



# Inquiry into the value of Skilled Migration to Australia

Submission by the Australian Council of Trade Unions

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**ACTU**  
australian council of trade unions

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## Introduction

### About the ACTU

The Australian Council of Trade Unions (ACTU) is Australia's peak national body of unions, founded in 1927. Our 37 affiliated unions and trades and labour councils represent nearly 2 million members across all industries and occupations. The ACTU advocates on behalf of its affiliates on a wide range of issues to improve the lives of all workers.

### Our values

The Australian Union movement believes in a fair go for all workers – whoever you are and wherever you come from. We are a proudly multicultural movement, and our diversity is our strength. Australia has been built by successive waves of immigration, which have in turn built our union movement. Migrant workers make an enormously valuable contribution to and are an integral part of our workplaces and our communities. Australian Unions believe that permanency, not temporariness, must be the foundation of our migration system, and that migrant workers must be able to enjoy the same workplace rights as local workers and be protected from exploitation.

Previous generations of migrant workers were able to build lives here in Australia with their families and become permanent members of our workplaces and our communities. But over time we have seen our migration system shift to one based on temporary, employer-sponsored migration, where workers are on insecure short-term visas, and reliant on their employer for their ability to stay in the country. This resulted in rampant exploitation of temporary migrant workers, who are highly vulnerable to exploitation due to their temporary status which limits their bargaining power and agency, and employers gaming the system to use temporary migration as a source of cheap labour, rather than training up and giving opportunities to local workers.

### Inquiry into the value of skilled migration to Australia

We welcome the opportunity to contribute to this important inquiry into the value of skilled migration to Australia. This submission will focus on the key reforms that must be made to Australia's migration system in order to prevent and address the exploitation of temporary migrant workers and ensure that employers cannot use the migration system to avoid training local workers and improving job quality, pay and conditions to attract and retain workers.

## Recommendations

The Australian Government must:

**Recommendation 1:** Ensure the *Migration Strategy* is implemented in full.

**Recommendation 2:** Ensure JSA is supported to implement its functions as outlined in the *Migration Strategy* to enhance the coordination of the education, training and migration systems and take an evidence-based, tripartite approach to skilled migration.

**Recommendation 3:** Implement the recommendations of the Activate Australia's Skills campaign to reform skills assessment processes.

**Recommendation 4:** Conduct a review of labour agreements and rewrite guidelines to provide strong worker protections, enshrined in legislation.

**Recommendation 5:** Abolish the 'specified work requirement' for Working Holiday Makers.

**Recommendation 6:** Amend current settings of the Workplace Justice Visa and Strengthening Reporting Protections pilots to ensure all temporary migrant workers are able to pursue workplace justice without fear of immigration-related consequences, and enshrine the protections as a permanent part of the migration system.

**Recommendation 7:** Ensure the continuation of funding to deliver education and information targeted to temporary migrant workers on their workplace rights.

**Recommendation 8:** Reform the 'Points Test' to ensure that all temporary migrant workers have a clear, accessible, affordable, and self-nominated option to obtain permanent residency.

**Recommendation 9:** Reform the PALM program to ensure tripartite governance, worker-initiated mobility, access to Medicare for PALM workers, implement the guaranteed 30 hours minimum work per week for short-term workers, improve accommodation, and eliminate the Departing Australia Superannuation Payment (DASP) for PALM workers.

**Recommendation 10:** Ensure all temporary migrant workers are covered by the Fair Entitlements Guarantee (FEG) program.

**Recommendation 11:** Implement the National Anti-Racism Framework in full.

**Recommendation 12:** Conduct a national inquiry into racism in Australian workplaces.

## Migration Strategy

The Albanese Government articulated a bold vision for reform of skilled migration through its *Migration Strategy*, released in December 2023. The Strategy was a result of thorough consultation with the tripartite social partners – unions and business – and the broader community. The Strategy outlines five core objectives for Australia’s migration system; this submission will focus on progress towards achieving the second objective:

**Ensuring a fair go in the workplace by complementing the jobs, wages and conditions of all workers and preventing migrant worker exploitation<sup>1</sup>**

Australian Unions welcomed the following key measures that have had a significant impact in meeting this objective:

