

USING SOCIAL MEDIA TO IMPROVE TEMPORARY MIGRANT WORKERS' ACCESS TO INFORMATION ABOUT THEIR EMPLOYMENT RIGHTS

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The exploitation of temporary migrant workers (TMWs) employed in Australia has been well documented by academics, government enquiries, and the Fair Work Ombudsman [FWO], the Federal government agency responsible for enforcing wage compliance. That exploitation encompasses underpayment of wages through to unpaid wages, and includes exposure to occupational health and safety risks, sexual harassment, overcrowded and unhygienic accommodation facilities, wage deduction scams, and a failure to provide income support to injured TMWs (Doyle and Howes 2015; Australian Senate 2016; FWO 2016; Mares 2016; Underhill and Rimmer 2016; Victorian Government 2016; Berg and Farbenblum 2017; Clibborn 2018; Howe *et al.* 2018). In horticulture, the rapid increase in TMWs following the expansion of the Working Holiday Visa scheme in 2005, and the expansion in the supply of undocumented workers has combined to produce a workforce which is easily exploited. Rural employment has traditionally been difficult for trade unions to organise, and these difficulties are compounded with TMWs, many of whom face significant language barriers and have a poor understanding of Australian employment rights.

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Despite exposure to information about the extent of TMW exploitation (Australian Senate 2016), the Australian government has resisted most proposals to curtail employers' abusive employment practices. It has amended the *Fair Work Act (Fair Work Amendment [protecting vulnerable workers] 2017)* to increase penalties for systematic underpayment of wages, to enhance the FWO's investigative powers, and to impose greater responsibility upon franchising corporations for franchisees' breaches, potentially improving employment conditions for TMWs but only when employed by franchises (Clibborn and Wright 2018). However, it has yet to implement recommendations of a Migrant Workers' Taskforce (Commonwealth of Australia 2019) which it established following widespread negative publicity. It has also been opposed to stringent licensing standards for labour hire contractors (Australian Senate 2016).

State governments in Australia do not have responsibility for enforcing employment standards established under Federal laws. However, in response to one Federal and two State government enquiries, the Queensland and Victorian State Labor governments introduced labour hire licensing schemes in 2018/19 to curtail the worst examples of exploitation experienced by TMWs employed by labour hire operators. The Victorian government in particular has a strong incentive to improve employment outcomes for TMWs. A FWO Report (2016) found that TMWs working in regional Victoria were significantly more dissatisfied than those employed in other states, with 42% reporting underpayments compared to 28% across Australia, and 21% reporting a negative regional experience compared to 16% across Australia. Victoria has the second largest crop of vegetables, fruit and nuts in Australia (by value, ABARES 2015/16), and relies substantially upon TMWs to harvest that output. The Victorian government needs to ensure TMWs are not discouraged by the higher levels of employment exploitation occurring in Victoria. Also, over 200,000 international students study in Victoria (32% of the national intake of international students) and are an important source of low skilled labour for urban employers, such as the hospitality industry (Victorian Government 2018a). The State government invested \$4 million in an International Student Welfare Program to support that export industry (Victorian Government 2018a); it is now complementing that support with a program focused upon supporting their employment rights.

In 2018 the Victorian government established a Victorian Wage Inspectorate although its powers are limited to enforcing state employment laws such as long service leave, and will not directly benefit TMWs in the

short-term (Victorian Government 2019). During the 2018 Victorian election campaign the government announced the introduction of criminal sanctions for wage theft, as well as reductions in the cost and time taken to pursue lost wages (Victorian government 2018a). However, as the first of these is intended to cover wage theft occurring under Federal laws, the constitutionality of such a move has been questioned (Kennedy 2018) and the legislation is yet to be finalised. Finally, the Victorian government has recently turned its attention to ways in which TMWs could more readily access and understand information about their employment rights. This includes improving communication about employment rights for TMWs, and funding community legal centres to provide pro-bono legal aid to aggrieved TMWs. Understanding employment rights, however, is not sufficient to ensure workers will receive their lawful entitlements, nor that they will act once they become aware that their rights have been breached. The systemic nature of exploitation of TMWs in Australia, as well as evidence of wage theft more generally, calls for more substantial, fundamental change to address the widening disparity in power between employers, workers and trade unions. Nevertheless, without knowledge of employment rights, the process for individuals to take action on their own behalf cannot even begin. This article deals with the effective dissemination of such information.

The research presented in this article provided the ground work for the Victorian government's development of a digital communication strategy which would enable TMWs, especially young Asian TMWs, to use digital communication to enhance their knowledge about employment rights. The research targeted the largest groups of TMWs in Victoria – Working Holiday Visa holders and international students. It focused upon how TMWs use social media in their everyday communication, and in gaining information about jobs and employment rights. It also examined TMWs current knowledge of available sources of employment rights information, and the obstacles they faced in accessing and understanding that information. Lastly, it asked TMWs how such information media could be tailored to meet their needs. The research offers a unique perspective on employment rights amongst TMWs because it looks beyond the common but incorrect assumption that the translation of existing employment rights information is sufficient to meet TMWs' needs. It draws upon TMWs' experience with employment rights information, and their preferred methods of accessing such information, to provide an understanding of how best to reach and communicate with TMWs. The

findings offer guidance to government agencies, trade unions and other advocacy organisations seeking to support and potentially mobilise these workers.

