UNCC300 CASE STUDY 1:
HUMAN DIGNITY AND THE TEMPORARY SKILLED WORKERS VISA

Introduction
Three Main Perspectives
Required Readings
Additional Readings & Resources
CASE STUDY: HUMAN DIGNITY AND THE TEMPORARY SKILLED WORKERS VISA

INTRODUCTION

The Temporary Skilled Workers Visa (nicknamed the 457 Visa) was originally termed the “Business (Long Stay) Visa”. It was set up in 1996 to allow multinational corporations to bring high level executive and specialist staff into Australia to work temporarily in management roles. However, this was soon expanded to include a wide range of professionals, semi-professionals and tradespeople, on the assumption that these workers were filling skills shortages in the Australian labour market. While these visas have allowed Australian companies to source skilled labour from overseas, they have come under fire more recently, with claims that foreign workers on temporary skilled working visas were being exploited by unscrupulous employers and migration agents, making them a source of cheap labour. The scheme has been criticised for pushing down local wages, causing a relationship of dependency between overseas temporary workers and their Australian employees, and “coming dangerously close to ‘bonded labour’.” These videos from ABC News, in 2008 (transcript) and 2013 (transcript), outline the kinds of exploitation experienced by temporary skilled workers, and demonstrate how little has changed in the scheme over the past 5 years.

In this article, “Australia’s 457 Visa Scheme and the Rights of Migrant Workers,” authors Michelle Bissett and Ingrid Landau detail patterns of abuse and mistreatment of migrant workers through two case studies. First, they detail the case of Anabalagan Rajendran, brought into Australia by the owner of four Indian restaurants. Bissett and Landau claim that during Anabalagan’s stay,

- He was dependent upon his employer for food, money, accommodation and transportation.
- He was never shown a work roster, he would simply be picked up from home and driven to successive restaurants to work.
- He worked at least 14 hours a day, seven days a week for 40 weeks straight.
- Even when he was sick, he still worked.
- He received no wages until the Workplace Ombudsman initiated an investigation into his treatment. He was told by his employer that he would not receive wages for a year, as his employer had paid for his airplane ticket to Australia.

In another case, Bissett and Landau discuss the case of Jack Zhang, whose story was reported in The Age newspaper, “Our guest workers who’ve had enough.”

In these cases, and many more such cases, numerous workers’ rights have been disregarded, namely rights to “fair wages and remuneration ensuring an existence worthy of human dignity; equal remuneration for work of equal value; safe and healthy working conditions”, reasonable allowances for rest and leisure; “reasonable limitations on working hours and public holidays with pay.”

Concerns arose in the Australian labour market that abuses of the 457 Visa program had paved the way for discrimination against Australian workers (full transcript available).

Of significance to this issue is the debate between the claim that migrant workers make a valuable contribution to Australia’s economy, and the claim that the 457 visa program encourages businesses to hire overseas workers to the detriment of local job-seekers. Also of significance is the debate between the claim that greater regulation is necessary to prevent exploitation of overseas workers, and the claim that the program needs to be streamlined because it is already too complex for most businesses. The concept of human dignity is at the core of this debate. Where does human dignity lie? Does it lie in the contributions migrant workers make to the Australian community? Is human dignity enhanced or denied to temporary skilled migrants? Is dignity being denied to Australian job-seekers, or to migrant workers perceived to be “stealing Australian jobs”? Does more need to be done to protect migrant workers from exploitation, in recognition of their dignity?
These questions and others are discussed in the perspectives and readings below. As you read the perspectives and articles below, consider which understandings of human dignity are operative in each argument, and what shortcomings such understandings may have in light of a multidimensional understanding of the human person.


4 Bissett and Landau, “Australia’s 457 Visa Scheme,” 144.
THREE MAIN PERSPECTIVES

Perspective 1: The 457 visa scheme allows businesses to value overseas workers for contributing to the business and to the wider Australian economy. These workers in turn feel valued by their employers and their community for their contribution.

Perspective 2: The 457 visa scheme allows unscrupulous employers and migration agents to exploit overseas workers with pay and conditions below Australian standards, and even to treat them in a way not befitting their dignity.

Perspective 3: The 457 visa scheme contributes to a social anxiety about the flow of temporary migrants coming into and going out of Australia (manifested in claims about “stealing local jobs”), which gives rise to a public resentment that detracts from the dignity of workers on 457 visas.

As you read the articles in the links below, analyse the understanding of human dignity that underpins the arguments and consider how this understanding of human dignity is being brought to bear on the question of 457 visas. Note that you may find two authors of different ethical positions explaining dignity in a similar way or in more than one way such that it could fit into the same quadrant as another author or into several quadrants. Look carefully for the nuances and underlying assumptions that further qualify the understandings of human dignity such that the authors nonetheless arrive at different ethical positions.

In some of the articles provided, the authors also refer to other authors who offer perspectives on dignity different from their own in relation to the question of 457 visas. You may wish to use the references in the articles provided to trace these additional perspectives.
Susanne Bahn’s article is a case study on the attitudes of workers on 457 visas and businesses in the Western Australian resources sector (e.g. mining, oil and gas extraction, construction and transport support). Bahn’s study finds support for the claim that a lot of these businesses place a higher level of esteem on the 457 visa-holders’ work ethic than on domestic Australian workers’ attitudes towards work. Bahn also found that 457 workers in the WA resources sector also make a generally greater contribution to the Australian economy through higher taxes than local workers fulfilling comparable roles. However, Bahn cautions that these businesses’ preference for 457 workers may result in greater strains on Australian workers looking for work, and that her study does not take into account 457 visa workers in lower-paid jobs.


Selvaraj Velayutham presents a case study on Indian workers on 457 visas in the Australian IT industry, manufacturing and construction sector, and hospitality industry. Velayutham found clear differences between these three groups: “blue-collar” Indian workers tended to be more vulnerable to exploitation than IT Indian workers in Australia, but were helped by their unions and their community; Indian hospitality workers faced the same kinds of exploitation as “blue-collar” workers, but often became isolated after losing access to their support networks. Some of Velayutham’s findings even highlight cases where Indian restaurant workers’ original “trust networks” were the means by which their co-ethnic employers in Australia had lured them into exploitative relationships.


Taking as his starting point an Australian politician’s imputed comment that workers on 457 visas needed “cultural awareness training” such as personal hygiene care (p.33), Rob Cover analyses the social “anxiety” in Australia over temporary migrants manifested in complaints about bodily smells. Cover argues that the social discourse which focuses on the way temporary migrants “smell” implies an attempt to shame those who live in mobile social networks, because the mobility within 457 visa-holders’ social identity challenges the established social norms of permanent residents. Cover argues for the renewal of an ethic of “non-violent cohabitation,” which involves accepting the mobile other and all their embodied, cultural differences, as a more authentic ethical norm for Australian society.

Finally, we have provided references to additional articles for you to find yourself, bearing in mind that being able to locate relevant information goes towards meeting the requirements of Graduate Attribute 8. These resources can be located either in the ACU library database or online. You should access these resources if you choose this case study for your final assessment.


