Calls to abolish international students’ 20-hour work restrictions
by Elisa Scarton and Marcella Purnama | Thursday, 28 April 2011 | (4) Comments

Tags: Issues, Work

AUSTRALIA’S union for fast food and retail workers UNITE has renewed its call on the government to abolish the 20-hour working restrictions placed on international students. This was after two former 7-Eleven operators were found out for deliberately exploiting six international students and ordered to backpay $90,000 in wages.

UNITE representative Mel Gregson said the restrictions forced international students into low-paid sectors where they were vulnerable to exploitation.

"International students can’t support themselves on low wages when they’re working only 20 hours a week,” she said.

“It creates a situation where a lot of employers force international students to work more hours for less pay. They then bully and threaten students with deportation if they complain.”

In 2009, The Age reported an Australian student and an international student were paid $14 and $9 per hour respectively for doing the same work at the same place.

Melbourne University Overseas Student Service spokesperson Yee Hooi Tee said little had changed since The Age report.

“I still meet with international students, especially in the hospitality and mobile phone industries, who are severely underpaid,” Ms Tee said.

But Ms Tee said it wasn’t just fear of deportation that kept international students from reporting their employers.

“Often they come from countries where there aren’t many rights for workers, so they don’t expect them in Australia. Other times they need the job to survive,” she said.

"With the 20-hour weekly working restrictions it’s difficult for them to find employment, so they stay where they are. They’re worried that an employer won’t hire them when they can get a local student who can work for longer.”
“They then accept discriminatory and often unacceptable working conditions.”

Both UNITE and MUOSS have reported cases of international students not being paid for training sessions and probation periods, being forced to work long hours without breaks or being given impossibly short notice to come into work and then being threatened if they refuse.

Ms Tee also said many employers broke the law by paying international students cash-in-hand.

“That might seem like a good thing, but it isn’t. Receiving cash-in-hand often means students are off the books and their payment can be delayed or they don’t get paid at all. Then they can’t take it to court because there is no record of their employment,” she said.

In their petition to the government, UNITE said the abolishment of the 20-hour working restrictions would provide students with better flexibility and more employment options so they wouldn’t have to turn to underpaying jobs and exploitative employers.

When contacted, a spokesperson from the Department of Education, Employment and Workplace Relations said the government’s position on international student working restrictions wasn’t under review, and pointed Meld Magazine to a media release issued back in 2009.

In the statement, the Minister for Immigration and Citizenship Chris Evans said international students were expected to have enough money to support themselves before they applied for a university course in Australia.

“International students can supplement their income through part-time work in Australia but the primary purpose of a student visa is to study and students should not rely on part-time work to meet their expenses,” Mr Evans said in the statement.

Work exploitation was among the issues raised by Bruce Baird when he was commissioned by the Federal Government to review the regulation of education services in the overseas student sector. His final report was released in February 2010.

But while international students should be given “all possible assistance to avoid workplace exploitation and effectively take action should it occur”, the 20 hour cap was not, in his review, an unreasonable restriction – and arguments the cap should be lifted in order to allow students to earn the income necessary to meet rising accommodation costs ignored the fact students should not rely on earnings within Australia to meet basic living costs.

He said in his report: “Many international students consider a job as part of their Australian experience. However, Australia does not guarantee that every international student will find a job. Further, there are very few jobs that pay enough to cover room, board and tuition while working less than 20 hours a week, particularly for people still gaining their qualifications. That is why DIAC asks students to establish that they have a minimum of $18,000 per annum for living costs, in addition to tuition fees and travel expenses.”

Ms Tee said students shouldn’t expect a change to their working restrictions, but they could still avoid workplace exploitation and discrimination in other ways.

She said the best thing students could do was make sure they were properly informed about their working rights before they even start looking for a job.

“Never begin work without knowing what your rights are and getting your employer to sign a contract promising to respect them. If your employer won’t sit down and write one with you, then walk away,” Ms Tee said.

As part of their Fair Work Campaign, MUOSS has created a sample employee contract for international students to take to their employers.

University of Melbourne students can arrange free appointments with the organisation to get advice or information about their working rights.

“Foreign workers have the same rights as local workers. If students feel like they’re being exploited then we can help them take the right action and speak to the right people,” Ms Tee said.

The Fair Work Ombudsman is also available to help international students with workplace issues. They can find information online or call 13 13 94 to speak to someone in their own language.

“Students should never feel afraid to voice their problems. If we can’t help you, then the
I don’t think that abolishing the 20 hour per week restriction would improve the wages paid to international students. Most full time students work less than 20 hours per week, so there is no advantage to students with citizenship in obtaining the better paid jobs. It is also worth remembering that research clearly shows that students working more than 15 hours per week during semester are less likely to perform well academically.

Unfortunately I think there are some employers who take advantage of international students because they know that international students are desperate to get work and are more willing to accept lower wages than local students. Local students usually have a better understanding of what is a fair wage and have access to support from family in friends in obtaining work through their networks.

I definitely think that the fact of abolishing the 20-hour-pw restriction would help to improve the work conditions of international students. I’m not from Asia, but I’ve witnessed how some Asian restaurants take advantage of the necessities of asian students and offer less than $11 per hour for jobs that are worth between $16 and $18.

As an international student, sometimes I feel that 20 hours are not enough (or convenient) for some employers and that’s why they prefer to hire locals.

The big issue about exploitation is that you need to unionise and don’t be afraid to speak up for yourself. Get your colleagues to sign up as well so that the union has actual collective power to go to bat for you. I realise there is a cultural subservience in other countries, but here in Oz you need to stand up for yourself and fight for your rights to combat the perception that you are meek and mild Asian students who will do what you’re told to do.

As for the working restriction. It’s a double edged sword, but i can tell you wheni was in the US, i was restricted to 20 hours and it could ONLY be on-campus.

The 20 hour work restriction is archaic. Its not unreasonable to work as a student!!
did and I averaged 20 – 30 hour week. I also think that the performance of students is an individual thing – I worked, raised 2 kids, and did a double major as a single mother! If you have the will, you can find the way, inspite of what "research" says.

I think that if an individual has travelled around the world to a country that is as affluent as Australia, has as much work as WA and chooses to work and study that is their choice. They should be given the right to determine how well they can perform while working. My opinion is the limitation of 20 hours is really to encourage wealthy students, from wealthy families to study here in Australia, but that is not the ONLY kind of international student Australia imports. Family support from the home countries can change, can go through ebbs and flows, and being able to assist the financier (usually a parent) in those difficult times by being able to pick up the minimum tab in australia (ie: cost of living) could be the real difference between whether a student succeeds or fails. Not based on academic ability or application but on whether the fees have been paid or not! Why is it so discouraged in Australia for a student to chip in and help out with financial costs, from australia? There is so much work in WA – but the restrictions mean that many students cant apply for these roles. The restriction prohibits them and not whether they can study and work at the same time – that is a lame excuse from people I believe may never have had too. Most students I know work the full 20 hours that they can and would gladly work more too have some cash in their pockets to have a life in australia while they are studying, and still pass their exams.

At the end of the day – institutions have their money for the courses done, the government the money for the visa's applied for – education here is a business not a charity – the government doesn’t care if a student fails or succeeds – it wants to be paid. So why make life even harder and more isolating for an international student by restricting their capability to contribute to their living costs? Its cruel, archaic and creates financial stresses and is a aw that needs to be changed. I wouldn’t be surprised if they came up with that 20 hour figure in the 60’s and just haven’t bothered to change it. Do the math: 20 x 20 av is only $400 BEFORE tax, it doesn’t even cover rent and utilities out here in WA. Loose the restrictions.

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