The article commences with a review of the literature on why TMWs are willing to work for below minimum wages, extending to impediments to taking action to recover lost wages. This is important because improving information about employment rights, as a first step towards enforcing those rights, is most likely to succeed if a lack of TMW knowledge has contributed to their acceptance of below minimum wages. A multimethod research methodology was used to access the views of TMWs, and this is described in section three. The data findings are then analysed, commencing with an overview of the demographic characteristics of the sample followed by an examination of how TMWs use social media to communicate; the sources of information about employment rights upon which TMWs rely; problems they encounter with existing information sources; and how they would prefer to receive information about employment rights. Because TMWs of Asian origin encounter significantly greater language barriers than other TMWs in Australia, the analysis distinguishes between those of Asian origin, and other nationalities, where appropriate. The conclusion discusses the important role social media can play in reaching these young workers who are heavily dependent upon social media for communication and information about jobs. However, the effective use of social media rests upon careful design in relation to choice of languages, ensuring jargon free content, and providing sign-posts to the legitimacy of the sources of the information to overcome distrust by TMWs. It must also be targeted in such a way as to disrupt the inaccurate informal communication channels which TMWs currently use.

Why do TMWs accept below minimum wages and conditions?

Research on TMWs working in Australian horticulture shows both a high level of dissatisfaction with their employment conditions and an awareness of their exploitation. Comments such as ‘*Some farmers treat/see their workers not as humans, more as slaves*’ and ‘*long hours for terrible pay*’ (Underhill 2014; Underhill and Rimmer 2017) are common amongst TMW horticulture workers. Large-scale surveys have found TMWs are

aware they are underpaid although not necessarily aware of the quantum of that underpayment. An FWO (2016) survey found 35% of Working Holiday Makers (WHMs) across industries reported being underpaid, whilst Berg and Farbenblum (2017: 34) found around three quarters of TMWs earning \$15 or less per hour (predominantly WHMs and international students) knew they were underpaid.

Why then do TMWs accept underpayment of wages? The research literature identifies several explanations. Piore's (1979) dual frame of reference has been widely drawn upon, whereby temporary migrants compare their host country wages with home country standards, resulting in those from low income countries viewing host country wages as acceptable (Clibborn 2018; Campbell *et al.* 2019 citing Piore 1979). Clibborn (2018) extends this analysis to incorporate multiple frames of reference amongst international students whose social contact predominantly involves international student peers, similarly underpaid. The students in Clibborn's (2018) study had negligible direct home country employment experience to reference but were well aware of similar experiences of international students in Australia. In this way, underpayments were accepted and normalised. Low earnings were viewed as inevitable, and employment itself regarded as positive given the potential obstacles to gaining work in a foreign country and the large supply of TMWs (notably international students) seeking employment in capital city locations (Clibborn 2018; Manolchev and Teigen 2019). Barriers to employment in minimum wage jobs also contribute to TMWs likelihood of accepting sub-standard employment. Language constraints make working for co-ethnic employers an attractive option, even though TMWs enter these jobs knowing that conditions will be below minimum standards (Li 2017; Clibborn 2018). Others argue that TMWs have no choice but to accept below minimum wage jobs because of their visa status and lack of access to social security and support (Ruhs 2013; May *et al.* 2007) Visa limitations on employment can result in TMWs knowingly breaching their visa conditions in order to sustain their stay in Australia. In doing so, they simultaneously close off options to litigate against underpayments fearing the threat of deportation (Li and Whitworth 2016). Adopting a less deterministic perspective, Axelsson *et al.* (2017) emphasise the importance of understanding the longer-term objectives of temporary migrants: low wages are a trade-off for the promise of access to a more preferred visa or permanent residency status. Campbell *et al.*'s (2019) findings in a study of underpaid Italian TMWs in Australia supports

Axelsson *et al.*'s analysis, finding that the acceptance of underpayments was suggestive of a 'short-term expedient [...] a transitory stage in a life-course project' (Campbell *et al.* 2019: 112) although the threat of employer reprisals was also identified as a disincentive to complaints about underpayments.

Also important, and extending beyond explanations specific to TMWs, is the normalisation of systemic non-compliance which is evident in industries such as horticulture and hospitality (Tham and Fudge 2019; FWO 2016). In these industries, non-compliance is so widespread that TMWs (along with locals) are likely to accept below-minimum wages because that is all that is on offer in the types of jobs they are qualified to perform (Li 2017).