- **Ending permanent temporariness and rebalancing the system back to one focused on permanent migration:** There were a number of measures aimed at reducing precarity and temporariness, including introducing pathways to permanency for all temporary skilled migrant workers.
- **Preventing and addressing migrant worker exploitation:** Including the introduction of mobility for workers on the new Skills in Demand visa (formerly the TSS visa) enabling them to change employer sponsor. Skills in Demand visa workers now have 6 months to find a new employer sponsor and can work during that time. Measures to address exploitation also included the introduction of protections against visa cancellation and the creation of the Workplace Justice Visa to enable migrant workers who have been exploited to stay in Australia where necessary to pursue their entitlements.
- **An evidence-based, holistic, tripartite approach to planning skills and migration through Jobs and Skills Australia (JSA):** A key role for JSA in the migration system has been established, where JSA advises on labour market shortages based on rigorous analysis of quantitative and qualitative data, including evidence from employers and unions to ensure that skill shortages are genuine. JSA analyses whether migration is an appropriate path to address identified shortages, including considering labour market outcomes for temporary migrants, and the need to complement the skills, wages, and conditions of local workers.

This submission will outline the key outstanding elements of the *Migration Strategy* that must be addressed and propose additional reforms that must be made to realise the objective of ‘Ensuring

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<sup>1</sup> Commonwealth of Australia (2023), *Migration Strategy*, <https://immi.homeaffairs.gov.au/programs-subsite/migration-strategy/Documents/migration-strategy.pdf> p. 12.

a fair go in the workplace by complementing the jobs, wages and conditions of all workers and preventing migrant worker exploitation.’

**Recommendation 1:** Ensure the *Migration Strategy* is implemented in full.

## Complementing the jobs, wages and conditions of all workers

### Jobs and Skills Australia’s role

The *Migration Strategy* establishes a critical role for Jobs and Skills Australia (JSA) in the skilled migration system to use an evidence-based, tripartite approach to target skilled migration to genuine shortages. JSA’s role is to enhance coordination of the education, training and migration systems by acting as the key advisory body.<sup>2</sup> The *Migration Strategy* states:

As the key body for advising on Australia’s skills needs, Jobs and Skills Australia will help ensure local workers’ skills and job opportunities are prioritised, and the migration system is guided to areas of best use. Jobs and Skills Australia’s role in the migration system will mature over time and will look to take into account not just the ‘what’ and ‘where’, but also the ‘why’ and ‘how’ with respect to occupations in shortage. This will help ensure migration complements the domestic skills and training system.<sup>3</sup>

The *Migration Strategy* outlines a number of tasks for JSA:

- Labour market analysis relevant to the Specialist Skills Pathway<sup>4</sup> of the Skills in Demand visa<sup>5</sup>, including through monitoring the labour market impacts of the Specialist Skill pathway with dedicated resourcing to ensure it supports job creation and the upskilling of local workers, and consulting tripartite mechanisms on the use and impacts of this pathway.<sup>6</sup>
- Defining a new Core Skills Occupation List for the Core Skills Pathway.<sup>7</sup>
- Advise on appropriate sectors and occupations in the Essential Skills Pathway.<sup>8</sup>
- Analyse international student outcomes and pathways into the labour market.<sup>9</sup>

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<sup>2</sup> *Migration Strategy*, p. 81.

<sup>3</sup> *Migration Strategy*, p. 81.

<sup>4</sup> *Migration Strategy*, p. 81.

<sup>5</sup> <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skills-in-demand-visa-subclass-482>

<sup>6</sup> *Migration Strategy*, p. 50.

<sup>7</sup> *Migration Strategy*, p. 81.

<sup>8</sup> *Migration Strategy*, p. 81.

<sup>9</sup> JSA, ‘International Students Pathways and Outcomes Study’, <https://www.jobsandskills.gov.au/research/studies/international-students-pathways-and-outcomes-study>

- Undertake a Food Supply Chain Capacity Study<sup>10</sup> to inform the Government’s evaluation of regional migration settings.

