

Women Raising Our Voices

Voices of Migrant and Refugee Women in Precarious Employment



November 2010

Introduction

Women Raising Our Voices

In May 2010, over 200 migrant and refugee working women came together from across Australia at the Women Raising Our Voices Forum to share their experiences as workers, as parents and family members, and as members of the community. At the Forum, we found that many women, too many women, are in similar situations to ourselves. Like a lot of migrant and refugee women, we work in precarious jobs that are low paid, have poor working conditions, and are insecure and irregular.

We come from many different cultural backgrounds, but our stories share much in common. A lack of knowledge about our rights as workers, language and cultural barriers and bosses who do not follow the law, contribute to a situation where many migrant and refugee women are **underpaid**, **injured** at work, receive **incorrect leave entitlements**, are **unfairly dismissed**, are **bullied** and harassed, and **suffer from bad health** as a result of their work. And we often feel there is nothing we can do about it.

We accept bad treatment because we don't have a choice. Even though we are hard working and bring many skills, qualifications, and experience to the workplace, much of the time these are not recognised in Australia. We take any job we can because the alternative – no job and no income – is not an option for us and for our families. If we speak out or complain we might lose our jobs because there are many others desperate for work too, so we think it is better to keep quiet. We feel like disposable workers.

The impact of our precarious jobs is not just felt in the workplace. For many of us, our life is a constant juggle between work and family responsibilities, especially when we are also raising children as a migrant or refugee working mother.

Finding out just how common our experiences are could have just made us sad, but instead we feel passionate and empowered that there are so many other women like us, who want to stand up and speak out together against these injustices. This is why we have put together this booklet – so that we can tell the Government about our issues and what we want done about them, and to show that we are serious about having our voices heard and that we want things to change. Many things were discussed, and only a fraction of them could be included in this booklet, but we hope that this will be a good starting point for a broader conversation.

Migrant Women Workers Action Group
November 2010

Our Rights at Work

Access to Information about Rights

When we found out that workers had rights at work that could be legally enforced, my friends and I were really surprised. We had no such system back at home. While we appreciate that the laws exist, they are useless if migrant and refugee women like us are unaware or unable to access information about them.

Case Study #1

Priya* worked in an aged care facility for a number of years. Like many migrant and refugee women, she was underpaid but did not know it. At the Forum, she found out that she was covered by an industry award. When she went back to her state, she started looking for a new job because she found out that her pay was significantly below the minimum wage. She wishes she had found out about her rights earlier, so she could have changed jobs sooner.

Case Study #2

Kim* had a permanent part-time job working in a chicken packing factory. She was paid \$10 an hour and had to work long shifts, sometimes up to 20 hours a day with very few breaks. One day, her boss told all the workers that they needed to sign a new contract that would mean they would not be paid penalty rates for overtime work. Kim and other workers wanted to take it home to have it translated because they thought it was wrong, but they were told that it was all legal and if they did not sign it immediately they would be fired. They all signed the contract.

* All names in this document have been changed to protect the women involved.

What we want!

- The Government should provide funding for community groups working with migrant and refugee women workers to provide more education about their existing rights and how to access them. This should include outreach to migrant workers.
- Unions should have right of entry to educate workers about their workplace rights.
- Modern awards should be made available in community languages and distributed widely through migrant and refugee communities so people are aware of their rights.
- Employers should be made responsible for having contracts and other important documents translated for workers with limited English language skills.

Our Rights at Work

Unfair Dismissal Laws

Everyone at my workplace is really glad that WorkChoices has been repealed, because we were always anxious about losing our jobs. But even though unfair dismissal laws are better under the Fair Work Act, there are still areas that fall short for migrant and refugee women workers, especially for women working in small businesses like me. Many of us tolerate poor working conditions to keep our jobs. Our biggest fear is that we will be sacked.

Case Study #3

Thanh worked for a money transfer office for over ten years. At the start of the year, she was fired from her job. She thinks that it is because they wanted to hire a younger worker who was a new migrant and was willing to work for a lot less. The company was very small. It had three branches, and in each branch there were only 2 or 3 workers. Because it was a small business, she could not appeal her dismissal. She worries about her friends and family who also work in small businesses.