There are also practical impediments to TMWs taking action to recover lost wages. Farbenblum and Berg (2018) examined why TMWs in Australia do not take action when confronted with underpayments. Of those who had been underpaid, only 9% had tried to recover lost wages and of these, 67% recovered nothing; a further 46% did not try to do so. The most important impediment to taking action was 'lack of capacity, competence or knowledge about how to recover wages': not knowing what to do (42%), the belief that it was too much work to do so (35%), and insufficient English language skills (15%). Others have also identified an absence of knowledge about unions and the FWO (FECCA 2015; Reilly *et al.* 2017); a belief that taking such action will not produce results (Reilly *et al.* 2017); and cultural impediments whereby compliance and obedience is expected (Howe 2016). The problems TMWs face were aptly summarised by Farbenblum and Berg (2017: 13): 'Language, culture and other structural barriers impede migrant workers' ability to navigate information sources or articulate and pursue formal claims in any forum'. Instead, respondents were more likely to seek assistance from sources other than formal institutions (such as the FWO or trade unions) when seeking advice on redress, consistent with overseas studies that find minority groups turn to their own community for advice (Holgate *et al.* 2012). Yet other impediments, such as legal processes taking too long and requiring too much time to pursue, given TMWs' relatively short stay in Australia, point to the difficulties TMWs face in a complaints-based reporting system. As Li (2016) and Campbell *et al.* (2019) have pointed out, TMWs may prefer to simply find another job when faced with wage theft.

Social media and TMWs

Information and communication technology (ICT), such as social media, is an important medium for information and support amongst migrant workers, especially in the early period after arrival in the host country (Chen and Choi 2011; Thompson 2009; Chib, Wilkin and Hua 2013). It is especially important for young TMWs whose demographic group has been termed 'digital natives' by Palfrey and Gasser (2013). Predominantly aged under 30 years - a visa criteria for Working Holiday Makers (WHMs) in Australia (ABS 2019) – they have grown up with digital communication. Studies of international students, for example, have identified a high level of ICT usage, including communicating with peers in their host country who could offer critical information, assistance and support (Lim and Pham 2016). ICT removes the need for structured time and place communication, does not require TMWs to have transportation to attend information sessions, and enables them to seek information anonymously, reducing the risk of 'shame and stigma associated with seeking help or saying the wrong thing' (Chen and Choi 2011: 1071). But it can also contribute to what Lim and Pham (2016) termed 'cultural silos' whereby ease of ICT communication with co-nationals resulted in more intense use of co-national communication rather than assimilation with host country nationals (Lim and Pham 2016). Most young TMWs in Australia are educated, having come to Australia to further their studies (international students), or having already completed tertiary studies in their home country (WHMs). This demographic 'rely upon this connected space for virtually all of the information they need to live their lives' (Palfrey and Gasser, 2013: 6). Developing an effective means of better using this technology to support TMWs in their employment has the potential to provide a means to ameliorate the extent of exploitation experienced by these TMWs.

Methodology

This study used a sequential multi-method approach to discover the views of young TMWs, especially those of Asian origin who were considered most disadvantaged in accessing existing channels of workplace rights information. Focus groups of young Korean and Taiwanese/Hong Kong TMWs were conducted, followed by a national online survey. Four focus

groups were held: two in Melbourne (the capital city of Victoria) to elicit information from TMWs employed in urban jobs mainly in the hospitality sector; and two in regional Victoria, for TMWs employed in meat processing and horticulture. These industries have a high proportion of TMWs, especially WHMs and international students (Tham and Fudge 2019; Berg and Farbenblum 2017; Underhill and Rimmer 2016) and have a reputation for poor compliance with employment laws (FWO 2016; Commonwealth of Australia 2019).

The focus groups were conducted in Korean and Chinese (two in each language) to overcome potential English language barriers (in December 2017). Thirty-two participants attended (21 Korean, 9 Taiwanese and 2 from Hong Kong); 16 in Melbourne and 16 in regional Victoria. The focus groups were facilitated, recorded, transcribed and translated by bi-lingual members of the research team with a high level of expertise on the topics under discussion. The focus groups concentrated upon digital communication methods commonly used by TMWs, problems encountered with existing ICT materials servicing TMWs, and how the government could best communicate with TMWs in the future. Participants were provided with a retail gift card as a reward for attending.

An online survey was then developed with questions enquiring into which online platforms TMWs use for social activities, how they use online sources for job search, knowledge about basic employment rights and where that information was acquired, their experience with the FWO digital platform (as an exemplar for online employment rights information), and how TMWs would like to be informed of their employment rights. The online survey was offered in five languages (English, Chinese (simple and traditional), Korean and Malay) and available for 2 ½ months (December 2017 – February 2018). The information on ICT use gathered from focus groups facilitated the construction of a number of online survey questions regarding ICT options, enabling a number of closed answer questions that could be easily and quickly completed by respondents. The survey was advertised at select backpacker hostels, supermarkets in regional towns, through online sites where potential respondents found jobs, on about 45 Facebook groups used by TMWs, and through the Taiwan Working Holiday Youth (T-WHY) and Korean Working Holiday Youth (KOWHY) Facebook sites which have a large number of TMW followers. International student associations were also approached, but the timing of the survey coincided with the university Christmas break, limiting reach into international student

cohorts. Respondents were invited to participate in a draw for ten A\$100 e-gift cards. The survey received 416 usable responses (after data cleaning) from TMWs across Australia, of which 26% responded in Korean and Chinese languages.

Data analysis

This section commences with a summary of the demographic characteristics of survey respondents, followed by analysis of survey and focus groups responses regarding the everyday use of ICT and its role in job search, and accessing information about employment rights. The FWO online platform provides an example of a website intended to inform workers about their rights, and TMWs experience with this website is examined next. The section concludes with an account of TMWs preferred means for the provision of employment rights information.

