

The Sydney Morning Herald

Exploitation of skilled migrants exposed

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Maria Balading at her home in Manila (main picture) and Maria and Pedro Balading on their wedding day (right)

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CONDITIONS in remote Australian workplaces, where two foreigners died within three days in June, are so harsh that a leading immigration expert says they are "akin to slavery".

A *Herald* investigation has exposed blatant breaches of the 457 skilled visa scheme and uncovered hidden details of the deaths of the two workers in the Northern Territory and Queensland, and of a third north of Perth.

The investigation highlights disturbing exploitation of overseas workers, too afraid to speak out, under a scheme that allows employers to sponsor thousands of foreigners to come into Australia and do jobs locals cannot or will not do. It reveals the "extremely ugly face" of the 457 visa system, according to the immigration expert Professor Bob Birrell, from Monash University.

The *Herald* has found that a university-trained Filipino farm supervisor, Pedro Balading, was thrown off the back of a Toyota utility and killed on a Gulf of Carpentaria cattle station in the Northern Territory. A witness, who was on the back of the ute, says it was being driven very fast on a rough road.

Mr Balading, 35, left behind a wife and three young children. His wife says that in the months before his death he complained repeatedly that his working conditions were much tougher than he had been told to expect, and he was forced to do menial work such as fencing, in breach of his skilled visa.

Two days earlier, a logger from Inner Mongolia, China, 33-year-old Guo Jian Dong, died in a remote state forest 700 kilometres west of Brisbane when a tree he was felling brushed a dead tree which then fell and crushed him. Although the visas only allow foreign workers into Australia to do jobs for which they are skilled, Jack Watson, the man who trained Mr Guo, says he had never used a chainsaw before he arrived in Queensland. Mr Guo left behind a wife and a child he had never met.

Others who work for N.K. Collins, the company that employed Mr Guo, are still living in western Queensland, including three who live in a caravan in a timber mill next to the Mitchell town dump, speak no English, and push a wheelbarrow nearly three kilometres to town to buy food.

The company will not say where many of its other Chinese employees live, nor reveal the address of the deceased man's wife or allow employees to talk openly of the accident that killed him.

Professor Birrell said: "The specific instances ... are akin to slavery. That derives from the fact that these people are cowed into believing that if they move away from their contract they will have to go home. Employers are exploiting their power in the relationship and ... these people feel they have lost their rights."

In March, 10 weeks before the two deaths, a Filipino specialist stonemason, Wilfredo Navales, 43, was crushed to death by two slabs of granite in a stoneworks north of Perth. Mr Navales's family says he died doing labouring work he was forced to do rather than using the skills for which he was ostensibly brought to Australia.

The 457 visa requires employers to abide by strict conditions, but the *Herald* found numerous breaches, including:

- Workers in positions that have no benefit for the local workforce;
- Accommodation and meal expenses wrongly deducted directly from workers' wages;
- Workers employed in locations other than stated on their visas;
- Safety standards being routinely ignored;
- Overtime unpaid.

A Federal Government report into the deaths, due for release in mid-July, was still not finished, a spokeswoman for the Minister for Immigration, Kevin Andrews, said. But action may be taken against the employers in the Northern Territory and Queensland. "Both employers have been asked to provide further information why action should not be taken against them."

Don Collins, from N.K. Collins, said it was a tragic accident that killed Mr Guo. Despite the contract trainer, Mr Watson, telling the *Herald* that Mr Guo had no experience as a logger, Mr Collins said: "They had experience in cutting trees." Of the workers camping in a caravan, he said: "I don't think it does any harm."

While the 457 visas were originally designed for professionals, in the past couple of years they had been "picked up by much more marginal employers", Professor Birrell said.

Another expert on the visas, a former public servant, Bob Kinnaird, of R.T. Kinnaird and Associates, said design faults in the visa scheme had set up a "race to the bottom in work conditions".

"The dangerous aspect of the 457 visa is that people from low-wage countries, even if they are being underpaid by Australian standards, are still earning more than at home, so they will be tempted to put up with anything to stay here," he said.

The Immigration Department has only 65 officers to monitor compliance with the visas, which makes it impossible to police more than 100,000 visa holders living across Australia. The Government says 21 people have died on 457 visas in the past five years but insists only three deaths were work-related. It has provided only a one-line statement on the cause of the three work-related deaths investigated by the *Herald*, but refused to release the names. It would give no details on the other deaths, other than the five countries of origin, China, Japan, the Philippines, the US and Britain.

Its own figures point to rising exploitation. Abuses of the visa system saw the Government cancel the rights of 95 employers to use them in the past year, mainly for underpaying workers - up from three the previous year.

Gino Lopez, head of Migrante International, which represents Filipino workers in Australia, said the scheme gave employers an opportunity to "treat employees badly" and "if the bosses are able to get more sweat out of the workers, many of them will do it".

"They are afraid of saying something to their boss, because they fear they will be sent home."

John Sutton, from the Construction Forestry and Mining Employees Union, revealed last month that the three 457 workers had died, but had scant details. He said he was not surprised to learn of the working conditions in which they were killed.

"I regard it as modern-day slavery," he said. "They are being treated as lesser citizens."

