generally, at the state level, Accommodation, Food and Services, Retail Trade and Health Care and Social Assistance employed higher proportions of international students, particularly the former. However, as Table 12 shows, there was some variation in some states. For example, Accommodation, Food and Services was clearly the most important sector as generally over one-third of international students across all states were engaged in this industry, however, this was especially so for Tasmania which had just over half (52.5%) of all employed international students working in this sector. Australian Capital Territory (41.6%) and the Northern Territory (40%) also reported higher proportions compared to the other states. These three states (TAS, ACT and NT) alongside Victoria reported an increase in the proportion of international students working in this sector - Tasmania and the Northern Territory in particular experienced an 8.5 and 11.1 percent increase of international students working in this sector - while the remaining states all experienced a decrease.

The Retail Trade industry in general employed the second highest proportion of international students across most states. However there was some variation with the Health Care and Social Assistance sector employing the second highest proportion of international students in South Australia (21.2%), Northern Territory (12.9%) and Tasmania (10.9%). It is perhaps not a surprise as South Australia and Tasmania are the two oldest states in demographic terms and the higher engagement of international students in this sector is a reflection of the demand and scale for labour related to an ageing population. South Australia in particular had an 8.9 percent increase in international students working in this sector. The Northern Territory on the other hand generally has more youthful population and the increase in the proportion of international students working

in Health Care and Social Assistance industry could partly be explained by general workforce shortages and possibly linked to services for chronic conditions in the both indigenous and non-indigenous populations rather than ageing.

Looking at the hours worked by state revealed some difference in the amount worked by international students in each state. As the range of hours worked categorised in the 2006 Census had rather large ranges (e.g. 1-15 hours, 15-24 hours) and were not customisable, hours worked for the two census periods were not compared. The data analysed for hours worked in Figure 11 only includes the 2011 census data. At a glance, most employed international students as mentioned tend to maximise the legally permitted number of hours they could work per week and this was clearly the case with most employed international students in most states working 16-20 hours/week, however, it is interesting to note that this was not the case for Tasmania which had most of their students (30%) working 6-10 hours/week.

Figure 14: Hours worked in last week by international students, State/Territory, 2011.



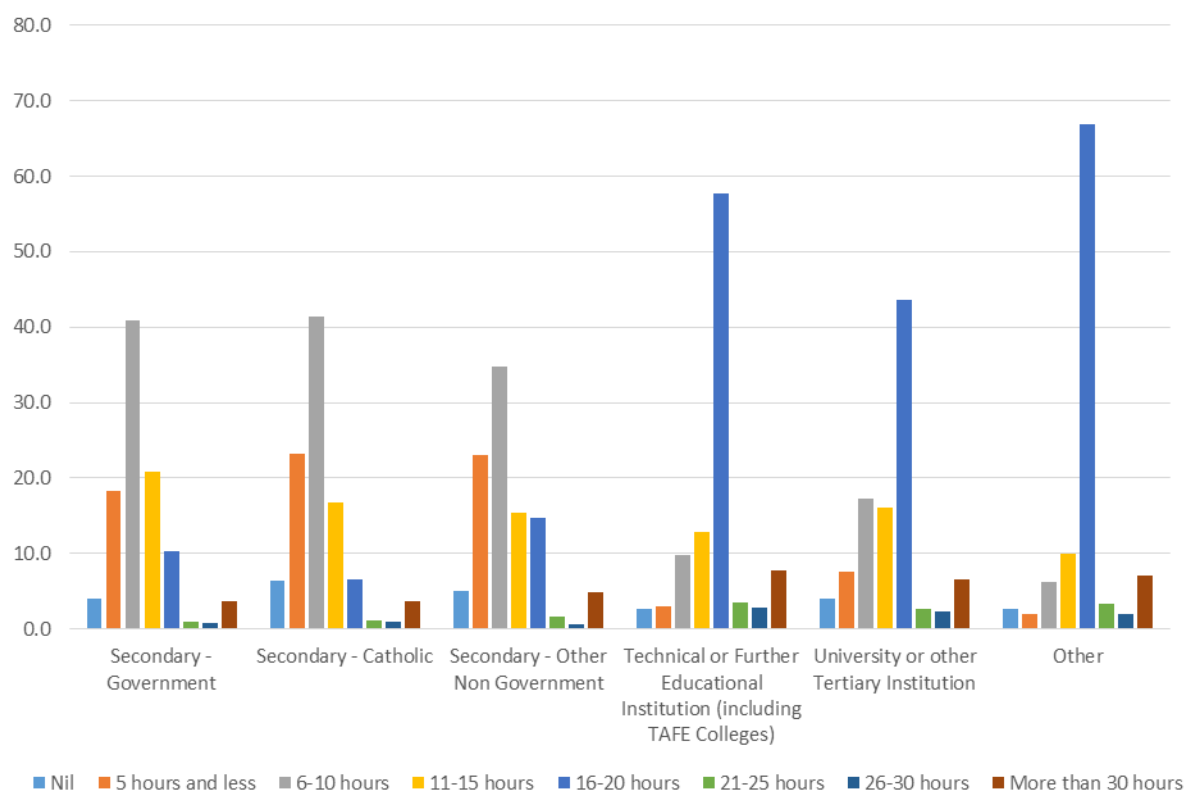
Source: Census of Population and Housing 2011.