Unions support the role outlined for JSA in the migration system to ensure a holistic, evidence-based approach to identifying genuine shortages and the targeting skilled migration and other measures to support skills and develop a local workforce. The Government must ensure that JSA is properly resourced to carry out the role envisaged in the *Migration Strategy*,

**Recommendation 2:** Ensure JSA is supported to implement its functions as outlined in the *Migration Strategy* to enhance the coordination of the education, training and migration systems and take an evidence-based, tripartite approach to skilled migration.

### Reforming skills assessments

The skills assessment system is in need of reform. There are currently 39 skilled migration assessing authorities approved to undertake assessments for 650 occupations. Current skill assessment processes are expensive, complex, lack transparency, and prevent migrant workers from having equal employment opportunities. Due to the difficulty of having their qualifications and skills recognised in Australia, migrant workers are often employed in jobs well below their skill level. There are also significant gaps between the services being delivered by some assessment authorities and industry expectations of the standard of skills assessment for workers. The *Migration Strategy* commits to ‘improve the approach to skills recognition and assessment to better unlock the potential of migrants. The ACTU is a supporter of the ‘Activate Australia’s Skills’<sup>11</sup> campaign, initiated by Settlement Services International, aimed at improving skills and qualification recognition policy for migrants. The campaign has made a number of recommendations to reform the system that have wide support from unions, industry, community organisations and settlement support organisations:

- One national governance system for all overseas skills and qualifications recognition, including an Ombudsman with regulatory power to provide independent oversight and transparency.
- A seamless process with greater national consistency and reduced red tape.
- Financial support for individuals to remove cost barriers and an online portal with all the information so people know what they need to do.

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<sup>10</sup> JSA, ‘Food Supply Chain Capacity Study’, <https://www.jobsandskills.gov.au/studies/food-supply-chain-capacity-study>

<sup>11</sup> Activate Australia’s Skills, <https://activateaustralia.org.au/>

- Migrant Employment Pathway Hubs with skills recognition navigators to get qualified people working in their professions again.

**Recommendation 3:** Implement the recommendations of the Activate Australia’s Skills campaign to reform skills assessment processes.

### Reforming labour agreements

Labour agreements are developed between the Australian Government and employers, and are generally in effect for five years and provide for visas to be granted under one or more of the following programs:

- Skills in Demand Visa – formerly the Temporary Skill Shortage (TSS) visa (subclass 482)
- Employer Nomination Scheme visa (subclass 186)
- Skilled Employer Sponsored Regional (Provisional) visa (subclass 494)

There are three main types of labour agreements:

- Company-Specific labour agreements
- Designated Area Migration Agreements (DAMAs)
- Industry labour agreements

There are thousands of labour agreements currently in effect, covering various occupations and industries. Labour agreements are in urgent need of reform in order to close the loopholes in our migration system that enable employers to avoid minimum standards. Labour agreements are used by employers who want to gain access to a temporary skilled migrant outside of the standard visa rules. Too many employers are using labour agreements as a way of avoiding their obligations to meet the minimum standards of our skilled migration system, and to avoid offering opportunities and skilling up local workers.

Many labour agreements contain ‘concessions’ on some of the protections that apply to skilled temporary migrant workers to prevent exploitation, and certainly do not meet the level of protection that would be expected in lower paid sectors and occupations where workers are at a higher risk of exploitation. Minimum standards such as the TSMIT (Temporary Skilled Migration Income Threshold) and the recently created Core Skills Income Threshold (CSIT) exist to ensure that migrant workers are not paid less than a local worker doing the same work, and to stop employers

utilising the migration system to undercut the wages in the Australian labour market, yet labour agreements can enable employers to pay 10% less than the TSMIT and CSIT (currently \$76,515).<sup>12</sup>

The Migration Strategy commits that:

...the Government will evaluate existing labour agreements for below-TSMIT migration and will rewrite guidelines for future labour agreements to provide stronger worker protections. The Government will further consider how best to enshrine these guidelines in legislation.<sup>13</sup>

**Recommendation 4:** Conduct a review of labour agreements and rewrite guidelines to provide strong worker protections, enshrined in legislation.

### Working Holiday Maker (WHM) Program

Unions welcome the commitment in the *Migration Strategy* to:

Evaluate regional migration settings and the Working Holiday Maker program to ensure migration supports development objectives in regional Australia and does not contribute to the exploitation of migrant workers.<sup>14</sup>

We note that more than 2 years on from the *Migration Strategy*, however, this commitment is still outstanding.

