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# Working Transnationally: Australian Unions and Temporary Migrant Work

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*Unions are becoming increasingly transnationally orientated in many respects, both out of self-interest conceived nationally and conceptions of international solidarity. But thinking outside the nation-state is complex, as can be seen in the issues around temporary work migration. Temporary migration has become a significant component of the migration intake in Australia and as such is a significant aspect of the transnational frame for unions. Temporary work visas include the temporary skilled work visa, the s457, the Pacific Seasonal Workers Pilot Scheme, student visas and working holiday visas. In the national frame debate focuses on the vulnerability of work without permanent residency rights, at least for those undertaking lower paid work. But in the international frame there is currently a focus on the opportunity side of such work as a way to provide jobs and income for individuals from the global South. While unions are wary of temporary migrant work programs, they have shown some increased openness to such programs, at least in the form of the Pacific Seasonal Workers Pilot Scheme. Such openness is positive, but there is a need to be wary about the downgrading of migrants' rights through temporary work programs.*

Unions have rapidly entered into transnational political activities in recent years, engaging in the international policy arena, holding global forums, and campaigning around global agendas. Much of this global union activity has occurred through peak bodies including the International Trade Union Confederation (ITUC; formerly the International Confederation of Free Trade Unions), regional or sectoral networks (Munck 2004; Myconas 2005). It includes global campaigns and agendas such as the ITUC and NGO campaign around the International Labour Organisation's (ILO) Decent Jobs agenda which calls for decent jobs across the globe to alleviate poverty—not jobs at any cost. Transnational union activity has occurred for different reasons, including both perceptions of national self-interest and internationalist conceptions of global solidarity. But while the aims and outcomes of such activities are varied, such activity is necessary: given the increasing transnationalisation of social processes, and ongoing entrenchments of resource disparities across the globe, unions need to consider the global dimensions of their activity. As James Goodman puts it, there is a need to: '...think through how national political cultures may be re-gearred to meet transnationally defined goals rather than primarily national-interest ones' (Goodman 2007, 187).

A significant issue in the transnational frame for unions is temporary work migration, given the scale on which temporary work occurs and the issues it raises. Temporary work migration refers to work by overseas workers on visas without permanent residency rights. Globally, transnational work is a large scale phenomenon. There were, for example, approximately 6.2 million intra-Asia migrants in 2000 (Castles 2004, 18). Historically

temporary visas have been utilised minimally in Australia, but in the last decade they have begun to comprise a significant component of the migration intake. This includes the skilled temporary work visa (Temporary Business Long Stay Visa (subclass 457)), the seasonal agricultural work scheme for Pacific Islanders (running as a pilot), working holiday visas and student work visas. Temporary work migration has shrunk markedly since the current economic downturn began, but indications are that in the medium term, temporary migration is likely to become a more significant component of the migration intake, with the government signalling its intent to increase 'on-shore' migration (Evans 2008). The Australian interest in temporary migration is part of a resurgence of interest in temporary migration in wealthier nation-states in the context of long-term shortages of workers in many wealthier nation-states with ageing populations. It also reflects a push for migrants to precisely match labour force requirements; for permanent migrants to be highly skilled, leading to temporary migration being considered for low skilled work; a shortage of skilled workers across the globe; a globalisation, to degree, of the market for high skilled positions; and a reconceptualisation of temporary migration for low skilled work as a developmental scheme for the global South.

Transnational work has contradictory aspects of opportunity and exploitation, as can be seen in the various framings of temporary labour migration as forms of 'cosmopolitan mobility' and 'opportunity', 'global circulation', 'brain drain' or 'exploitation of workers'. Yet while not without advantages, temporary transnational work clearly creates vulnerabilities for workers, and decouples work from many of the political and social rights of citizens. Sources of

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vulnerability include the activities of agents in the process – including employers and recruiters; lack of citizenship; that sending countries have no jurisdiction; and the flexibility temporary workers offers origin and destination states (Ball and Piper 2005, 219). Temporary work often ties workers to an employer, region or occupation, or places limits on work hours. Some visa-holders can only stay in the country for a short time without employment, making leaving an exploitative employee difficult. Further, work can be a means of attaining permanent residency and employers can exploit this. Whilst not difficult to cite examples from across the globe where the treatment of temporary workers is appalling, vulnerabilities exist even in better regulated programs—such as the Canadian Seasonal Agricultural Workers Program (Basok 2002; Binford 2004; Sharma 2006; Sharma 2007). But vulnerabilities differ markedly depending on the regulatory context, including whether workers can join unions and are required to be paid the same as locals, and the bargaining position of the worker—meaning that workers undertaking low paid work and with more stake in acquiring permanent residency are particularly vulnerable.

