第 4B 組-移工

Dr. John Boersig

澳洲首都特區法律扶助委員會執行長

移工進入澳洲途徑

- 暫時性簽證
  - 打工度假簽證
  - 國際學生簽證
  - 季節性移工計畫
- 僱主擔保
  - 暫時性技能短缺
- 一般技術移民
  - 技職人才篩選 (Skill Select) 申請
  - 政府擔保

- ➢ 《全國勞動基準》適用於所有勞工
- ➢ 移工常見問題：
  - ➢ 以工資折抵僱主協助申辦簽證費用
  - ➢ （工資支付後）要求員工另以現金退還
  - ➢ 捏造工作時間表
  - ➢ 簽訂假合約（譯註：以其他契約掩蓋僱傭契約的本質，規避退休金、稅賦等僱主責任）
  - ➢ 綁債現象

針對移工的社區法治教育

Employment Problems
Spot the Signs

Is this happening to you?

Then it's time to get employment law advice

"I am paid less than $18.93 an hour"

The national minimum wage is $18.93 per hour. All workers should be paid at least this amount, unless they are a 'junior' (usually 20 years of age or less). Most minimum rates in Awards* are higher than the minimum wage. If an ordinary worker is receiving less than $18.93 per hour then they are almost certainly being underpaid.

"I am paid 'cash in hand' and don't get a payslip"

It is legal for a worker to be paid cash in hand – but all workers must be given a payslip. If a worker receives cash without a payslip there is a real risk that the employer is not following the law – for example the employer may not be sending the worker's tax to the Tax Office or contributing superannuation for the worker.

"I am working for a trial period with no pay"

All workers are entitled to be paid for their work, even when on probation or being trained. Many workers who are new to Australia are mistaken about this because of bad labour practices in other countries. Many workers who are new to Australia are exploited this way.
The employer can establish a probationary period but the worker must still be paid. Volunteers and work experience students do not expect payment – but these volunteer arrangements are well recognised, for example charity workers and organised student placements.

Employment problems: spot the signs — **Simplified Chinese**

雇佣问题
发现征兆

在你身上是否发生了这样的情况?

如果是，那么你该获取雇佣法相关的建议了！

"我的时薪不到 18.93 澳元"

全国最低工资标准为每小时 18.93 澳元。除非是 "青少年工作者"（通常指 20 岁及以下），否则，所有工作者的薪资都不得低于这一金额。薪资裁定* 中的大多数最低薪酬都要高于最低工资。如果一位普通工作者的时薪低于 18.93 澳元，那么他的薪酬几乎可以肯定属于不足。

"我的薪水都是'现款现付'，没有工资单"

用现金给工作者支付薪资是合法的，但所有工作者都必须获得工资单。如果一名工作者在收到现金薪水时没有收到工资单，那么很可能是雇主没有遵守法律——比如，雇主可能没有替你向税务局交税，或是没有替你缴纳养老金。