Since 2005, three months (88 days) of 'specified work' in regional Australia is required in order for Working Holiday Makers (WHMs) to be eligible to apply for a second Working Holiday visa. A third Working Holiday visa was introduced in 2019, requiring 6 months (179 days) of specified work in regional Australia. A number of industries and areas are approved for 'specified work', for example: tourism and hospitality in northern or remote and very remote Australia; plant and animal cultivation in regional Australia. Evidence of exploitation driven by the vulnerabilities of WHM due to the specified work requirement is well documented. For example, the Fair Work Ombudsman's 'Harvest Trail Inquiry Report 2018' noted that WHMs were particularly vulnerable to exploitation, as the incentive to obtain a subsequent visa through completing specified work means that workers may be willing to accept substandard pay and conditions.<sup>15</sup> The FWO has documented cases of WHM exploitation including wage theft, sexual harassment, workplace health and safety

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<sup>12</sup> <https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/nominating-a-position/salary-requirements>

<sup>13</sup> *Migration Strategy*, p. 52.

<sup>14</sup> *Migration Strategy*, p. 83.

<sup>15</sup> Fair Work Ombudsman (2018), 'Harvest Trail Inquiry Report', <https://www.fairwork.gov.au/sites/default/files/migration/1461/fair-work-ombudsman-harvest-trail-inquiry-report.pdf> p. 32.

issues, the provision of sub-standard accommodation, and WHMs being coerced into offering payment to third parties for assistance to gain a second year visa.<sup>16</sup>

The *Migration Strategy* noted that ‘successive reviews and inquiries have shown the 88-day and 179-day specified work requirement is a key driver of exploitation’ and recommended that the Government return the WHM program back to its original intent, namely a cultural exchange program.

This high risk of exploitation has been recognised by the UK Government, who negotiated an exemption for its citizens with Australia: from 1 July 2024, UK passport holders can now be granted up to three Working Holiday visas without having to undertake specified work, under changes negotiated by the UK Government in the Australia-UK FTA which entered into force in 2023.<sup>17</sup>

Employers are utilising WHMs in the horticulture and meat processing industries rather than the better regulated PALM program in order to avoid obligations under that program, including in relation to worker welfare. The WHM program should be reformed to abolish the specified work requirement to address the exploitation in that program and ensure that employers cannot use WHM to undermine PALM.

**Recommendation 5:** Abolish the ‘specified work requirement’ for Working Holiday Makers.

## Preventing migrant worker exploitation

### Visa protection pilots

The *Migration Strategy* noted that the Government was consulting on protections for temporary visa holders to enable migrant workers to report exploitation and enhanced protections against visa cancellation in circumstances where a migrant worker has been subject to workplace exploitation.<sup>18</sup> These protections were implemented in July 2024 with the launch of a two year pilot for two new protections:

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<sup>16</sup> Fair Work Ombudsman (2016), ‘Inquiry into the wages and conditions of people working under the 417 Working Holiday Visa Program’ <https://www.fairwork.gov.au/sites/default/files/migration/763/417-visa-inquiry-report.pdf> , p. 3.

<sup>17</sup> Department of Home Affairs, ‘Working Holiday Maker (WHM) program’, <https://immi.homeaffairs.gov.au/what-we-do/whm-program/latest-news/arrangements-uk-passport-holders#:~:text=From%201%20July%202024%E2%80%8B,or%20after%201%20July%202024>

<sup>18</sup> *Migration Strategy*, p. 75.

- the Workplace Justice Visa (WJV) pilot is a temporary, substantive visa that allows temporary visa holders to stay in Australia for 6 or 12 months to take legal action if they have been exploited at work.
- the Strengthening Reporting Protections (SRP) pilot allows some temporary visa holders who have been exploited at work to apply for protection against their visa being cancelled because they have breached a visa condition

These protections are critical to providing migrant workers with the ability to report and take action on workplace exploitation without fear of immigration-related consequences. There are a number of limitations on the pilots, however, including a limited number of organisations – including trade unions – being eligible to certify claims of workplace exploitation for the pilots, limits to who is eligible to access the pilots, and limits to the types of workplace exploitation matters covered.