New South Wales had the highest proportion of its employed international students who worked 16-20 hours/week (55.6%), followed by Victoria with 47.6

percent, the Northern Territory with 46.7 percent, Western Australia with 42.5%, South Australia with 40.6% and the Australian Capital Territory with 32.9%. The proportion of employed international students and the amount of hours worked can to some extent be attributed to the difference in the cost of living among cities. For example, NSW has a significantly higher cost of living compared to other states which might explain why more than half of all their employed students worked 16-20 hours/week. Conversely, the lower cost of living in Tasmania could be the reason why Tasmania was the only state which had higher proportions of employed international students working fewer hours (i.e. 6-10 hours/week and 11-15 hours/week) than 16-20 hours/week.

Analysing the amount of hours international students worked by the type of institution which they attended also showed how those in a particular type of institution might work more hours compared to other institution types. As shown in Figure 12 below, international students enrolled at the secondary level generally worked fewer hours compared to those enrolled at post-secondary levels.

Figure 15: Hours worked in last week by international students by type of institution attending, Australia, 2011.



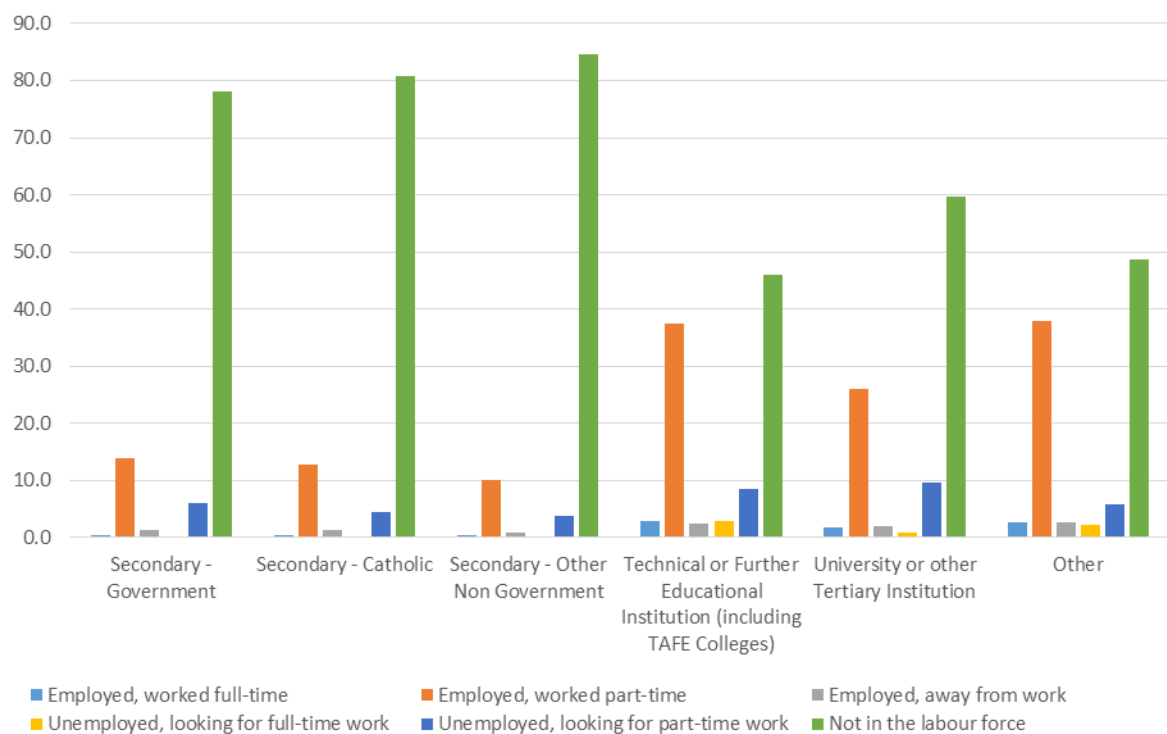
Source: Census of Population and Housing 2011.