Case Study #4

Jian used to work in a CD packing factory. One day, all the Chinese workers were called into a meeting and told that because of the Global Financial Crisis they were being fired. Later they found out that the boss had rehired more workers as casuals. They felt that they should have been given the option to change from permanent to casual work, but they did not know that the boss was obligated to offer them casual work until much later. By that time, the 14 days to appeal their dismissal had finished. Jian now knows other migrant women who did not find out about unfair dismissal laws until a long time after they lost their jobs, and then even they don't know who to go to for help.

What we want!

- The Government needs to implement stronger laws to protect migrant workers in small businesses and workplaces against unfair dismissal.
- The timeframe to appeal unfair dismissals should be increased to give workers a chance to find out about their rights to appeal, the process involved and who to go to for assistance, especially at a time when they are already stressed and looking for new work

Our Rights at Work

Enforcing Compliance

I know my rights at work, and I know that my boss doesn't give us our legal entitlements, but I feel powerless to do anything about it or to make her follow the law. I've had bad histories with unions and Government bodies at home, and my boss told me that I will be arrested if I join a union. I found out at the Forum that this is not true, but I still feel reluctant to speak out. One of my friends tried to make a complaint and nothing came of it. The boss found out and she fired my friend. I can't lose my job.

Case Study #5

Lucy paid \$500 for training at a nail and beauty salon. She worked there for an average of 18 hours a week for 5 months. In that time, she and the other 'trainees' were given the hardest jobs but were not taught how to do them. They had to learn by watching other people and helping each other. Lucy also had to do jobs like sweeping the floor, cleaning the salon, picking up the boss's daughter from school, doing the boss's grocery shopping, and other jobs that did not contribute to her training. She was not paid during this whole period. When she quit, she asked for her \$500 back but the boss refused. She tried to pursue her claim through the Office of Industrial Relations but it was complicated because she did not have any payslips or other evidence that proved she was working there. Lucy does not understand how they can expect her to have payslips when she was not paid.

What we want!

- There needs to be greater regulation of workplaces and stricter enforcement of the laws.
- Government bodies should be proactive in their investigations, rather than waiting for complaints to come in.
- Unions should also be given greater right of entry and investigative powers.

Health and Safety at Work

Protecting Our Health at Work

Many women like me have jobs that are characterised by poor working conditions, including unsafe and hazardous workplaces. The type of work we do can be repetitive or include heavy lifting, and our workplaces are sometimes stressful and cause us a lot of anxiety and tension. Injuries occur often, usually because of attempts to cut costs that lead to dangerous and unsafe equipment. I've never been taught how to use our equipment properly. My managers never provide any training.

Case Study #6

Lien worked in a clothing factory for many years, where it was always very cold and made her muscles ache. Due to the repetitive movement of her leg on the sewing machine's pedal, Lien's knee started to have problems and she took a lot of sick leave seeing doctors and specialists. Eventually her boss stopped giving her many shifts. Some of her friends at the factory told Lien to speak to her union about getting worker's compensation but she was afraid because of what unions were like in her birth country. Lien could not afford the expensive surgery to get her leg operated on. Finally she heard through Asian Women at Work that she could apply for compensation through WorkCover NSW, and so she joined her union and they helped her go through the WorkCover process and managed to get her employer to pay for the operation. She now encourages other workers with similar health problems to join the union and contact WorkCover.

What we want!

- Greater education in community languages about Occupational Health and Safety and where to go for help that does not rely on employers delivering it, or workers trusting unions in order to access it.
- Migrant and refugee women's fear of unions needs to be addressed through education and dispersal of information.

Health and Safety at Work

Bullying and Harassment in the Workplace

I have seen a lot of bullying and harassment, in all sorts of different jobs, and have been bullied myself. Sometimes it comes from other co-workers, and other times from supervisors and managers or even clients. Verbal abuse and bullying is the most common. Women are often threatened or intimidated, and I've seen and experienced racism and discrimination. Sexual harassment is also a big problem. Sometimes people make crude sexual jokes or verbal sexual advances. Other times they even grope and touch women, or grope themselves in front of us.

Case Study #7

Theresa works in an aged care facility. Many of her co-workers and supervisors isolate her at break times, and if she comes to join their conversation they go silent. Other times they talk loudly about how Africans “stink”, and one of her supervisors said that the leftover food from lunch should be “parcelled up and sent back to Africa.” Some of her co-workers have made comments about her appearance and how Theresa's body is “weird” because it doesn't fit the uniform properly.

