



## **Fair For All Workers: How learning from Australia's Workplace Justice Visa can support access to workers' rights**

### **About Us**

Labour Exploitation Advisory Group (LEAG) is a coalition of frontline, research and policy organisations which promotes discussion, information-sharing and collaboration among organisations working directly with people who have experienced or are at risk of labour exploitation in the UK.

### **1. Introduction**

The UK government promised that the Employment Rights Act (ERA) would bring about the biggest upgrade to workers rights in a generation. The ERA improves rights on a range of issues, such as parental leave, statutory sick pay and trade union organising. It also introduces the Fair Work Agency (FWA), a unified labour market enforcement body. However, the UK's reliance on restrictive work visas, which limit the options of workers to bring complaints against an employer on whom they also depend for their immigration status, undermines the ambitions of the ERA and hampers the ability of the FWA to meaningfully enforce workers' rights. Thousands of workers in key industries for the UK economy still cannot meaningfully access their employment rights without the risk of losing their ability to stay in this country. When employers are also visa sponsors, workers on restrictive visas who are victims of labour abuse or exploitation risk jeopardising their immigration status if they report this abuse or leave exploitative work. In practice this means that many of these workers stay in exploitative work, unable to seek support or redress. The Australian pilot of a Workplace Justice Visa (WJV) has sought to address this interconnection and provides timely learning for the UK.

### **2. Australia's Workplace Justice Visa**

In July 2024, Australia started piloting a bridging visa that allows people on temporary visas, who have experienced exploitation at work, to stay in the country for up to 12 months in order to work and seek redress for their exploitation. Claims of exploitation must be certified by an Accredited Third Party (ATP). The ATPs currently include the Fair Work Ombudsman, Trade Unions and Legal Centres.

The introduction of the visa was heralded as groundbreaking for its potential to prevent and address exploitation at work. It was identified as a key lever to prevent employers using a worker's visa status to exploit them. Responsible employers welcomed it, as it meant that they could more effectively prevent and address exploitation and modern slavery in their supply chains, as well as ensuring that there is a level

playing field with their competitors. Unions also welcomed it because it meant that employment standards could be more widely enforced, disrupting the race to the bottom, while allowing the recruitment of migrant workers. Additionally, those who provide support to workers in exploitation, such as community legal centres, celebrated its introduction because they could finally see an avenue to justice for workers on restrictive visas to seek justice.<sup>1</sup>

As the pilot in Australia is nearing 2 years, important lessons have been learned. The UK would be wise to build on these lessons to inform and implement its own Workplace Justice Visa that can effectively tackle labour exploitation and meaningfully improve the employment rights landscape.

- **Enough organisations must have the resources and capacity to be able to certify claims of exploitation.**

At the start of the pilot in Australia, 18 organisations were assigned as ATPs, mostly made up of legal centres. However, this number proved too small to deal with the breadth and scale of support needed. Additionally, the ATPs do not receive funding for this work, further limiting their capacity. As a result, the potential scope and effectiveness of the WJV have been severely limited, with only a small amount of eligible people who need support being able to access it.

- **Restrictive time scales prevent people from accessing the support.**

There is a 28-day time limit to apply for the WJV. This means that only those who hold a work visa that will expire within 28 days, or who held a work visa that has expired no more than 28 days before are eligible. The Australian Migrant Workers Centre has described this restricted time window as “unworkable”,<sup>2</sup> as many who are in need of support fall outside these time periods. Those who have experienced exploitation at work prior to their visa expiring are incentivised to stay in exploitative work until they reach the final 28 days of their visa in order to qualify for support. Meanwhile, many of those who have already fallen into irregular immigration status—due to the restrictive visa system, high fees and/or abusive employers—are also ineligible for support at a time when they are most at risk of exploitation.

The 28-day window is made further unworkable by the bottleneck created by having too few ATPs. Many workers cannot get certification from stretched ATPs within the 28-day period, so become ineligible for the visa.

- **Limiting definition of “workplace exploitation matter”.**

The current definition of a “workplace exploitation matter” in Australia does not include many serious breaches of employment law, such as victimisation for reporting sexual discrimination. This means that many breaches go unaddressed and employers are able to entrench these practices and abuse with impunity.

### **3. How the UK can learn from, and improve, Australia’s WJV model**

The UK’s widespread use of restrictive visas, combined with concerns about data sharing with immigration enforcement agencies, discourages migrant workers from reporting exploitation or seeking assistance from labour market enforcement agencies. If the UK is serious about enforcing and improving workplace rights, then more robust systems must be implemented that enable those on time limited visas to enforce their rights in practice without risking their immigration status.

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1 Human Rights Law Centre, [‘New Workplace Justice Visa a Critical Step to Stopping Exploitation of Migrant Workers’](#), 7 July 2024.