**Recommendation 6:** Amend current settings of the Workplace Justice Visa and Strengthening Reporting Protections pilots to ensure all temporary migrant workers are able to pursue workplace justice without fear of immigration-related consequences, and enshrine the protections as a permanent part of the migration system.

### Migrant worker education

The *Migration Strategy* noted the commitment of the Government to develop options to help migrants understand their workplace rights to reduce worker exploitation, and noted that these measures would seek to overcome a lack of trust in government that can be a barrier to reporting exploitation. Unions are uniquely placed to overcome barriers to reporting exploitation to deliver education, information and support to temporary migrant workers. This is because key to stopping migrant worker exploitation is not simply providing migrants with information, but empowering them to take action to enforce their rights. The Government has established the Protecting Migrant Workers: Information and Education program working with State and Territory based Trades and Labour Councils to deliver targeted education and information to temporary migrant workers on their workplace rights.

**Recommendation 7:** Ensure the continuation of funding to deliver education and information targeted to temporary migrant workers on their workplace rights.

### Pathways to permanency

Unions welcome the emphasis in the *Migration Strategy* on ensuring pathways to permanency and reducing ‘permanent temporariness’ that renders migrant workers vulnerable to exploitation. We

welcome the commitment in the Migration Strategy to explore reforming the points test<sup>19</sup>, which is the process for selecting independent skilled migrants (not employer-sponsored) for permanency and call on the Government to ensure that pathways to permanency are fair and accessible.

**Recommendation 8:** Reform the ‘Points Test’ to ensure that all temporary migrant workers have a clear, accessible, affordable, and self-nominated option to obtain permanent residency.

### Pacific Australia Labour Mobility (PALM)

The Pacific Australia Labour Mobility (PALM) program continues to be an important development initiative that builds connections between Australian and Pacific Island and Timor-Leste workers and enables workers to make a living and support their families. The Australian Union movement is supportive of the objectives of PALM and is committed to the success of the program through ensuring that workers from the Pacific and Timor Leste that come to Australia have a positive experience and have their rights protected.

There are a number of reforms, however, that unions believe are critical to safeguarding PALM workers’ rights and preventing and addressing exploitation, including:

1. **Tripartism:** Given the key role unions play in monitoring and enforcing workers’ rights, we recommend embedding genuine tripartism in the program’s governance framework to ensure that unions, as representatives of PALM workers, have a formal and central role alongside employers and Government in the program.
2. **Worker-Initiated Mobility:** PALM workers are effectively bonded to their employer sponsor, creating significant risks of exploitation and modern slavery, and leading to workers disengaging from the program in order to escape an exploitative employer. Allowing workers to move between Approved Employers of their own volition without jeopardising their visa status would reduce vulnerability, promote fair treatment, and encourage higher standards among employers.
3. **Access to Medicare:** PALM workers currently lack access to Medicare, which is a barrier to accessing basic healthcare. Providing Medicare coverage would address health inequities and ensure workers receive essential care, including in circumstances of gender-based violence and pregnancy-related health needs.

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<sup>19</sup> Migration Strategy, p. 58.

4. **Implement a guaranteed minimum of 30 hours work per week for short-term workers:** On 14 October 2025 the Government made the decision to reverse its previous decision to implement a guaranteed minimum of 30 hours per week for PALM short-term workers, and make permanent the transitional arrangement of a minimum of 120 hours averaged over four weeks. Concerns have been raised by Australia’s Anti-Slavery Commissioner, who has noted that ‘fluctuating or insufficient hours of paid work may place financial strain on workers, create uncertainty and lead some to disengage from the PALM scheme altogether. This greatly increases their exposure to risks of exploitation or modern slavery.’<sup>20</sup>
5. **Improve accommodation:** The availability, suitability and cost of accommodation continue to be issues for PALM workers. Governments and employers must co-invest in housing for PALM workers; accommodation costs should be borne by the employer rather than the worker; and the Government must improve accommodation minimum standards and compliance and enforcement of accommodation standards.
6. **Superannuation:** Current processes for claiming superannuation are complex and taxed at a rate of 35%. We propose eliminating the tax on the Departing Australia Superannuation Payments (DASP) for PALM workers and allowing PALM workers to nominate a home-country bank account for superannuation payments upon departure, streamlining the process and reducing financial hardship. We believe these reforms are essential to uphold the objectives of the PALM program and to ensure that it continues to deliver benefits for workers, employers, and the broader community.

