



Facts for employers about new migrant worker exploitation laws

There are new laws in place to tackle migrant worker exploitation. The Migration Amendment (Strengthening Employer Compliance Act) 2024 amended the Migration Act 1958 to help create a level playing field for businesses doing the right thing.

What are the new laws?

Three new work-related offences make it illegal for employers and others in the labour chain to:

1. Coerce or pressure a temporary visa holder to breach a work-related visa condition
2. Coerce or pressure a non-citizen without a valid visa to accept or agree to an arrangement in relation to work
3. Use a worker's temporary visa status to exploit them in the workplace (including coercing or pressuring them in relation to existing visa conditions or requirements to support future applications)

When do they come into effect?

From 1 July 2024.

Who do the new laws apply to?

The new laws apply to employers, labour hire intermediaries and others in the employment chain.

The laws protect all migrant workers including people who have a visa with work rights, an expired visa and those working in breach of their visa conditions.

Types of migrant workers include backpackers, students and PALM scheme workers.

What types of exploitation do the laws cover?

The new laws cover a range of work-related situations including:

- underpaying a migrant worker
- pressuring a migrant worker to work more hours than their visa conditions allow
- coercing a migrant worker to engage in unwanted sexual acts
- pressuring a migrant worker to hand over their passport
- threatening to cancel a migrant worker's visa
- pressuring a migrant worker to accept poor living conditions.

How can I report another employer or someone else in the labour chain who I think is breaking migrant worker exploitation laws?

You can confidentially and anonymously report exploitation to the [Fair Work Ombudsman](#) or [Border Watch](#).

What happens if I break the law?

We will respond appropriately and proportionately. For example, you may receive a compliance notice directing you to take specific action or stop doing something so you can follow the law. In other circumstances, you may be prosecuted and face serious consequences.

How does the prohibition measure work?

Employers who seriously, deliberately or repeatedly break the law may be prevented from employing more migrant workers for a period of time. This new measure is called a prohibition declaration.

The prohibition protects temporary migrants from employers found to have engaged in exploitative behaviour.

A prohibited employer's business name and ABN will be published on the [Australian Border Force website](#). You may face prosecution if you hire more temporary visa holders during the prohibition period.

How long does a prohibition measure last?

There is no maximum for an offence relating to human trafficking and modern slavery.

Where the migrant worker sanction involves a criminal offence, the prohibition may last for up to 10 years (other than those offences relating to human trafficking and modern slavery).

For all other migrant worker sanctions, the duration is up to 5 years.

Are employers or others in the labour chain notified before being declared a prohibited employer?

Before a prohibition decision is made, you will receive a letter inviting you to explain why you should not be declared a prohibited employer. You must respond in 28 days or within the time stated in the letter.

Can I seek a review of a prohibition declaration?

Yes. You can potentially seek review in the Administrative Appeals Tribunal.



[Migrant worker rights](#)



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