Migration, especially temporary migration, is an issue which has proven difficult for unions in the past. Perhaps most notably, this was evidenced by the prejudice displayed in support from the union movement for the White Australia Policy. In many ways the rapidity with which unions have called for migration to be reduced in the wake of the current economic downturn, or the more stridently nationalistic responses to the skilled temporary work visa (s457) might suggest that this is little different today. Yet unions in Australia have advocated strongly for the rights of temporary migrant workers, and, as will be discussed further below, the frame of reference with which unions have responded to issues around temporary migration has, to degree, been wider than the nation-state. Thinking transnationally is difficult, and in an unevenly globalising world, negotiating solidarities across borders, as is the case around temporary migration, has been complex for unions given the interests of their various constituents are not always clearly shared. Unions have developed strategies and resources to advocate for the rights of temporary workers, but they generally maintain an aversion to the concept of temporary transnational work, usually from the perspective of protecting the national workforce and conditions.

Unions have campaigned for the rights of workers at both the international level and within the national context. At the level of international policy, unions have, for example, called for the rights of migrant workers to be protected through the ratification of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of the Families and regional agreements, which few countries have done (UNESCO; ILO 2003; Ball and Piper 2005). Across the globe, unions have

become more involved on the ground in advocating for the rights of temporary workers in workplaces, and this has signalled something of a turnaround for many (Haus 1995; Avici and McDonald 2000; Piper 2005, 108-112; Ford 2006). In Australia some unions have worked to develop new strategies to address issues for temporary migrant workers, including working with community organisations and advocating for residency rights (Desierto 2007). But at the level of national policy issues around temporary transnational work are particularly complex, including for unions, as has been seen in the Australian case.

Temporary migrant work resoundingly entered national policy debate in Australia following the introduction of the temporary skilled migrant visa (s457) in 1996, and continued with the Pacific Seasonal Workers Pilot Scheme, which commenced this year. Debate around the s457 visa has predominantly focused on the potential to use this visa to cut wages and conditions. The s457 visa is an employer sponsored visa category, allowing entry for up to four years and residency rights are dependent on employment. It has become a major component of the immigration intake; in some years the number of s457 entrants has eclipsed permanent migrants. While a skilled migration visa, it has been used to cover a diverse range of positions and most debate has focused on the vulnerabilities of workers undertaking lower skilled employment. Some research indicates most temporary migrants on s457 visas are generally positive about the experience of working in Australia (Khoo, Hugo et al. 2006). But it is notable that a significant number of employers have used the visa to reduce safety standards and pay, and to increase work hours; and migrant agents have charged exorbitant fees. (AEGIS et al. 2006; Carlisle 2006; Deegan 2008; Kinnaird 2006; Moore and Knox 2007). Thus, from the perspective of trade unions, the visa can be used to undercut pay and working conditions.

Yet the image of temporary migrant work as exploitative has been called into question in the subsequent debate around the Pacific Seasonal Worker Pilot Scheme. This seasonal work program, which has just commenced, is open to citizens of four Pacific Island states. The rationale of the program is to create job opportunities for Pacific Islanders and contribute to economic development in the Pacific, while also meeting the need for agricultural workers in Australia (Department of Immigration and Citizenship n.d.). Like the s457 this visa is time-limited, although quite differently. It allows visa holders to work in certain horticultural regions in Australia for seven months each year on an on-going basis, but they are required to leave the country for the other five. The scheme has been supported by the World Bank and Oxfam, as well as the National Farmers Federation, who argue it is a 'win-win-win' scheme for Australian employers, migrant workers, and Pacific Island states. It is argued that the program can

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be designed to minimise the possibilities of exploiting the vulnerabilities inherent in temporary visas while injecting remittances into Pacific Islands. Given the program has been designed to meet Australian and international objectives, the program is a useful vantage to examine some of the issues involved in temporary migrant work schemes.