**Recommendation 9:** Reform the PALM program to ensure tripartite governance, worker-initiated mobility, access to Medicare for PALM workers, implement the guaranteed 30 hours minimum work per week for short-term workers, improve accommodation, and eliminate the Departing Australia Superannuation Payment (DASP) for PALM workers.

## Ensuring a fair go in the workplace

In conclusion, while this submission focuses on the commitments in the *Migration Strategy*, there are a number of other reforms that must be made to realise the objective articulated in the *Migration Strategy* of ‘Ensuring a fair go in the workplace’.

### Fair Entitlements Guarantee (FEG)

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<sup>20</sup> Australian Anti-Slavery Commissioner, ‘Australian Anti-Slavery Commissioner raises concern over removal of minimum hours guarantee for PALM workers’, 27/10/25  
<https://www.antislaverycommissioner.gov.au/news/australian-anti-slavery-commissioner-raises-concern-over-removal-minimum-hours-guarantee-palm-workers>

These include measures that prevent and address migrant worker exploitation and ensure that temporary migrant workers have the same rights and protections as other workers. A key measure in this regard is ensuring that temporary migrant workers can access the Fair Entitlements Guarantee (FEG) scheme which provides workers who lose their job due to employer insolvency or bankruptcy with financial assistance to recover unpaid wages and entitlements. Temporary visa holders are excluded from the scheme and have limited options to recover their unpaid entitlements.

**Recommendation 10:** Ensure all temporary migrant workers are covered by the Fair Entitlements Guarantee (FEG) program.

### Combatting racism at work

The Government must take action to dismantle systemic racial injustice in Australian workplaces. Australia's Race Discrimination Commissioner has produced a National Anti-Racism Framework<sup>21</sup> to uncover the lived experiences of workers facing racial discrimination, exclusion, and harm and provide a clearly actionable roadmap for the elimination of racism in Australia. The Framework makes a number of key recommendations to eliminate racism in Australian workplaces, including:

- Introduce a positive duty in the Racial Discrimination Act to eliminate racial discrimination by employers and businesses (recommendation 10)
- Ensure that migration and citizenship laws comply with international human rights law, with particular attention given to inequalities experienced by negatively racialised people seeking asylum, and refugees and migrants (recommendation 13)
- Review the effectiveness of current protections against exploitation in employment and migration legislation, and develop further strategies to address unlawful arrangements experienced by migrants in precarious work, particularly those on temporary work visas (recommendation 15)

The ACTU has also joined the Race Discrimination Commissioner in calling for a national inquiry into racism in Australian workplaces<sup>22</sup>. The proposed inquiry would be the first of its kind focused

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<sup>21</sup> Race Discrimination Commissioner, 'The National Anti-Racism Framework: A roadmap to eliminating racism in Australia'

[https://humanrights.gov.au/data/assets/pdf\\_file/0019/25381/NARF\\_Full\\_Report\\_FINAL\\_DIGITAL\\_ACCESSIBLE.pdf](https://humanrights.gov.au/data/assets/pdf_file/0019/25381/NARF_Full_Report_FINAL_DIGITAL_ACCESSIBLE.pdf)

<sup>22</sup> Australian Human Rights Commission, 'Call for a national inquiry into racism in Australian workplaces', 5/11/25 <https://humanrights.gov.au/about-us/media-centre/search-listing-media-releases/race/call-for-national-inquiry-into-racism-in-australian-workplaces>

specifically on workplace racism, joining the ranks of other significant national inquiries such as the National Inquiry into Sexual Harassment in Australian Workplaces which resulted in the landmark Respect@Work report and the Respect@Work Act 2022.

**Recommendation 11:** Implement the National Anti-Racism Framework in full.

**Recommendation 12:** Conduct a national inquiry into racism in Australian workplaces.

**address**

ACTU  
Level 4 / 365 Queen Street  
Melbourne VIC 3000

**phone**

1300 486 466

**web**

[actu.org.au](http://actu.org.au)  
[australianunions.org.au](http://australianunions.org.au)