Demographic characteristics

The majority of survey respondents came from Asian countries (59%), followed by EU citizens (33%). Their average age was 25.7 years, reflecting WHM visa requirements and the typical age of international tertiary students. These TMWs were well educated, with just over half of the sample holding a university degree, consistent with the WHM visa offering a form of 'gap year' to young workers who travel after completing a degree, before returning home to commence their professional careers. Asian respondents were the most highly educated, with 58% holding university degrees. Most respondents had been in Australia less than one year (mean 8.15 months), with 76% holding WHM visas and 11% international student visas.

Turning to employment, more than one third were employed in horticulture (31%) and meat processing (8%, all of whom were Asian) at the time of the survey. Employment in these sectors can qualify TMWs for a second year WHM visa. Of those employed in the service/hospitality sectors (32%), Asian respondents were more likely to be working in 'back of house' jobs (kitchen hands, cleaning) compared to other nationalities employed as waiters, bar persons and baristas. This job segregation is likely to reflect differences in English language skills. English language comprehension was significantly lower for respondents of Asian origin.

Over one-quarter struggled to understand written English (26%) whilst 2% could not understand written English at all. In contrast, 80% of those from the EU (excluding UK/Ireland) agreed they could read English fluently although a small minority (3%) stated that they struggled with written English. This language constraint, most notably for Asian TMWs, has significant flow on effects for how and where TMWs access information about their employment rights.

Online communication with friends and family

As was expected, TMWs are highly dependent upon online communication to stay in touch with their friends and family, to search for jobs, and to search for other information on matters such as employment rights. Survey respondents were asked which social media platforms they used to communicate with friends and how frequently they used such sites. Reliance upon Facebook for communication was pervasive; 69% of respondents used Facebook on a daily basis (72% of Asian respondents and 64% of other nationalities). The equivalent Chinese language platform, Line, was also used daily by 98% of Taiwanese respondents, whilst 93% of Korean respondents used the Korean language site Kakotalk daily. For non-Asians, Facebook Messenger was also an important means of communication with friends (66% used it daily). This high usage of social media is consistent with other studies of migrant workers and ICT. Platforms such as Facebook not only enable communication with friends and peers but also, as discussed next, offer information about jobs, and employment rights.

Online job search

Almost half of the respondents found their current job online (40% of Asian respondents; 49% of other nationalities). Facebook was used in job search by 36% of all respondents (irrespective of nationality), however the most commonly used platform was Gumtree.com (60%). Non-Asians (87%) were more than twice as likely as Asian respondents (41%) to use Gumtree.com, possibly because of a requirement that jobs on this site be advertised in English although translations can also be included in job advertisements. Asian respondents instead turned to platforms in their own language, with 30% of Chinese speakers using Backpacker.com.tw,

and the majority of Korean speakers using Hojubada and Hojunara to locate work. Online advertisements in the home country language of TMWs have been identified in other research as useful sources of job information but are also often associated with jobs offering below minimum wages. A survey of 200 such advertisements (using Chinese, Korean and Spanish languages) conducted by UnionsNSW in 2019 revealed 97% of hospitality and 85% of retail job advertisements offered work at around 60% of the award hourly rate of pay (UnionsNSW 2017). TMWs of Asian origin prefer, or need, to access platforms in their own language when seeking employment; but this limits their job opportunities to reliance on co-ethnic employers. It also limits their contact with workers of other nationalities who may be better informed about employment rights. Asian TMWs do not necessarily restrict their job search to online platforms. An equally important source for job information is informal networks. Forty percent of Asian respondents relied upon friends and other travellers to find their current employment; only 15% of all other nationalities used such contacts. Focus group participants described how these informal networks lead to employment:

- *A friend was working there [at a restaurant] and said that they had a vacancy, 2-3 days per week and you can pay the rent, so I went.*
- *I know someone here and through him I found a job as a dishwasher. I was paid \$14 cash in hand*
- *Through a worker that I met there [in Mildura], I found a local contractor in Mildura.*

Reliance upon informal networks provides a very tangible demonstration of how limited frames of reference contribute to acceptance of below minimum wage jobs by TMWs. Informal networks allow TMWs to avoid English language job sites where they are less likely to be successful in seeking work, whilst their friends' prior experience contribute to the expectation that these jobs are of an acceptable standard. Friends are a more trusted and convenient source of job information than online platforms.

Lastly, a small number of focus group participants also found their current employment through agencies in their home country, including education agencies in South Korea that arranged for their employment with labour hire companies in Victoria.

- *I came through an education agency and went to 'meat factory program'. I went to Warrnambool*

These types of agencies appear unique amongst Asian TMWs, and are especially problematic because of the higher risk of exploitation. TMWs gaining employment in Australia through these agencies encounter extreme levels of isolation from the Australian community. They are recruited, housed and employed through a single organisation and their contact with locals is limited to fellow workers of whom there will be few in meat processing and horticulture. In a minority of cases, church groups reach out to these workers to offer social support, but not support for employment related issues.