The perspective that a 'well designed' temporary migration program could be a developmental opportunity for the global South is not unique to the Australian context. This approach is endorsed by a range of international institutions, notably the World Bank (Boucher 2008), and international NGOs, especially Oxfam, and actively pushed by many nation-states in the global South. Given the significance of remittances not just for many households across the global South, but to the economies of many states, it is not difficult to understand the advantages of such programs. Remittances are a big business. Remittances from temporary migrant workers reached almost \$100 billion(USD) in 2005 (Ramamurthy 2006). For many individuals and households it is a way of earning an income, usually higher than that possible at home. For many nation-states remittances exceed export earnings, foreign direct investments and private capital inflows (Ramamurthy 2003, 2006), and national economies would collapse should they cease (Levitt 2006, 28). It is argued this overseas income can contribute to the economic development of nation-states, while meaning individuals are not lost to the state through permanent migration. Martin Ruhs and Philip Martin, proponents of these programs, argue that while migrant's rights are curtailed because they do not get rights to stay permanently, this can be justified from an international development perspective:

[T]he result should be "win-win-win" outcomes, as migrant workers win by earning higher wages abroad, migrant-receiving countries win with additional workers who expand employment and economic output, and migrant-sending countries win via greater remittances and the return of workers who gained skills abroad (Ruhs and Martin 2008, 250).

With other options limited, many states are pursuing access to temporary work programs for their citizens as a way to bring in income and reduce unemployment. This includes some nation-states in the Pacific where remittances form a significant component of the economy, and where their small size creates obstacles to other options (Stahl and Appleyard 2007; Luthria 2008).

Temporary transnational work is undoubtedly a very important livelihood strategy for many, but its role as an economic development strategy for states is more complex, and the social and economic impacts vary.

The literature which posits temporary migration as a development opportunity is primarily economic in focus, leaving much scope to consider the social aspects of this form of development (Piper 2009). Castles (2007), argues the evidence of high migration sending countries suggests that without long term strategies to reduce inequality, improve infrastructure, welfare and governance, remittance led strategies '...seem simplistic and naive'. Whether beneficial or not, temporary lower-skilled migration is often a way to access workers who will do work locals do not want to do, either because it is economically unviable as it is low paying and irregular, or because it is unpleasant work. It is problematic to refer to this as a development project for the global South, given the economic benefit of this to the global North—as Castles argues, the '...transfer of labour power and skills to the rich countries through labour migration is the latest form of development aid by the South to the North' (Castles 2006, 5). In this context it is important to consider the degree to which positing the work of individual migrants as a developmental strategy is part of wider strategies encouraging positive change, including more equitable trade strategies, or foreign aid, or is counterpoised to such strategies. Given temporary work programs are often negotiated as part of regional trade agreements, the connections between the two issues are apparent (Pacific Network on Globalisation 2008).

A separate, but related, issue is the significance for individuals of working without citizenship, or a path to citizenship. The defining feature of temporary work programs is that they do not come with a path to citizenship. While higher-skilled migrants may be able to convert this to permanent residency, this is much less likely for individuals in lower-skilled work programs. Proponents argue that this can be a developmental virtue—needing to return home means states in the South benefit from this income. But for individuals, while working without citizenship or permanent residency is not necessarily problematic in itself, at least on a short-term basis, citizenship does confer significant material and social benefits. As Nandita Sharma argues in the context of the Canadian seasonal agricultural work program, temporary migration is a system which helps to define unequal social relationships based on nationality, and renders migrants as permanent outsiders (Sharma 2006; Sharma 2007). Even so, this still poses a dilemma, as Joseph Carens (2008) has put it, given that for many individuals this is still a preferable option. Carens argues that while states have the right to admit workers for a short time without putting them on the path to citizenship, restrictions on social and economic participation, such as limiting the types of employment they can do, or tying temporary workers to particular employers, are inherently problematic. For low skilled workers this restricts them to employment locals do not want, as is the case in seasonal agricultural programs. He argues this is not just, but he is 'conflicted' about whether these programs should be

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abolished given the tension '...between the fact that the program is exploitative ... and ... highly beneficial to those who participate in it, given their alternatives' (Carens 2008, 20). He argues these programs are not ideal, but justifiable if time limited. However, putting time-limits on temporary work is not in itself beneficial to individual workers. Daniel Bell and Nicola Piper argue work without residency rights is nothing to celebrate, but is better than it ceasing and putting time-limits on temporary migration means individuals would not have the possibility of on-going work (Bell and Piper 2005, 212). In the Australian seasonal work program, it is this issue which is perhaps most difficult. Potentially, individuals will spend years working half of their time in Australia without being able to access citizenship. While individuals may prefer this given it is on-going work, it is also likely that in this scenario they would prefer to be able to access citizenship and the benefits this entails.

