

Workers on 457 visas - changing employers

Reforms introduced in September 2009 have made it easier for workers on 457 visas to change employers.

Can a worker on a 457 visa change employer?

Yes, however the new employer needs to be an approved sponsor and to nominate the worker to do a particular job. Once the nomination is approved, the visa holder can start work for the new employer.

Can a worker on a 457 visa change occupation?

Yes. A worker on a 457 visa who changes occupation does not need a new visa. The employer needs to be an approved sponsor and to nominate the worker to do a particular job. Once the nomination is approved, the visa holder can start work in the new occupation.

What if a worker on a 457 visa cannot meet the new English language skill level required?

People already holding a 457 visa can change employers and occupations without needing a new visa. Therefore, they will not be assessed against the new English language requirements.

However, prior to the expiry of their current visa, they need to depart Australia or apply for a new visa. If they apply for a new 457 visa, they will be assessed against the new English language requirement.

How will market salary rates affect workers changing jobs?

A worker on a 457 visa can only work for an approved sponsor. The employer must lodge the nomination application and specify the market salary rate that they will pay the worker. The market rate is the wages and conditions of employment provided to Australian workers doing the same job at that workplace. This may be higher or lower than the worker on the 457 visa received with their earlier employer for doing that job, as the market rate may be different at different workplaces (see Market Salary Rates fact sheet).

What about the Temporary Skilled Migration Income Threshold?

A nomination application lodged by an employer will not be approved where the market salary rate specified is below the Temporary Skilled Migration Income Threshold (TSMIT) of \$49 330. A worker on a 457 visa cannot work for an employer who proposes to pay a market rate that is below the TSMIT. A 457 visa holder is encouraged to seek details of the rate to be paid by a proposed employer prior to seeking to change employer.

If a worker on a 457 visa changes employer, do they need to obtain private health insurance?

Employers of workers whose 457 visa was granted prior to 14 September 2009 are still responsible for medical costs incurred in a public hospital. If these workers change employers, the obligation to pay these costs transfers to the new employer. Workers whose 457 visas were granted on or after 14 September 2009 must maintain health insurance as a condition of their visa. This also applies to family members of the primary visa holder.

If the company has changed hands does a worker on a 457 visa need a new visa?

No. However, the new employer needs to be an approved sponsor and to nominate the temporary overseas worker to do a particular job. Once the sponsorship and nomination is approved the worker can commence for the new employer.

For more information about the 457 visa program or other visa issues, contact your union, the ACTU on 1300 362 223 or:

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