Case Study #8

Florence is an international student who is paid cash in hand to work in an accounting office. Her manager touches her inappropriately sometimes. Florence learnt to say “Don't touch me” but he threatened to report her to immigration for accepting cash in hand work and violating the rules of her visa. He also said that he would tell her parents back in China that Florence lived with her boyfriend. Florence's friend and co-worker Julie knows what is going on and feels sorry for Florence, but she is worried that she will be fired or reported if she supports her in her complaint.

What we want!

- There needs to be *national* OH&S legislation on Bullying and a Code of Practice to prevent bullying.
- All employers and employees should undergo training in relation to bullying.
- Sexual harassment in the workplace needs to be taken more seriously, and harsher penalties for all bullies put in place.
- People who help someone who is bullied or harassed should be protected from termination.

Work Culture + Expectations

When I first came to Australia, it was hard for me to adjust to the workplace. There were a lot of things that I had done differently in my home country, but they didn't translate to an Australian environment. The culture was very different and it caused a lot of misunderstandings and miscommunication with clients, co-workers, and my managers too. It's not that anyone was in the wrong – we just had different ways of going about things, and it was hard for me to adjust without anyone teaching me what was expected of me.

Case Study #9

Before she came to Australia, Nawal owned her own small shop in a rural area. She had two young children, and would operate her shop around her family life and determine her working hours. When she came to Australia she got a job in a processing factory. She came to work late because she had to get her children ready in the morning and take them to school. Her manager yelled at her when she came in late, but she did not understand why because she always finished her work. After 3 days she was fired.

Case Study #10

Aminah works in a childcare centre. Sometimes the fathers of the children she looks after want to shake her hand. She tried to explain that she could not do this because she is Muslim, but due to language barriers found it difficult to convey this. The fathers got angry and thought she was being rude and complained to the director, who lectured Aminah about her rudeness and said she needed to shake their hands from now on. Aminah feels misunderstood and upset, and is worried about losing her job. She wishes she could communicate her reasons better.

What we want!

- The government should nationalise the migrant mentoring program to provide individual support, accessibility and communication to migrants and refugees experiencing difficulties in their workplaces.
- The government should provide a resource kit that is easily accessible and gives direction on how to get information on many different issues migrant and refugee women face. This information should be able to be accessed before they start work.

Skills Recognition + Training

Migrant and refugee women have a lot of skills, experience, and enthusiasm to contribute to Australian society and the workforce, but a major barrier for us is access to culturally appropriate and timely information and assistance. I want my skills and qualifications to be recognised, but I am told that it's a very difficult and complex process, and I don't even know where to begin. Many employment service providers are only interested in getting us into any job quickly.

Case Study #11

Florence made prosthetic limbs in China for over 35 years. Not only did she custom make them for each of her clients, she also helped to teach them to use their limbs and provided muscle therapy services. When she came to Australia, her overseas qualifications and experience were not recognised. She took a job working as a meat packer at a chicken factory. She has been working there for over 10 years for poor pay and even worse conditions. She has joint pain all over due to repetitive movements in extremely cold conditions for extended periods of time. Florence wants to find out how to have her skills recognised or undergo extra training if necessary, but doesn't know where to find information.

What we want!

- Employment service providers should work for the best interest of their clients, and recognise the specific needs of migrant and refugee women when applying for jobs.
- Need better resources in community languages and better assistance in recognising skills from country of origin.
- Accessible information about jobs and careers should be provided and their similarities to overseas qualifications explained.
- Information about training opportunities should be provided to migrant and refugee women.

Family, Parenting, and Work

Balancing Work and Family Responsibilities

Balancing work and family responsibilities is difficult for all working women, but it can be even harder for migrants and refugees like us who work in precarious employment. Our jobs rarely allow for flexible working conditions and we find it difficult to ask for them. We often work long hours, and some of us are not given sick leave or annual leave to look after our children and families when we need to, and it is hard to get flexible start and finish times to accommodate care for children.

