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31 August 2022

Dear Prime Minister, Treasurer and Ministers Gallagher, Burke, Rishworth, O'Connor, O'Neil and Husic,

RE: Jobs and Skills Summit

It is the hope of many that the upcoming Jobs and Skills Summit ("**the Summit**") will lead to full and secure employment for many Australians. To do this, attendees of the Summit will need to consider what is stopping full employment and examine the existing laws and systems that lead to insecure work and the exploitation of workers.

Community Legal Centres Australia is the national peak body for the community legal sector. Our members include community legal centres from across Australia with an employment law practice. Many of these centres share information and good practice and undertake policy and advocacy work through the national Employment Law Network.

Employment lawyers in our community legal centres provide legal advice and casework to the most marginalised and vulnerable workers in our communities. Our speciality work places us in a unique position to understand the complexities involved and the law reform needed to effectively protect some of the most vulnerable workers in the community. We represent workers whose voices are often unheard.

The Summit will shape the future of Australia's labour market. This Summit is an ideal opportunity to improve the working conditions for vulnerable workers, and meaningfully add to national wellbeing and economic growth.

We urge you, in attending the Summit, to consider supporting five key reforms to reduce the exploitation of vulnerable workers.

1. Criminalise wage theft and ensure that the legal dispute resolution mechanism for workers to recover all unpaid entitlements and superannuation is efficient, accessible, and inexpensive.
2. Eliminate sham contracting arrangements: amend the *Fair Work Act 2009* (Cth) ("**Fair Work Act**") to create a presumption of employment relationship instead of a contracting relationship



3. Decrease over-casualisation: improve the definition of 'casual employee' in the Fair Work Act to ensure that it can only be used to describe employees whose work is truly casual.
4. Allow migrant workers to act against exploitative employers: provide effective visa protections to whistle-blowers that report exploitation or wage theft to the Fair Work Ombudsman, and extend these protections to exploitation and wage theft claims progressed through the courts.
5. Extend the Fair Entitlements Guarantee to all employees, including those on temporary visas. Applicants can currently claim a certain level of unpaid wages, notice, annual leave and redundancy pay and the scheme should be extended to include claims on super.

Our contact details are set out below.

Yours sincerely

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