Online platforms and information about employment rights

When seeking information about employment rights, 80% of survey respondents used the internet, irrespective of nationality. Almost 40% of Asian respondents also asked their friends for information compared to only 31% of all other nationalities (multiple responses were allowed). This reliance upon informal sources was also evident in the way Asian TMWs obtained information about the minimum wage in their current job. Whilst all groups of TMWs claimed they knew the minimum wage for their current job, Asian respondents were more likely to have acquired this information from friends (37% compared to 12% of other nationalities) rather than official sources such as the FWO (18% compared to 25% of non-Asians). The poor quality of information about employment rights disseminated within these networks (see below) means misinformation is commonly shared. The Chinese language Facebook site T-WHY, on the other hand, was also used by 14% of Asian respondents. This site is facilitated by a volunteer who is also a union organiser, and provides a higher level of accurate information than the informal non-English networks. It is also the only online interactive site available for TMWs seeking employment rights information in Chinese language.

Notwithstanding claimed knowledge about the minimum wage, most TMWs earned less than the hourly minimum rate for an unskilled casual worker, with 50% earning less than AUD\$20 per hour. Of those that conceded they did not know the minimum wage, just under half said they did not know where to look or who to ask to find out. Another 25% (30 or 7% of the total sample) said they had not tried to establish what the

minimum wage was because they did not expect to receive it. These findings are consistent with earlier studies of TMWs (eg. Clibborn 2018; Farbenblum and Berg 2018; Underhill and Rimmer 2016) and highlight the extent to which below minimum wages have become the norm for many TMWs.

Also consistent with other research on urban TMWs (Clibborn 2018; Li 2017), being paid the legal minimum wage was less important than being paid an ‘appropriate’ wage, illustrated by comments from focus group participants:

- *you look at the market and figure out what people are generally paid. And if you are paid more than that it's a good pay, and if you're paid less then you need to go somewhere else*
- *I just see if I'm getting the same wages as the others and think that it's OK*
- *When you ask them did you ever search the minimum wages or their employment right, they will all say no. But they will discuss with friends or either read an online forum and believe whatever it says! However, when you ask them if they have search some information from the authorities, the government website, FWO? They will all say never.*

These lower expectations reflect a pragmatic acceptance of how the labour market operates to limit choices for TMWs. TMWs with limited local job experience and weak English language skills, seeking work in an overcrowded labour market will accept ‘the going rate’ notwithstanding that it is below the legal minimum. Higher paid positions are simply not on offer.

Whilst the majority of survey respondents searched the internet for information about employment rights, it is clear the information they acquire does not assist them in finding jobs that comply with minimum employment standards. Turning to focus group participants, very few sought information about employment rights from government agencies. The FWO was mostly unknown, and most had a poor understanding of their workplace rights. They were not familiar with the term ‘award rates of pay’ and few understood the meaning of ‘penalty rates’. Some were familiar with the concept of an industrial accident in their home country, but not workers’ compensation in Victoria. Whilst some spoke of written employment contracts including these terms, written contracts were

uncommon; simply being told about these entitlements did not result in an understanding of their meaning.

The FWO established a Facebook site in 2011 which provides for interactive informing sharing about employment rights, however focus group participants were not aware of it, and survey respondents did not report accessing it. Critically, the FWO site is only presented in English. As noted above, more than a quarter of Asian TMWs struggle to understand written English, creating a major impediment to accessing employment information provided on English language sites such as the FWO Facebook site. Even those with reasonable English comprehension fall back on websites in their native tongue when seeking employment information (see below). Focus group participants and Asian survey respondents expressed frustration at the barriers they faced in trying to access information about their employment rights through digital platforms. These barriers lead them to turn instead to informal sources of information, including friends, acquaintances and house mates.

Barriers encountered with employment information platforms

In addition to the FWO Facebook site, the FWO operates a website which is the only Australian government funded website that provides information about employment rights. Yet most TMWs in this study were not aware of it, and only 28% of all survey respondents had accessed it (22% Asian, 36% other nationalities). As an exemplar, the experience of those that had used the site points to ways in which similar sites could be developed to better inform TMWs of their employment rights. The most common likes and dislikes of survey respondents who had experienced the FWO site are presented in Table 1.

Table 1: Summary of common likes and dislikes of the Fair Work Ombudsman website

Asian respondents	Other respondents (multiple nationalities)
Liked most about FWO site	
Being able to check work rights such as minimum pay, break times, tax, sick leave policy	All of the information is clear and together on one website
Updated information	Easy to use, easy to find what I am looking for; information is easily accessible Very clean and easy to understand layout with many practical links on the home page Lots of information, good layout, easy to navigate
Pay calculator	Pay calculator
Contact details	Contact details
More trustworthy than the internet or acquaintances	Helps me find a good farmer who looks after their pickers
	Learning about my rights and being able to report underpayment, tax avoidance and unpaid super about a previous employer I have whilst in Melbourne
Liked least about FWO site	
It was written too complicated. I do not know what the awards are	Complex vocabulary; it is hard to find your award if your company doesn't tell you or you have no idea what industry you are working in

It's all English, very challenging for those with poor English; Resources in my native language are limited	Complicated questions when using the pay calculator
So complicated and there are so many links to follow up to get the information I want	It is sometime hard to get the information (find where it is)
Too many details	Not enough information about penalty rates and loading. I had never heard of these things before starting work in Australia!
It's difficult to understand its explanations	Very confusing, not easy to understand. Especially if someone isn't good in English, but also for English native speakers (law terms)
Did not illustrate or provide enough info about piece rates which is quite common on farms	They offer very little help to get employers to pay you; I think the website is great but the leg work finding the farms treating us like slaves needs improvement

Source: Survey responses to open-ended questions.