Case study #12

Helen has been working in a restaurant as a kitchen hand for many years. She works long hours and is often home after midnight because she has to stay back to do the cleaning up. Because of this she feels that she doesn't see her family enough. Helen feels that her relationship with her husband has changed a lot since they first migrated here 9 years ago. Her husband gets upset with her because he thinks that she isn't home enough to help with the household, and when she is home she is too tired. Since he couldn't find a well-paid job like the one he had back home, she feels that he is resentful all the time and often drinks and gambles. Helen is sad that she can't help her two children with their school work because by the time she gets home they are already asleep. She can't cut back on her hours though because they need the money. She constantly feels stressed about bills and the effect her long working hours has on her family. Even after 9 years she finds it hard to adjust to life in Australia and worries about how her children will find life as they grow older.

Case study #13

Ravi is worried that she must leave her children alone for an hour each day because she and her husband are not able to get flexible working times to co-ordinate their care of the children. She has considered leaving her job but they need the money.

What we want!

- Companies (small and large) should be challenged to introduce more family friendly workplace practices including access to a telephone, flexible start and finishing times, flexible annual leave and emergency leave for casual workers.
- Paid maternity leave should recognise the precarious nature of some work (many migrant women are in and out of work) and extend eligibility to women who have worked 6 months out of last 13 months.

Family, Parenting, and Work

Parenting as a Migrant and Working Mum

Parenting is hard at the best of times, but for migrant and working mums the intergenerational gap is heightened by the different cultural and societal contexts that our children are growing up in. Juggling parenting responsibilities and work is especially difficult when we have young children and childcare is inaccessible or hard to find.

Case study #14

Zahra arrived in Australia just over a year ago. She started looking for work straight away, and signed up to an agency for casual aged care work. Zahra doesn't mind the work but it's very unpredictable and she often doesn't get told where she will be working until that same day or if she's lucky the day before. She likes her work but she has two young children and it is hard for her to organise childcare, especially if she is doing an afternoon or night shift because her local day care centres don't cater for childcare out of business hours. Zahra's husband works long hours and she has no other family in Australia, so she often has to decline jobs. Even when the job is during the day, the lack of notice means that she is often hard-pressed to find a spot for her kids because there are so few places to begin with. She has tried to negotiate with the childcare centres and explain her problem, but she can't communicate what she wants properly in English and ends up going home feeling frustrated. Zahra worries that the time spent in childcare will mean that her children won't be able to speak her birth language well since she and her husband don't get to spend much time with them, and that she will have trouble communicating with them, too.

What we want!

- Access to child care outside of regular hours including night time, to accommodate hours of some workplaces and work types.
- More funding for ethno specific Family Support Services to help families manage life in Australia.
- The employment of bilingual and bi-cultural workers in child care services to help parents communicate with children's services staff.
- Access to culturally and linguistically appropriate childcare for children to overcome their language barrier.
- There should be more affordable child care places across Australia.

Outworkers in the Clothing Industry

Changes to laws and regulations over the years and higher union membership have benefited outworkers in the clothing industry, but poor working conditions and wages still exist for many of us. More and more work is being moved offshore, and so even though we work harder than before we are paid less on the whole and the work is irregular. Working from home also brings new challenges and benefits with regards to balancing work and family.

Case Study #15

Anh has been working as an outworker for almost 16 years. Since 2000, her boss has asked her to pay her own superannuation from her wages, rather than paying it himself. She doesn't know who is her actual employer since she has work contracted to her, and so is unsure who should really be paying her superannuation. Anh was already struggling to pay rent and bills on time, and since work has been slow lately she has been finding it increasingly more difficult. She likes working at home because it gives her more time with her children, but the work is irregular and sometimes she has no work for months and then has to complete a large order in just a matter of weeks so she barely sleeps more than 3 hours a day. Anh doesn't get sick leave or annual leave so if she has an order to complete when she is sick, she still needs to finish it on time or have her payment docked. Sometimes she has to ask her children and husband to help her, and she feels that they resent her for it. To keep peace at home, she asks her outworker friends to finish some of the order, but they usually charge more than Anh gets paid herself so she loses money on those garments. But she thinks it is still better than having her pay docked or not being considered for the next order by her boss.

What we want!

- More funding for outworker programs and education about our rights.
- More funding to chase the employers to pay us properly so we can have normal pay and conditions like other Australian workers.
- Negotiations with retailers or fashion houses to give work directly to outworkers instead of middle men and therefore outworkers will get more pay.

Women in Casual, Irregular, and Agency Work

Women in casual, irregular, agency, and seasonal work are in an even more precarious employment situation than other migrant and refugee women who work in permanent jobs. We don't want to speak out because we can be fired with only one hour or one shift's notice, and so we accept worse conditions than we would if we were permanent workers. On top of that, our mode of employment means that we can't always expect regular income or regular hours, which adds more strain on our lives. Many of us didn't realise that there are some laws to protect us.