Given the vulnerabilities and exclusions attached to temporary migrant work programs, unions in Australia are wary of such programs, but have shown some greater openness to the idea lately, particularly to the Pacific Seasonal Worker Pilot Scheme. The Australian Council of Trade Unions (ACTU) supports the piloting of this scheme, as does the union with coverage of this sector, the Australian Workers' Union (AWU). In explaining their support, a mixture of self-interest, national protection and support for Pacific Islanders have been cited, suggesting the complex inter-play of interests. Paul Howes, National Secretary of the AWU, argues that the program is in Australia's national interest while also an expression of solidarity with regional neighbours, arguing: 'Australia is a wealthy nation being strangled by its own success, while our Pacific Island neighbours are simply trying to keep their head above water' (Australian Workers Union 2006). He explains the AWU's support mainly in terms of Australia's national interest: the agricultural sector is suffering a labour shortage. He also argues the program should be reviewed regularly to meet national priorities, including, if '...Australian jobless figures rise rapidly', displaying what sounds like support for one of the most problematic aspects of temporary transnational work, its use as a flexible work force (Australian Workers Union 2008). Having said this, the union has not sought to terminate the pilot program due to the current economic downturn, and has proactively advocated for the Pacific workers since the program commenced. It is important not to essentialise the union movement's position, though. The diverse sectoral interests, as well as distinct political frameworks across the union movement means there is not a consistent position on this issue from the union movement and other unions remain opposed to the scheme. John Sutton from the Construction Forestry Mining Energy Union (CFMEU), for example, argues that, like the s457, the scheme undercuts Australian workers,

exploits Pacific workers, and is a form of labour immobility. He argues aid is a better development approach than temporary work (Sutton 2006).

Temporary migration creates new issues for unions and for workers, local and transnational. There are many reasons to be concerned about the downgrading of migrants' rights though temporary work programs, rather than giving the option of permanent residency: this is a way to get a workforce willing to do work that is unattractive to citizens, and these are precisely the workers that need the protection that citizenship entails. Whilst the possibility of someone working in Australia for a period of time without being granted residency is not necessarily problematic, the prospect of individuals working in Australia for half of each year without access to citizenship is difficult to reconcile. Yet it is not difficult to come to the conclusion that as part of a wider engagement with the Pacific, the seasonal work scheme could bring important benefits to the Pacific, and that the increased openness to such ideas by Australian unions is positive. Perhaps, though, given the need for work options in the Pacific, the next step is to give Pacific Islanders access to the Australian labour market, as New Zealanders are given, or at least unrestricted access for a certain period of time, similar to a working holiday visa. Regardless, the ongoing engagement of unions with issues of transnational work will be vital to minimising the exploitative aspects associated with such programs.

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### Quaestro #016

The river was here  
believing in us.

The stars were here  
believing in us.

We were as naked  
as the searching mosquito.

Wicked.

And vulnerable.

We knew how to respect  
the lies.

We knew how to tremble.

The river was here  
believing in us.

The stars were here  
believing in us.

And we thought  
we could conquer  
the world.

GEORGE GOTT,  
SUPERIOR, WISCONSIN USA

### In Praise of Louvres

through the old louvres  
oblongs of rough-edged glass

moulded into honeycombs, daubs,  
raindrops, crude leaves and flowers,  
the yard outside  
the old shed and scraggy trees  
were thick brushstrokes of dimmed  
colour, light-rimmed

these postwar rooms  
windowed in Sparkle, Spotswood,  
Florentine, were lit  
with a watery privacy  
the suburb's edges dissolving  
into panes of soft colour  
light that seemed to flow  
through moving leaves  
moving water

a glass for slow indoor afternoons  
on hot days  
letting in the start of the sea breeze  
discreet enough for going shirtless

our modern glass is clear  
tells all  
with a tabloid grin

PAM SCHINDLER  
ST. LUCIA QLD