Most employed international students at the secondary level worked 6-10 hours/week. Just over 40 percent of employed international students at the secondary level (government and Catholic) worked 6-10 hours/week although this was lower (34.7%) for those enrolled in and other non-government secondary schools. At the post-secondary level, over half (57.7%) of employed international students enrolled in TAFE colleges and Technical or further educational institutions worked 16-20 hours/week compared to their counterparts enrolled in University or other tertiary institutions (43.5%).

Analysing the labour force status of international students by the type of institutions which they are enrolled in further explains the role of work while studying and sheds further light on the importance placed by international students in their respective institution type. As illustrated in Figure 13, it is clear that the vast majority of international students at the secondary level were not in the labour force. On the other hand, international students enrolled at the post-secondary level had a higher tendency to work with lower proportions who were not in the labour force. There was still some level of difference when comparing

those enrolled in TAFE colleges/Technical or further educational institutions and Universities/other tertiary institutions. The former had a lower proportion (46%) of international students enrolled not in the labour force compared to the latter which had about 60 percent of international students not in the labour force. In other words, as also mentioned earlier, international students enrolled in TAFE colleges/Technical or further educational institutions have a higher tendency to work while studying compared to those in Universities/other tertiary institutions; 37.4 percent enrolled in the former was engaged in part-time work compared to 25.9 percent of their counterparts enrolled in the latter. However, a slightly higher proportion of those enrolled in Universities/other tertiary institutions (9.7%) were seeking part-time work compared to those in TAFE colleges/Technical or further educational institutions (8.4%).

Figure 16: Labour force status of international students by type of institution attending, Australia, 2011.



Source: Census of Population and Housing 2011.

Job seeking experiences of international students in Australia

The Census suggests that the majority of international students are not in the labour force at the time of the Census. However, the CORM survey data reveals that the majority of international students had *at some point* worked in a paid job since arriving in Australia.

Table 13: Whether has had a paid job since arriving in Australia to live, International Student, Australia, 2013.

	n ('000)	Percent
Has had paid job since arriving in Australia	159	66.4
Has not had a paid job since arriving in Australia	80.6	33.6
Total	239.6	100.0

Source: *Characteristics of Recent Migrants Survey 2013.*

As Table 13 shows, about two-thirds (66.4%) of international students had at some point in their time in Australia held a paid job which highlights that employment for international students isn't necessarily a regular and ongoing activity. 42.3 percent of international students who were employed at some point appeared to only hold one job while studying as shown in Table 14 below. However a combined 48.2% indicated that they have held between two to four jobs since arriving in Australia.⁸⁹ This suggests that a substantial proportion of international students are likely to be exposed to a variety of jobs and employers.

Table 14: Number of jobs held since arriving in Australia, International Student, Australia, 2013.

	n ('000)	Percent
One job	65.2	42.3
Two jobs	29.2	18.9
Three jobs	25.5	16.5
Four jobs	19.6	12.7
Five jobs or more*	12.5	8.1
Could not determine number of jobs held since arriving in Australia**	2.1	1.4
Total	154.1	100.0

Source: *Characteristics of Recent Migrants Survey 2013.*

*There is a relative standard of error of 25-50% and this should be treated be caution.

**There is a relative standard of error greater than 50% and is considered too unreliable for general use.

When it comes to finding work, it is clear that the majority of international students relied on assistance in securing their first job in Australia. As Table 15 below shows, 58.2 percent of international students who had worked at some point in a paid job indicated that they had help in looking for their first job and 37.5 percent indicated that they received no help whatsoever. These finding suggest that it is important to understand the types of help which they received when finding work. For example, do they rely on employment agencies, their friends and social networks, or do they go through services provided at their

⁸⁹ This does not indicate whether any jobs were held simultaneously or at separate times. The statistics for five jobs or more was excluded from this analysis as there was a relative standard of error of 25-50%.

respective education institutions in their job search? Understanding the sources of help they received in finding work would help inform strategies when it comes to disseminating information on helping international students understand their rights to work.

Table 15: Whether received any help looking for first job in Australia, International Student, Australia, 2013.