The FWO website was well regarded by most TMWs with sound English language skills, who benefited from the high level of detail provided. However even some of these respondents were unfamiliar with the technical and legal terms and this impeded their understanding and use of information. Those who struggled with written English, irrespective of nationality, found the site impenetrable. Information about employment rights was inaccessible because there was too much to read; it was too difficult to understand; and too technical – the language used prevented TMWs from finding the information they sought.

The pay calculator, which provides a step-by-step process for calculating wage entitlements, was highly regarded by those able to use it. However, too many could not utilise it because of jargon compounded by poor

English comprehension. The pay calculator assumes a knowledge of Australian employment terminology, such as awards, casual employment and the like, which is not grounded in the reality of TMWs' capacities.

A major consequence of the incomprehensibility of the FWO site is that Asian TMWs turn away from a trusted site to other less reliable sources of information, most notably friends. Whilst much of the FWO site is now available in multiple languages, the most valued component – the pay calculator – is not. Also, feedback from Asian workers who have accessed the translated FWO site report that the quality of translations is too poor for it to be comprehensible.

Other digital platforms were accessed by Asian TMWs seeking employment rights information, but without success. The barriers they encountered included:

- *The thing about online information, is most of them are English, no one like to read it. I will use Facebook group or line group if I have any WHV [Working Holiday Visa] related questions*
- *google key word, if the link is English I will skip*
- *I use google key word search as well. But the thing is I use Chinese language to search, and the results are all in Chinese, not very helpful. A lot of information is related to travel or life, for instance, if you search 'where can I find cheap SIM card' you will find a lot of result. However, almost none of it is related to working rights issues.*
- *For me, information is too vast, it was too much to find and I found it overwhelming. So I asked around and that made things easier.*
- *And the language is [...] for example you ask about 1, and they say it's 2 and 3 and 4 [...] It's all different and you don't know which one's right [...] its best to hear it from someone with an experience who gives a more accurate answer.*

TMWs without sound English language comprehension are caught in a catch-22 when it comes to searching the internet for information about employment rights. English language sites provided by Australian sources are too complex to understand, whilst searching online in their own language does not yield relevant or reliable results.

Can ICT be better used to provide information to TMWs about employment rights?

Notwithstanding the barriers to accessing information about employment rights on existing platforms, TMWs rely heavily upon ICT more generally and would like better information to be available through this medium. Table 2 gives survey respondents preferred methods for accessing information about employment rights. There is a general hunger for accurate employment rights information: whatever options presented were seized upon. The first three options listed in Table 2 were strongly supported by TMWs of all nationalities. These include more traditional delivery methods such as being provided with information in their own language when applying for a visa. Almost 90% of respondents supported dissemination of information in this way, although focus group participants cautioned that *'the situation is such that there are lot of unknown variables [...] you come here, come to know something, and things change [...] you need to experience it first hand here'*. A government website with multilingual PDF fact sheets received a similar level of support, and a government sponsored Question and Answer, Frequently Asked Questions (Q&A/FAQ) blog where TMWs could ask simple employment related questions, in their own language was also favoured by most. As a focus group participant explained *'Q&A or FAQ could also be very useful – we all have the same questions over and over again, so it would be great if the answers were in simple language and all in the one place, with links to relevant info [...]'*. Suggestions included that these blogs have a 'language schedule'. For example, questions asked in Chinese could be answered on Mondays and Wednesdays, in Korean on Tuesdays and Thursday and the like. TMWs would then know when to access the blog in their native language. Such services would enable TMWs to seek answers to specific problems without having to search through multiple online links in a language they struggle to understand. Underpinning these positive responses to multilingual information sources is the assumption that translations will be of sufficient quality, and be sufficiently explanatory and jargon free that they are comprehensible.

Table 2: TMWs preferred methods for finding out about employment rights

Preferred method	Asian		All other nationalities		Total	
	No.	%	No.	%	No.	%
Provision of information, in my language, when applying for a visa	202	87.4	138	89	340	88.1
Government website with multilingual PDF fact sheets	198	89.2	131	88.5	329	88.9
Q&A blog on a government website, with answers provided for all to see	178	84.8	111	79.9	289	82.8
Links to information websites on job search sites	199	90	85	59.4	284	78
Links to information websites on social media sites	185	87.3	79	55.2	264	74.4
Online links to information websites, placed on backpacker hostel sites	165	78.2	89	64	254	72.6
A government website with multilingual video clips	178	82.8	101	72.7	279	78.8
A government website with links to trade union websites, explaining which is most relevant to current job	181	85.4	97	70.8%	278	79.7%
'Livechat' service on government website	156	75.7	82	57.7	238	68.4
An app with information in multiple languages	174	83.7	100	71.9	274	79

Note: 1. $\chi^2 (1, N= 364) = 47.42, p < .000$; 2. $\chi^2 (1, N= 355) = 45.93, p < .000$; 3. $\chi^2 (1, N= 350) = 8.45, p < .01$; 4. $\chi^2 (1, N= 354) = 5.19, p < .05$; 5. $\chi^2 (1, N= 349) = 10.91, p < .01$; 6. $\chi^2 (1, N= 348) = 12.57, p < .000$; 7. $\chi^2 (1, N= 347) = 6.88, p < .01$

