



How the Fair Work Agency can be accessible to migrant domestic workers

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Voice of Domestic Workers' Future Voices Group worked with Focus on Labour Exploitation to develop the following recommendations, to support the Fair Work Agency's work with migrant domestic workers:

Developing expertise in the domestic work sector

The Fair Work Agency should understand domestic workers and have expertise about domestic work in a private household.

This will equip the Fair Work Agency to navigate the blurred boundaries around the nature of domestic work, and dig into the detail of the facts. For example, if an employer says a worker likes to spend time with the family, and time spent looking after children therefore isn't work, look at the facts; how is the worker responsible for the children? Is she paid for this time?

The Fair Work Agency needs to understand the issues caused by a workspace also being a private living space. Such a context has complex implications. What's more, there can be a significant impact on workers, due to experiences of isolation.

The Fair Work agency needs a good understanding of issues with terms and conditions experienced by migrant domestic workers, such as the specific needs around holiday pay, passports being kept by employer, long hours and not being able to leave the house in "free time".

The Fair Work Agency need to use this understanding to take an approach which puts the responsibilities and burden of proof on employers. For example, in the event of a wage dispute, employers should be expected to prove salary payments, rather than the worker having to prove they were not paid.

What domestic workers need from the Fair Work Agency:

- **Secure Reporting Pathways:** Everyone reporting labour abuse needs to know that the agency will be focusing on the exploitation issues they bring, whatever their immigration status. Workers need to know that they won't be fingerprinted or reported to the Home Office as a result of seeking help. The agency needs to be able to safeguard immigration status and stop employers cancelling a visa because of a report.
- **Inclusivity:** The Fair Work Agency needs to be open and accessible to all who need it, and work with workers in high risk sectors to make that a reality.
- **Human rights:** The agency needs to enforce human rights in its approach and work with domestic workers and experts to ensure it is acting in line with the global standards for domestic workers as set out in International Labour Organisation (ILO) convention 189.
- **Guidance for domestic workers:** The Fair Work Agency should produce guidance which clarifies the rights of workers in the private household and which clarifies the rights of live in domestic workers.
- **Guidance for employers:** The Fair Work Agency should provide guidance to employers and consider mandatory training for employers of domestic workers.
- **Consequences:** The Fair Work Agency should be empowered to place sanctions on non-compliant employers employing domestic workers, as a tool of prevention and correction.
- **Specialised caseworkers:** The Fair Work Agency should have specialist caseworkers with expertise of domestic workers to intervene and support domestic workers.

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