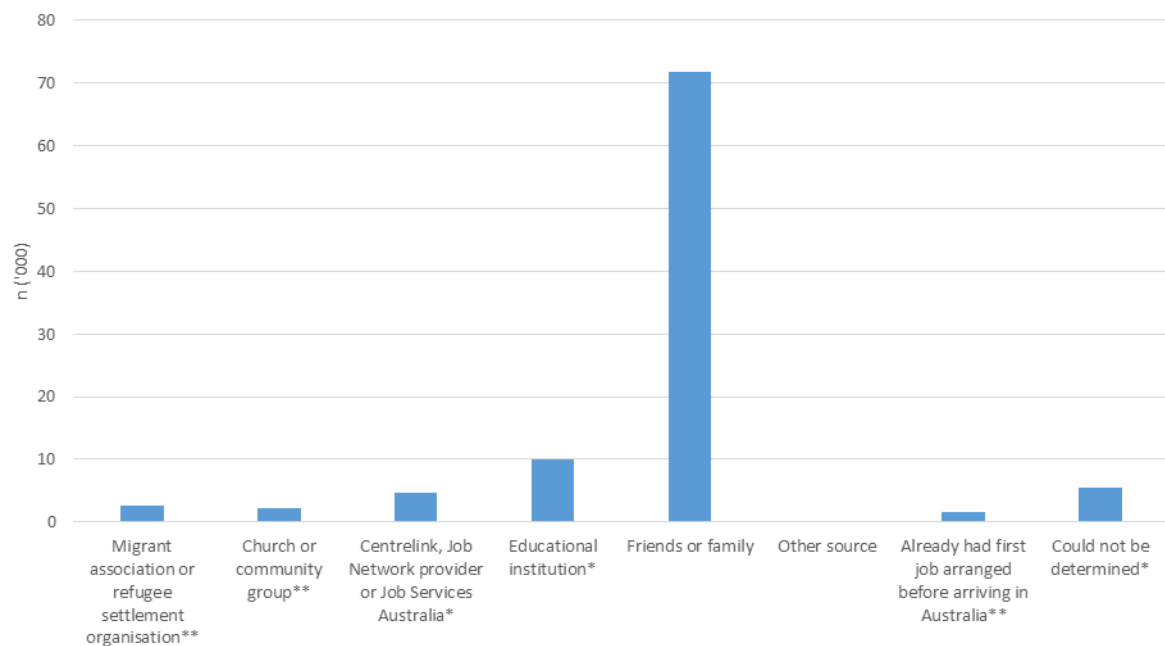
	n ('000)	Percent
Received help when looking for first job in Australia	92.1	58.2
Did not receive help when looking for first job in Australia	59.3	37.5
Could not be determined*	5.4	3.4
Already had first job arranged before arriving in Australia**	1.5	0.9
Total	158.3	100

Source: *Characteristics of Recent Migrants Survey 2013.*

*There is a relative standard of error of 25-50% and this should be treated be caution.

**There is a relative standard of error greater than 50% and is considered too unreliable for general use.

Figure 17: All sources of help looking for first job in Australia (multiple response), International Student, Australia, 2013.



Source: *Characteristics of Recent Migrants Survey 2013.*

*There is a relative standard of error of 25-50% and this should be treated be caution.

**There is a relative standard of error greater than 50% and is considered too unreliable for general use.

Figure 14 shows the various sources of help international students used in looking for their first job in Australia. Despite the relative standard of error for several of the variables, it is clear that friends or family were overwhelmingly the most used source in looking for their first job. Other avenues such as their respective

educational institutions, job providers, church or community groups and migrant associations were used only by smaller number of students.

Table 16: Whether experienced difficulty finding first job in Australia, International Student, Australia, 2013.

	n ('000)	Percent
Experienced difficulty finding first job	64.1	41.3
Did not experience difficulty finding first job	89.6	57.7
Already had first job arranged before arriving in Australia**	1.5	1.0
Could not be determined	0	0.0
Total	155.2	100.0

Source: *Characteristics of Recent Migrants Survey 2013.*

*There is a relative standard of error of 25-50% and this should be treated be caution.

**There is a relative standard of error greater than 50% and is considered too unreliable for general use.

Students were also asked to indicate if they had experienced any difficulty in finding their first job in Australia and to specify the types of issues they faced overall when it came to finding work. Overall, over half of all international students reported that they did not experience any difficulty in finding their first job, though a large minority (41.3%) indicated otherwise. Table 17 below lists the range of difficulties which students faced.