Case Study #16

Nora is 24 and works in retail, as a casual worker. She used to get regular shifts because there were only a few staff, but last year their boss encouraged them all to become casuals and hired new junior casual staff. At first Nora was pleased at the increased pay but she soon realised that because she was not getting as many shifts as before because the junior staff were cheaper to hire, it worked out around the same. On top of that she was no longer entitled to paid sick leave or annual leave, which is difficult for her because she has a child in school and one child under five. Nora's boss doesn't give her regular shifts and sometimes calls her with just two hours notice to come and work. It's hard for her to find childcare at such late notice, and it also takes her almost two hours to get to work due to relying on multiple trains and buses, so sometimes she has to say no. Lately she has noticed that the boss has given her even less shifts than normal. When Nora asked why she was told that she wasn't reliable any more. Nora feels ashamed that she is no longer seen as a good worker, and is feeling anxious about her finances. She wanted to go and visit her home country and her parents at the end of the year but no longer thinks she can afford it. Nora wishes that she had more information about her rights as a casual worker before she signed her contract, but found the information she saw online difficult and wordy.

What we want!

- More information about our rights at work as casual workers, and this should be available in community languages.
- Outreach education programs to casual workers, as many are not seeking information as they don't know that some legal protections exist.

Female International Students

Female international students have it tough. Like migrant and refugee women, we find it difficult to adjust to life in Australia, especially as many of us come here alone. We feel that our skills, knowledge, and contribution to Australian society is not recognised or appreciated, and we often feel belittled and disrespected. Female international students have high rates of depression and health care is expensive for us and our children. Our visa restrictions only allow us to work 20 hours a week, and for many of us that income is not enough to live healthily and so we live in cramped and unsustainable housing conditions.

Case Study #17

Mandy arrived in Australia at the start of last year to study at a Sydney University. She likes Sydney but had difficulty adjusting at first. It took her a long time to find a job, because no one wanted to hire someone with work restrictions. When she finally found work in a fruit shop she was only paid \$10 an hour which barely covered her rent for the week. Her boss told her that if she worked for \$9 an hour he would pay her cash in hand and give her 40 hours a week. Mandy found it hard to work so much and keep on top of her studies at the same time, especially since she lifts heavy boxes of fruit all day and is always tired when she comes home. Even so, she prefers it to having to live in a situation like some of her friends, where they sleep three or four to a small room in order to get survive financially. She also knows that many girls have gone into prostitution, but doesn't want to go down that road. She feels depressed, stressed and sick all the time because she has no time to herself or to socialise, and she doesn't eat well either.

What we want!

- Pre-arrival information for international students around family, childcare, health, stress, domestic violence, jobs, and notice when rules change.
- More respect and appreciation of their skills and knowledge from the broader community, just as international students respect employment and education in Australia.
- More health education and support for female international students.
- International students should have access to concessions on public transport.

Women on 457 Visas

As women on 457 visas, we are more susceptible to exploitation by Australian employers. We are usually paid less than local workers and are always at threat of deportation which makes us vulnerable and less likely to speak out.

Case Study #18

Michelle came to Australia in 2008, and lived in the Northern Territory before moving to Sydney a year later. She earned \$1000 a month. After her husband arrived from the Philippines to join her, he became very ill. She needed money for his treatment but did not have enough. Her employer held her salary to send to the Philippines on her behalf, and only gave her the equivalent of \$2.60 an hour as her allowance for her work. She asked her employer to give her more of her salary for her husband's treatment but he refused. It was seven months before she was able to get the money she was owed.

What we want!

- A whole of Government approach to implement changes to the 457 visa laws and a review to be done after one year to determine whether the issues of migrant women workers are addressed.

This document is produced by Asian Women at Work (AWatW) and Network of Immigrant and Refugee Women of Australia (NIRWA) through our Raising the Voices of Migrant Women Workers Project 2009-2010, funded by the Australian Government Office for Women through the Women's Leadership Development Program. The Women Raising Our Voices forum was a centrepiece of this project, as is facilitating efforts by these women to raise their issues with key decision makers.

** All names in this document have been changed to protect the women involved.*

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