Responses to all other preferred methods listed in Table 2 differed significantly between Asian and other nationalities, with a clear pattern emerging amongst Asian TMW responses. They would prefer information about employment rights to be provided in easily accessible locations: where they search for jobs, search for accommodation, and on social media sites. The accessibility of such locations was demonstrated back in 2015 when the FWO advertised its services on Gumtree.com. Over 14 days, their advertisement received 1,898 clicks (FWO, 2016). Unfortunately, commercial firms with similar titles also advertise on this site, potentially creating confusion for TMWs with poor English language skills.

Whilst there was support for the development of a tailored government website, others were less enthusiastic because, as a focus group participant commented *'Even if the government develop the website we won't know, just like FWO, no one knows'*. Focus group participants also suggested the placement of a government logo on all official sites to provide a filter to TMWs needing assurance that the information could be trusted. As one explained *'It's not clear who to trust here ... there are heaps of websites and blogs out there which provide wrong information and people tend to believe them'*. Similarly, *'there are a lot of information online, seems a bit overwhelming. I can't tell which farm is cash in hand, or legitimate, I can't tell'*. Focus groups also highlighted the value of a 'livechat' service (less well supported by survey respondents) whereby simple questions could be responded to in real time. Like support for a blog, the preference for a livechat service derives from the frustration of working through complex websites where the answers to simple, common questions are out of reach.

TMWs' preferred methods for accessing information about their employment rights emphasise the importance of own-language, simple and convenient access points, and interactivity in the form of being able to ask direct questions about their employment circumstances. And TMWs need to know that the information exists, unlike the current situation with respect to the FWO. How best can this awareness be promoted? With more than 70% of respondents using social media on a daily basis, providing a multilingual social media site located on Facebook (because of its current high level of usage) would provide wide reach into the communities which are currently excluded. Online links from job sites, and other commonly used sites such as backpacker hostels and Korean and Taiwanese social media platforms would further expand reach. The FWO have such a site, except it is only in English and therefore not suited to many TMWs. Nevertheless, their site has more than 130,000 followers at the time of

writing. Both Taiwanese and Korean TMWs in Australia have established popular Chinese and Korean language Facebook sites which promote employment rights, but these sites are run by volunteers without the resources available to governments. The most comprehensive example is provided in the Canadian province of Quebec, where the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* established a bilingual Facebook site to provide information about employment rights (CNESST, nd), which at the time of writing has over 56,000 followers. CNESST use this site to provide information, to promote events and to answer questions posted by those with employment concerns. They also post very short videos every week on particular employment issues. Some of these videos have been viewed more than 60,000 times. This site offers many of the services which our survey respondents said they preferred as a means of finding out about their employment rights, including Questions and Answers, and instructive videos.

Facebook, notwithstanding recent controversies, offers a particularly powerful tool for governments, trade unions or TMW advocates seeking to reach TMWs. Its benefit as a medium for employment rights information include users not having to learn how it works, nor having to pay fees to access information. Gaby and Caren (2012) found pictures and videos were the most successful mediums for drawing in new users to social media sites, demonstrated by the rapid spread of the Occupy Movement through Facebook. They also found that the most popular posts were not placed by orchestrators but involved user-created content. This suggests that developing such a site for TMWs may need to provide for user-created content to retain an interest – including for example photos of good and bad working conditions, information about wage rates on specific farms, stories about experience with reasonable piece rates for picking particular fruit/vegetables and the like, as well as Q&A/FAC materials. User interaction offers a stronger likelihood of engaging and drawing TMWs back to, and sharing the site. Using such a site as a traditional communication tool (by, for example, limiting its role to offering PDF downloadable information sheets) is likely to reduce its impact and breadth of reach into the TMW community (Fitzgerald *et al.* 2012).

Whilst the infrastructure already exists, organisations still need to invest considerable resources to keep a site continually updated to attract existing users back and draw in new users. And such sites must address the language barriers which are common on all government websites.

Automatic translation services are inadequate where interactivity is required in the language of the TMWs. Providing links to other sources of support on a Facebook site may also enable important links for TMWs. Fitzgerald *et al.* (2012), for example found that the uploading of union information on a Polish community's website in the UK led to Poles both in the UK and Poland contacting the website, and provided an important link between unions and the Polish community. Finally, TMWs are keen to access government provided information because they regard it as trustworthy. A simple solution proposed by Asian TMWs is to ensure all government provided information is readily identifiable through the inclusion of the government logo, such as the coat of arms. Simple links so identified could provide a pathway to much sought information.

