

Australian visa requirement puts backpackers' lives at risk

Soheil Sassani, 15/12/2018, Melbourne, Australia

Jack Sweeney and a friend arrived in Melbourne from their hometown of Kent, England, with a Working Holiday Visa in May of 2018. He said that initially, they had planned to work in Australia for two years before traveling to Asia and then back to Europe.

While everything was going according to plan, one last hurdle remained to get over: working on a farm for three months in order to be eligible to renew their visas.

The Working Holiday Visa is a one-year scheme designed for backpackers under 30 who want to financially sustain themselves while holidaying in Australia. Those, who like Sweeney, wish to renew their visas for a second year must fulfill 88 days of specified work in agriculture, fishing, mining or construction – as stipulated by the Australian Department of Home Affairs.

The visa is very popular. According to the Department of Home Affairs, between 2017-2018, a total of 174,289 first-applicant Working Holiday Visas were granted; 152,622 applied for an extension. In the same year, the Department of Agriculture stated: “In the vegetable and horticulture industries, most farm employees are seasonal workers and most of these employees are working in Australia on a visa.”

In recent years however, reports of abuse and exploitation in farms, many of which are hundreds of miles from cities or towns have increased. The current lack of government oversight over workplace safety is such that backpackers looking to legally stay in Australia must risk their lives for it.

Sweeney said he and his friend had planned to travel to Queensland to stay at a working hostel, hoping they'd be assigned to a farm as soon as possible. However, just before leaving, they managed to find work in Mildura, in the northern highlands of Victoria. He added that he didn't bother looking for anything other than farm work because compared to other eligible work – such as mining – farms are constantly looking for backpackers through social media and Gumtree – a trading website similar to craigslist.

The last time we spoke, in October 2018, Sweeney was working on an avocado farm while staying at a working hostel – which he described as a converted motel on the side of a road.

He said that almost anyone he had come across picking fruit where he worked or in neighboring farms – as well as those staying in the working hostel – were backpackers fulfilling the “specified work.”

“The only negative to it at the moment is that we're on fixed rate. So we earn as much as we pick.” Sweeney added that it was difficult to keep motivated sometimes in Mildura's heat. He described the job as having to fill up boxes a meter cubed. Each box took him a full working day from 8 a.m. to 4 p.m. to fill, for which he received \$120 AUD.

The rate Sweeney was being paid, according to 2014 Victoria Federal Court papers, is less than the minimum wage. Despite this, he said he's happy to have found the job and gotten started on his required 88 days.

In 2014, a lawsuit was filed to the Federal Court of Victoria against a sheepskin boot manufacturer, Ever Australia. The transcript explains that 12 employees, 11 of which were visiting Australia on a Working Holiday Visa, were either not paid or only partially paid. Ever Australia was found guilty and made to pay thousands in damages.

The Department of Fair Work Ombudsman's (FWO) detailed their two-year investigation into work practices for Working Holiday Visa holders in a 2016 media release. Based on a survey of 4,000 overseas workers who'd been granted a second-year visa, FWO found that while 38 percent of the respondents were positive about the scheme, 66 percent "felt that employers take advantage of people on working holiday visas by underpaying them. Most (59 percent) also agreed that backpackers are unlikely to complain about their working conditions in case their work is not signed off by the employer."

Jenny Welch, 27, said she was so afraid of her employer not signing her off that she stuck to the job through verbal abuse and even injury. In 2017 Welch was visiting from London. After a sponsorship opportunity fell through and with just enough time left on her visa, she immediately took to Facebook and found a job in Duaringa, rural Queensland.

I spoke with Welch over the phone. Although I was not able to confirm her account with her employer, her emotional distress while recounting events along with several hospital transcripts from this time period – which she sent to me via text message – was clearly genuine.

Prior to arriving in Duaringa, Welch knew she'd be staying with her employer Patrick, his wife and two kids. She said she couldn't remember Patrick's last name because they called each other by their first names. However, when it did finally become important for her to know it, he was unresponsive; and toward the end of the 88 days, she was too traumatized to ask any questions, even for his last name.