Table 17: All difficulties experienced finding first job in Australia (multiple response), International Student, Australia, 2013.

	n ('000)	Percent
Language difficulties	17.6	11.3
Lack of Australian work experience/references	39.1	25.1
Lack of local contacts/networks	16.7	10.7
Skills or qualifications not recognised*	6.5	4.2
Ethnic/cultural/religious barriers**	2.5	1.6
Don't know how or where to apply for jobs*	7.9	5.1
Visa type/restrictions	13.9	8.9
No jobs or vacancies in locality/preferred occupation*	11.9	7.6
Transport difficulties/no driver's licence*	5	3.2
Other difficulty*	5.2	3.3
Did not experience difficulty	89.6	57.6
Already had job arranged before arriving in Australia**	1.5	1.0
Could not be determined	0	0.0
Total	155.6	139.7***

Source: *Characteristics of Recent Migrants Survey 2013.*

*There is a relative standard of error of 25-50% and this should be treated be caution.

**There is a relative standard of error greater than 50% and is considered too unreliable for general use.

***Total amounts to more than 100% due to this being a multiple response question.

Focusing only on the reasons which did not have any relative standard of error, is it clear that the main difficulty international students faced was the lack of

Australia work experience or local references as reflected by 25.1 percent of students. This was followed by language difficulties (11.3%) and the lack of local contact and networks (10.7%). It is interesting to note that although only 8.9 percent of international students indicated that their visa type/restrictions was a barrier when looking for work, this is a fairly significant in terms of numbers with approximately 13,900 facing this difficulty. Without more information it is difficult to ascertain how their student visa or the work conditions stipulated by their student visa act as obstacles. Nonetheless, this is an issue which is worth exploring.

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Appendix 2

Representativeness of International Student Survey

There were 766 usable responses to the International Student Survey, 671 from University of Adelaide, and 149 from TAFE SA.

In 2015, of 243 013 international students studying in Australian universities, 13 973 (5.7%) were studying in South Australia's three universities and 6401 were studying at the University of Adelaide.⁹⁰ South Australia is the smallest mainland state, and Adelaide is the smallest of the mainland capital cities. It has the highest unemployment rate of all the mainland states and territories.⁹¹ The population of South Australia is slightly older, on the whole, than that of other mainland states, and, therefore, there is a higher number of people employed in Health and Social Assistance associated with ageing.⁹²

Furthermore the cost of living in Adelaide is one of the lowest in mainland capital cities in Australia.⁹³ However, it is important to note that the cost of accommodation, food and other amenities and services are still relatively similar to other states, and in most cases, the differences between cost of living in students' countries of origin and Adelaide is likely to be far greater than the difference between Adelaide and other cities in Australia.

Also the difference in the economic and social conditions in Australia's major cities is relatively small as a result of the redistribution of tax revenue between the states according to need. Furthermore, the demographic profile of South Australia and its major city, Adelaide, is similar to other states and cities. There is a similar level of diversity in the permanent resident population, and similar levels of investment in infrastructure and human services compared with other places in Australia.

⁹⁰ Department of Education and Training, Australian Government, *Onshore Higher Education International Students as a Proportion of all Onshore Students, by University, 2015* (November 2016) Research Snapshot <https://internationaleducation.gov.au/research/Research-Snapshots/Documents/International%20Students%20in%20Australian%20Uni_2015.pdf>.

⁹¹ Department of Employment, Australian Government, *Unemployment Rate by State and Territory* (8 December 2016) <http://lmip.gov.au/default.aspx?LMIP/LFR_SAFOUR/LFR_UnemploymentRate>.

⁹² Australian Bureau of Statistics, *3101.0 Australian Demographic Statistics, June 2016* (14 December 2016) <<http://www.abs.gov.au/ausstats/abs@.nsf/0/1CD2B1952AFC5E7ACA257298000F2E76?OpenDocument>>.

⁹³ According to *The Economist*: 'Worldwide Cost of Living Survey', *The Economist* (online), 10 March 2015 <<http://www.economist.com/blogs/graphicdetail/2016/03/daily-chart-4>>. Perth had slightly lower cost of living than Adelaide in 2015.

From the Census data set out in the Background Report, it is possible to ascertain that there are no significant differences in the profile of international students and their engagement in work between South Australia and the other states.

The 2011 Census reveals that the five mainland states and the Australian Capital Territory have similar proportions of students in full-time and part-time employment, employed but away from work, unemployed but looking for work, and not in the labour force.

Of these six jurisdictions, although South Australia has the lowest number of international students participating in the labour force (33.7%), the difference from New South Wales, which had the highest rate of participation (41.8%), was less than 8%. The difference from the other jurisdictions of Queensland (35.4%), Victoria (36.7%), Western Australia (38.9%), the Australian Capital Territory (39.1%) was even less substantial. By way of contrast, a low of 24.9% of students in Tasmania and a high of 53.2% of students in the Northern Territory participated in the labour force.