2 Migrant Workers Centre, [In Review: Australia’s Visa Protection Pilots](#) (2025).

Restrictive Visas include work visas that restrict or limit the options of workers. For example, workers might be restricted to working for their visa sponsor or in a particular sector. While all visas have some restrictions, these are compounded when lower earnings or short visa duration further limit the possibilities of workers to challenge exploitation. If the UK government's proposed changes to settlement are implemented this will mean that migrant workers spend far longer periods on short term, restrictive visas, which will further exacerbate the conditions for exploitation.

Currently, people on work visas who have experienced exploitation can only remain in the country to seek redress in limited circumstances. Those whose visas permit a change of employer must secure a new role with a licensed sponsor within 60 days. For individuals on short-term visas that do not allow switching employers, the only route to remain in the country is to be identified by a First Responder as a potential victim of modern slavery and referred to the National Referral Mechanism (NRM). However, the NRM has serious limitations in terms of enabling access to rights. It does not permit people without status to work, and only deals with cases that have reached the threshold of modern slavery. In addition, even with a positive final stage NRM decision, obtaining leave is unlikely.<sup>3 4 5</sup> This allows a wide range of labour abuse to go unchecked, which is further fuelled by the use of restrictive visas.

Reliance upon the NRM as the only route through which people on restrictive visas can seek redress without risking their immigration status makes cases of modern slavery more likely to occur, as people remain in exploitation while their treatment deteriorates. Research shows that when workers are unable to access and enforce their rights, breaches of employment rights, such as underpayment of wages, are more likely to deteriorate into more severe forms of exploitation and reach the threshold of modern slavery.<sup>6</sup> This in turn puts greater pressure on the NRM as more people who have become victims of severe forms of exploitation seek support.

A further consideration is that loss of immigration status often results in immediate destitution, including loss of tied accommodation and income. This creates a rapid pathway into homelessness, which significantly increases vulnerability to labour exploitation and reduces the likelihood that workers can safely seek redress. Ensuring that workers can maintain lawful status while pursuing employment claims is therefore essential for preventing exploitation from escalating and for reducing the wider social and economic harms associated with sudden loss of status.

The UK can implement a UK Workplace Justice Visa while drawing lessons from Australia's experience. This should include allowing a wider array of organisations to certify claims of exploitation, providing longer and more sufficient time periods for eligible applicants to apply to the WJV,<sup>7</sup> and adopting a definition of "exploitation" that is wide enough to ensure that all workers are able to access these rights. This would end the current race to the bottom in standards and enable the full range of employment rights to be enforced,

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3 Focus on Labour Exploitation (FLEX), *'The NRM: No Substitute for Workers' Rights'*, 27 March 2024; Kalayaan, *Granting the Right to Work for All in the NRM*, no. 1, Ready, Willing and Able: The Cost of Not Letting Survivors in the NRM to Work (2024); Laura Sawyer, *Refusal to Consent: Factors Influencing the Uptake of Modern Slavery Support under the National Referral Mechanism* (University of Nottingham Rights Lab and the Independent Anti-Slavery Commissioner (IASC), 2025).

4 Labour Exploitation Advisory Group (LEAG), *"So I Decided to Carry On...": The Continuum of Exploitation in Practice* (Focus on Labour Exploitation (FLEX), 2024).

5 Adis Sehic and Dora-Olivia Vicol, *Safeguarding Sponsored Workers: A UK Workplace Justice Visa, and Other Proposals from a Six-Country Comparison* (Work Rights Centre, 2025).

6 <https://labourexploitation.org/app/uploads/2024/02/The-continuum-of-exploitation-report-2024-.pdf>

7 <https://www.workrightscentre.org/media/uvrwteg/report-published-24042025-safeguarding-sponsored-workers.pdf>

while at the same time taking pressure off of the NRM and first responders.

#### **4. Opportunities for the UK and the rights of all workers**

The introduction of the Fair Work Agency and implementation of the Employment Rights Act can, if enabled, provide a step change in employment rights. However, currently many cannot feel safe reporting to labour market enforcement without risking immigration enforcement action being taken against them. Unless this is addressed, the Fair Work Agency will not be able to reach its potential and meaningfully improve the employment rights landscape. Unless migrant workers can safely access the Fair Work Agency and enforce their employment rights, those most at risk of exploitation will remain unable to benefit from its protections.

A UK Workplace Justice Visa would enable the Fair Work Agency, and other statutory bodies, to significantly increase their reach and effectiveness, ensuring that all workers can safely report labour abuses, supporting access to justice and accountability.<sup>8</sup>

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<sup>8</sup> Organisations working in the immigration, women and labour rights sectors use both safe reporting and secure reporting to describe a mechanism to ensure that victims and workers with insecure immigration status can report crime without facing negative consequences in regards to their legal status. For more information on secure reporting mechanisms, see here: LEAG. (2022). Opportunity Knocks: improving responses to labour exploitation with secure reporting. Available at: <https://labourexploitation.org/publications/opportunity-knocks-improving-responses-to-labour-exploitation-with-secure-reporting>.