Conclusion

Young TMWs in Australia are intense users of ICT. They use social media for communicating with friends and family on an almost daily basis, and they turn to the internet when searching for jobs. But ICT does not meet all of the needs of TMWs with respect to job search, particularly TMWs without strong English language skills. These TMWs are predominantly Asian, of whom almost 30% in this study struggled to understand written English. Their lack of English comprehension does not prevent them from finding employment because jobs are available through online platforms in their own language, and jobs are located through networks of friends. But this relatively closed circle based on language and ethnicity contributes to what Lim and Pham (2016) describe as the 'cultural silo' effect of the ease of communication amongst co-ethnics which ICT encourages. Their lack of English comprehension, however, creates a barrier to seeking information about employment rights. It is too difficult to search online for employment rights information because English language websites are too difficult to understand, and they don't know which websites can be trusted. Most TMWs in this study were not aware of the FWO website and the one in five Asian TMWs that accessed the site struggled to use it. The information was too legalistic, too complex and too jargon ridden. Translations installed on the FWO site have not removed these barriers. Searching online for employment rights information in their own language fails to produce relevant information because, with the exception of T-WHY and KOWHY, such online

information sources do not exist. As a consequence, Asian TMWs seeking employment rights information turn to their friends and colleagues – who are likely to be equally poorly informed, if not misinformed.

Yet despite this predicament, TMWs want more information about their employment rights, and would prefer that information to be provided online. Drawing upon the views of TMWs in this study, it is clear that ICT can be used effectively to inform TMWs and disrupt their dependence upon informal networks but only if sufficient resources are invested to target the barriers which currently prevail.

Overcoming these barriers requires first, developing online sites in the native languages of the TMWs. This is likely to involve multiple websites to cover the main languages of TMWs. English sites with auto translations, or downloadable PDF information sheets in multiple languages do not work. They do not appear in searches conducted in other languages. Also, the quality of auto translations is regarded as poor and inaccurate. Second, the sites have to be located in places where TMWs regularly visit and must be visible. Social media sites such as Facebook, Line and Kakotalk are visited almost daily by TMWs, and provide an easily accessible point of contact, irrespective of geographic location. Establishing multiple Facebook sites, each developed in a native language of TMWs, would be appropriate. The FWO and CNESST Facebook sites are illustrative, although as noted, the FWO site is only offered in English and therefore inaccessible to TMWs with weak English skills. Third, such sites need to offer interactive services so that simple questions about employment rights can be both asked by TMWs and answered authoritatively by government agencies. Fourth, information must be given in simple language which is free from legal terms and technical jargon. Even commonly used terms such as ‘casual employment’ and ‘penalty rates’ are meaningless to TMWs without knowledge of Australian employment practices. Fifth the sites have to be attractive to TMWs and retain their interest. Interactivity, along with videos and the like have been shown to be an effective means of drawing participants to online sites. Sixth, advertisements for and links to these sites need to be located in other sites commonly used by TMWs, such as the job search platforms of Gumtree.com, Backpacker.com.tw, Hojubada and Hojunara. Finally, government provided social media sites have to be clearly recognisable as such so that they will be trusted by TMWs. The use of a government logo is a straightforward method for labelling sites. This is especially important because TMWs need information which is correct and trustworthy. They

are young workers in a foreign country without access to knowledge, family or friends beyond those in a similar position to themselves. Only by seeding official information into channels commonly used informally, such as social media networks, and ensuring that information is readily comprehensible by TMWs, might reliance move away from existing and inaccurate informal sources. As Clibborn (2018: 15) has observed ‘providing information through traditional passive means will have limited impact on workplace outcomes, and regulators might benefit from examining interventions aimed at disrupting current information flows in peer networks.’

In Victoria, additional funding has been provided by the state government to enable Community Legal Centres to provide pro-bono legal advice to assist TMWs who decide to take action against employers that breached employment law. However, that funding so far has been limited to one centre in the capital city and two in regional Victoria, only one of which has a high proportion of WHM TMWs (Goulburn Valley). The Sunraysia district, with a concentration of citrus, vegetable and grape picking, has not been supported, nor has the Gippsland region with a high proportion of vegetable pickers. It has also provided funding to the Migrant Workers’ Centre at the Victorian Trades Hall Council (personal communication). This Centre has deep links into the TMW community, and a strong online presence, potentially reaching a broad spectrum of TMWs. They are unlikely, however, to have the resources to offer specialist communications such as LiveChat services and continual Q&A/FAQ blogs that TMWs in this study believed to offer high potential for assistance. It is worth noting that even substantially larger grants provided by the FWO to six community legal support centres in 2019 (FWO 2017), to assist vulnerable workers more broadly, have been assessed by researchers as insufficient because of the magnitude of compliance problems across the country (Farbenblum and Berg 2017).

Are these strategies by the Victorian government likely to make a difference to employment outcomes for TMWs? It has been noted already that providing information about employment rights does not ensure that those rights will be enforced, or that exploited workers will act when they know their rights have been breached. More systemic problems exist and include weak unions, slow legal processes to enforce rights and receive payment for lost wages, and an inadequately resourced FWO. These also need to be addressed to provide support to TMWs that decide to pursue their rights. Countering the cultural norm of non-compliance amongst

employers would also reduce the breath of exploitation currently experienced by TMWs.

The criteria for an effective online social media presence to reach TMWs may appear a lengthy and expensive list of necessary items. However, working holiday TMWs fill a vital role in horticulture and increasingly in meat processing. Their contribution to the service industry is also significant but less well studied. International students contribute substantial revenue to Australian tertiary education and fill many urban low skilled jobs. Is it too much to expect that a government that promotes a labour supply of these workers should not also protect these workers?

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