South Australia also had the lowest participation of international students in part-time employment (20.3%) of the all the mainland states and the Australian Capital Territory, followed by Victoria (22.7%), Queensland (22.7%), Western Australia (27.4%) and New South Wales (27.8%), but the maximum difference from these jurisdictions was less than 8%. Again, the Northern Territory (33.2%) and Tasmania (13.4%) were significant outliers.

South Australia had a similar percentage of students who reported being unemployed but looking for work (8.4%) to New South Wales (8.5%). Victoria had a higher rate of 9.6%, while Queensland (7.1%) and Western Australia (6.4%) had lower rates.

The breakdown of the industries in which students worked in South Australia was also comparable to the other states, with the exception of Health Care and Social Assistance. South Australia had the highest proportion of students working in this sector in comparison with all other states and territories.⁹⁴

A more significant difference in analysing the survey data is the individual profiles of the University of Adelaide and TAFE SA. International students at the University of Adelaide are concentrated in accounting, finance and commerce courses in the Faculty of the Professions. These courses are particularly popular among Chinese students, meaning the University of Adelaide has a relatively high proportion of Chinese students both nationally, and in comparison with other universities in South Australia.

⁹⁴ Tan, above n 6, 19.

Appendix 3

INTERNATIONAL STUDENT SURVEY ON EXPERIENCE OF WORK AND THE FAIR WORK OMBUDSMAN

Survey for international students and their experience in the Australian labour market¹

¹ Note: This survey was uploaded to the Qualtrics Survey program, therefore formatting of the questionnaire may appear differently to what is shown here, however the content of the questionnaire will remain the same.

Information sheet to be included in Qualtrics before the survey and consent question.

Please answer:

I have read the information sheet []

I agree to participate in this survey []

Q1.1 In this section we would like to know a little bit about you.

Q1.2 Are you female or male?

Female (1)

Male (2)

Other (3)

Q.1.3. What is your age?

- Under 18
- 18-20 years (2)
- 21-24 years (3)
- 25-27 years (4)
- 28-30 years (5)
- 31-40 years (6)
- 40 + years (7)

Q1.4 What is your country of citizenship?

- Afghanistan (2)
- Albania (3)
- Algeria (4)
- Andorra (5)
- Angola (6)
- Antigua & Deps (7)
- Argentina (8)
- Armenia (9)
- Australia (10)
- Austria (11)
- Azerbaijan (12)
- Bahamas (13)
- Bahrain (14)
- Bangladesh (15)
- Barbados (16)
- Belarus (17)
- Belgium (18)
- Belize (19)
- Benin (20)
- Bhutan (21)
- Bolivia (22)
- Bosnia Herzegovina (23)
- Botswana (24)
- Brazil (25)
- Brunei (26)
- Bulgaria (27)
- Burkina (28)
- Burundi (29)
- Cambodia (30)
- Cameroon (31)
- Canada (32)
- Cape Verde (33)
- Central African Rep (34)

- Chad (35)
- Chile (36)
- China (37)
- Colombia (38)
- Comoros (39)
- Congo (40)
- Congo {Democratic Rep} (41)
- Costa Rica (42)
- Croatia (43)
- Cuba (44)
- Cyprus (45)
- Czech Republic (46)
- Denmark (47)
- Djibouti (48)
- Dominica (49)
- Dominican Republic (50)
- East Timor (51)
- Ecuador (52)
- Egypt (53)
- El Salvador (54)
- Equatorial Guinea (55)
- Eritrea (56)
- Estonia (57)
- Ethiopia (58)
- Fiji (59)
- Finland (60)
- France (61)
- Gabon (62)
- Gambia (63)
- Georgia (64)
- Germany (65)
- Ghana (66)
- Greece (67)
- Grenada (68)
- Guatemala (69)
- Guinea (70)
- Guinea-Bissau (71)
- Guyana (72)
- Haiti (73)
- Honduras (74)
- Hungary (75)
- Iceland (76)
- India (77)

- Indonesia (78)
- Iran (79)
- Iraq (80)
- Ireland {Republic} (81)
- Israel (82)
- Italy (83)
- Ivory Coast (84)
- Jamaica (85)
- Japan (86)
- Jordan (87)
- Kazakhstan (88)
- Kenya (89)
- Kiribati (90)
- Korea North (91)
- Korea South (92)
- Kosovo (93)
- Kuwait (94)
- Kyrgyzstan (95)
- Laos (96)
- Latvia (97)
- Lebanon (98)
- Lesotho (99)
- Liberia (100)
- Libya (101)
- Liechtenstein (102)
- Lithuania (103)
- Luxembourg (104)
- Macedonia (105)
- Madagascar (106)
- Malawi (107)
- Malaysia (108)
- Maldives (109)
- Mali (110)
- Malta (111)
- Marshall Islands (112)
- Mauritania (113)
- Mauritius (114)
- Mexico (115)
- Micronesia (116)
- Moldova (117)
- Monaco (118)
- Mongolia (119)
- Montenegro (120)