Welch described the job as mainly building fences but because they were working on farmland, it was considered "farm work." When she wasn't helping building fences, she did chores around the house.

"The work changed all the time," Welch recalled and added that she never knew in advance what she would be doing on any given day. However, one thing Patrick did make clear very early on was that he would not hesitate to let her go if he didn't think she was adequate for the job.

In one instance, Welch was knocked on the head by a heavy log and immediately began feeling dizzy and her vision went blurry. "I felt a real sense of not wanting to show weakness or be not useful to him, because he told me lots of stories about firing people for being useless," she said with a shaky voice that indicated deep sadness.

With two weeks remaining from her 88 days, Welch had a jarring accident. She broke her finger at work and said she could see the bone. Patrick drove her to the nearest clinic, where the doctor told she'd need to go to a hospital.

Her doctor's note, from this visit describes Welch's injury as "a crush injury to her left index finger," dated 01/12/2018, with a referral for surgery at Rockhampton hospital – 106 miles west - the next morning.

The next day, when the hospital staff realized Welch's accident was work-related, they asked for her contractor's full name and official work identification but he did not answer her texts or calls. She added that if it wasn't because of her being an English citizen, which provided her with a reciprocal health plan accepted in commonwealth countries, she wouldn't have been able to have a surgery.

Her surgeon's notes from this visit indicate that Welch had an open gash on her index finger, her bone shattered into fractures. According to the 27-year-old, Patrick only answered her text when she had sent him a message telling him it was all done and that she needed a ride back.

Without any indication that he'd sign her off early, and Welch now even more terrified of being let go with only two weeks left to fulfill her visa requirement, she offered to work through injury by driving the truck and doing light work around the house.

Her final medical note was from two months after the surgery. By this time, she was back in Melbourne and still feeling pain in her finger, she said. So she went to a hospital in St. Kilda, where an X-ray showed that her finger was still fractured.

The FWO reports that while the Working Holiday Visa is regarded as an opportunity to work in Australia, the 88 days of work requirement has "the unintended consequence of driving some vulnerable workers to enter into potentially unsafe situations and to agree to work for below minimum entitlements."

These minimum entitlements are what Rosie Ayliffe, mother of 20-year-old Mia Ayliffe is advocating for. Mia who in 2016 was visiting Australia from England, was stabbed to death in a Queensland working hostel. She was there to fulfill her visa requirement on a sugarcane farm.

Following her daughter's horrific death, Ayliffe started backtracking Mia's footsteps and piecing together her daughter's final few months on a blog in *The Independent*. Just five days after Mia's death, Rosie wrote that after starting the farm work, her daughter was calling home more frequently. Mia's job was to clear rocks from in between rows of sugarcane to prevent damage to machinery.

"I asked whether she'd had any induction in what to do if she saw a snake (day four and she'd already seen a dead one and several spiders) and she said no," wrote Ayliffe.

A December 2016 report by BBC News reported that Rosie Ayliffe was in contact with the Australian government. The article further included the then Prime Minister Malcolm

Turnbull's response, who in writing ordered \$20 million to be delivered to FWO for "strengthening its powers to deal with employers who exploit their workers."

On November 2018, Ayliffe appeared on *Australian Broadcast Corporation (ABC)*. After recounting continued accounts of exploitation and abuse of other backpackers since her daughter's death, she called on the Australian Minister for Home Affairs Peter Dutton. Ayliffe criticized him for his inaction and lack of interest on work safety for backpackers who are legally trying to stay in Australia.

Owen Pitson, the owner of a working hostel called Delta Backpackers located in Ayr, Queensland, said malpractice by contractors who only care about money has a negative impact on others who are trying to pay the right amount and provide a safe environment for workers. The hostel owner added that he thinks the only solution is for the government to standardize conditions for backpackers. "I just think it'd be better if we could all be a lot fairer [...] give them [backpackers] reasonable living conditions, and working conditions," he said.