- Morocco (121)
- Mozambique (122)
- Myanmar, {Burma} (123)
- Namibia (124)
- Nauru (125)
- Nepal (126)
- Netherlands (127)
- New Zealand (128)
- Nicaragua (129)
- Niger (130)
- Nigeria (131)
- Norway (132)
- Oman (133)
- Pakistan (134)
- Palau (135)
- Panama (136)
- Papua New Guinea (137)
- Paraguay (138)
- Peru (139)
- Philippines (140)
- Poland (141)
- Portugal (142)
- Qatar (143)
- Romania (144)
- Russian Federation (145)
- Rwanda (146)
- St Kitts & Nevis (147)
- St Lucia (148)
- Saint Vincent & the Grenadines (149)
- Samoa (150)
- San Marino (151)
- Sao Tome & Principe (152)
- Saudi Arabia (153)
- Senegal (154)
- Serbia (155)
- Seychelles (156)
- Sierra Leone (157)
- Singapore (158)
- Slovakia (159)
- Slovenia (160)
- Solomon Islands (161)
- Somalia (162)
- South Africa (163)

- South Sudan (164)
- Spain (165)
- Sri Lanka (166)
- Sudan (167)
- Suriname (168)
- Swaziland (169)
- Sweden (170)
- Switzerland (171)
- Syria (172)
- Taiwan (173)
- Tajikistan (174)
- Tanzania (175)
- Thailand (176)
- Togo (177)
- Tonga (178)
- Trinidad & Tobago (179)
- Tunisia (180)
- Turkey (181)
- Turkmenistan (182)
- Tuvalu (183)
- Uganda (184)
- Ukraine (185)
- United Arab Emirates (186)
- United Kingdom (187)
- United States (188)
- Uruguay (189)
- Uzbekistan (190)
- Vanuatu (191)
- Vatican City (192)
- Venezuela (193)
- Vietnam (194)
- Yemen (195)
- Zambia (196)
- Zimbabwe (197)

Q1.5 How well do you speak English?

- Very Well
- Well
- Not very well

Q1.6 What is your current level of study in Australia?

- I am studying at university (1)
- I have graduated from a university course in the last 12 months(2)

- I am studying at TAFE or college (3)
- I have graduated from a TAFE course or another certificate or diploma course.
- I am studying at a secondary school or college

Q1.7 Which state are you currently studying in?

- Australian Capital Territory (1)
- Northern Territory (2)
- New South Wales (3)
- Queensland (4)
- South Australia (5)
- Tasmania (6)
- Victoria (7)
- Western Australia (8)

Q1.8 Have you ever worked in Australia in a paid or unpaid capacity?

- Yes (1)
- No (2)
- Unsure (3)

Q1.9 Which of the following statements best describes why you work?

- I need the money
- I want to get experience working in Australia
- I want experience working in my field of study
- Work helps me meet people

Q1.91 How do you use your pay? (can tick more than one)

- For accommodation
- For food and other living expenses
- To send home to family
- To pay back a loan for my course fees
- To pay visa expenses
- It is extra money I use for my social life

Q1.9 For your most recent period of work was your employer of the same ethnic background as you?

- Yes (1)
- No (2)

Q2.0 Did you find out about your most recent job through an advertisement in your own language?

- Yes (1)
- No (2)

Q2.1 Which of the following best describes your most recent job

retail (places where you sell goods like clothes and phones etc.
cleaning,
taxi-driving,
convenience stores,
restaurants and cafes
petrol stations
aged care
Horticulture (on farms)
Meatworks
Other (please specify)

Q2.2 Please indicate below your hourly pay in your most recent job. (Sliding Scale)

\$0-----7-----13-----20-----27-----33-----40-----46-----53

Q2.3 What do you think is the minimum adult hourly wage in Australia? (Sliding Scale)

\$0-----7-----13-----20-----27-----33-----40-----46-----53

Q2.4 Does your employer in your most recent job give you a pay slip or written record when you receive your pay?

- Yes (1)
- No (2)

Q2.5 Are you happy with your pay in your most recent job?

Yes (1)

No(2)

If yes,

Which statement reflect why you are happy with your pay?

It is at least as much as people get paid for similar work in my home country (2)

- My friends in Australia get paid a similar rate or less (3)
- I think it's a reasonable amount because I don't pay tax (4)
- I don't think I would be able to find another job that pays more (5)
- I feel lucky to have a job and grateful to my employer (6)
- I don't think my employer could afford to pay me any more(7)

If no,

Which statement reflect why you are *not* happy with your pay?

- I get paid less than Australian local workers in the same workplace (1)
- I get paid less than my friends (2)
- It is not enough pay for the type of work I do (3)
- It is not enough money to cover my costs of living in Australia (4)
- My employer could afford to pay more (5)

Q2.5 Does the limit of 40 hours a fortnight during the semester make it harder for you to get work?

Yes

No

Q2.6 What percentage of international students do you think work more than 40 hours per fortnight? (Sliding Scale)

0—10—20—30—40—50—60—70—80—90—100%

Q3.1 Have you undertaken any unpaid work in Australia? *Do not include volunteering, any work for your family or work/internship/placement completed for course credit as part of your studies.*

- Yes (1)
- No (2)
- Unsure (3)

Q3.2 What was this unpaid work?

- An unpaid trial
- An unpaid traineeship
- An unpaid internship
- Other
- Unsure

Q3.3 What was the duration of your unpaid work?

- One day or less
- More than one day but less than a week
- At least a week but less than a month
- At least a month but less than 3 months
- At least 3 months but less than six months
- Six months or more
- Not sure

Q3.4 Did the unpaid work give you useful skills and experience?

Yes

No

Q3.5 Why did you do this unpaid work?

- It was the only way I could get work experience in an Australia workplace (1)
- I needed an employer to give me a job so that I can get an employer-sponsored visa after my studies (2)
- I hoped it would lead to paid work (3)
- I wanted some experience working in my desired industry
- My employer required me to undertake this unpaid work before offering me a paid job
- Other (4)

Q3.6 Have you ever complained to your employer about a problem or issue at work?

- Yes (1) → go to Q3.7
- No (2) → go to Q4.0????

Q3.7 Did it get better or worse after your complained?

- Got better (1)
- Got worse (2)
- Stayed the same (3)

Q4.0 In your opinion, how do employers respond to complaints? [respondents can choose more than one]

- Employers make things better (5)
- Employers don't do anything.(2)
- People who complain get less shifts (1)
- Employers replace workers who complain (3)
- Employers organize for people to have their visas cancelled if they complain(4)

- Unsure

Q4.1 Has your employer ever tried to discourage you from making a complaint to the authorities about a problem at work?

- Yes (1)
- No (2)
- Unsure (3)

Q4.2 Have you heard of the Fair Work Ombudsman?

- Yes (1) → go to Q4.3
- No (2) → go to Q4.5

Q4.3 What do you think the Fair Work Ombudsman does?

[The Fair Work Ombudsman is a government funded body that helps workers who have problems with their employers about their work.]

Q5.1 Would you go to the Fair Work Ombudsman if you had a problem at work to do with your wages or conditions?

- Yes (1)
- No (2)
- Unsure (3)

Q5.2 Please select from the reasons below why you would not go to the Fair Work Ombudsman.

	Yes (1)	No (2)	Don't know (3)
The Fair Work Ombudsman is the government (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I'm worried they will pass my details onto the Department of Immigration and my visa may get cancelled (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
They will be on the side of the employer (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I don't think it would help (4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My English isn't good enough (5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I don't know how to contact them (6)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q5.3 What would encourage you to contact the FWO?

	Yes (1)	No (2)	Don't know (3)
If I can be guaranteed that my visa would not be cancelled (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If someone can help me contact the Fair Work Ombudsman (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If I could speak to someone in my own language when I call the Fair Work Ombudsman (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If I knew other international students whom the Fair Work Ombudsman had successfully helped (4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If I knew more about what the Fair work Ombudsman does and how they can help	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q5.4 Where else would you go if you need help with a problem at work to do with your wages or conditions?

- The police (1)
- My education institution (e.g. University, TAFE, College) (2)
- A community service provider (e.g. free legal service) (3)
- Support group from my own ethnic community (4)
- Friends (5)
- Trade union

Q5.5 If you could contact the Fair Work Ombudsman at your education institution, would you be more likely to contact them about a problem at work?

- Yes (1)
- No (2)
- Unsure (3)

Q5.6 Is there anything else the Fair Work Ombudsman can do to assist international students?

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