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► Temporary labour migration schemes in the Pacific through the lens of international human rights and labour standards

Technical Report



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This report has been produced under the Migration Multi-Partner Trust Fund (MPTF) project 'Labour Mobility for Sustainable Development and Climate Resilience in the Pacific'.

The overall objective of the 'Labour Mobility for Sustainable Development and Climate Resilience in the Pacific' project is to enhance the benefits of safe and fair migration as a sustainable development and climate resilience strategy in the Pacific. The project is jointly implemented by the International Labour Organization (ILO) and the International Organization for Migration (IOM). The joint project contributes towards improved labour migration governance, decent work principles and standards in labour migration programmes, promotion of safe and regular labour mobility programmes, enhanced pre-departure assistance and improved reintegration support for returning labour migrants and their families.



Foreword

Labour mobility is an important feature of the Pacific region's development landscape. For many Pacific Island Countries, temporary labour migration offers vital opportunities for employment, skills development and income generation, while also contributing to labour market needs in destination countries. At the same time, challenges associated with labour migration underscore the importance of ensuring that labour mobility arrangements are grounded in international human rights and labour standards, and that the rights, dignity and wellbeing of migrant workers remain at the core of the schemes.

This technical report provides an updated legal and policy analysis of the Pacific Australia Labour Mobility (PALM) scheme and New Zealand's Recognised Seasonal Employer (RSE) scheme through the lens of international labour standards and human rights. It builds on the ILO's 2022 review and takes into account the reforms undertaken in both schemes in recent years. The analysis focuses on the design and operation of these programmes and assesses their alignment with relevant international standards across the full migration cycle, including recruitment, working and living conditions, equality of treatment, access to justice, and return and reintegration.

The report recognises the substantial contribution that PALM and RSE have made to economic resilience and regional cooperation, as well as the efforts by the Governments of Australia and New Zealand to strengthen worker protections through recent policy reforms. At the same time, it highlights areas where further progress is needed to ensure that these schemes fully reflect internationally accepted principles of decent work, fair recruitment and non-discrimination, including for women and other groups who may face heightened risks and barriers.

This publication has been produced under the Migration Multi-Partner Trust Fund project Labour Mobility for Sustainable Development and Climate Resilience in the Pacific, jointly implemented by the International Labour Organization and the International Organization for Migration. It reflects the ILO's mandate to promote decent work for all workers, including migrant workers, and its commitment to supporting Pacific governments, social partners and regional stakeholders to strengthen labour migration governance in a way that is fair, transparent and rights based.

This report is intended to serve as a practical reference for policymakers, social partners and practitioners engaged in labour mobility in the Pacific, and to inform ongoing reforms to the PALM and RSE schemes at this important moment of policy development. The findings and recommendations are intended to support ILO constituents—governments, employers' and workers' organizations—in their respective roles, including through social dialogue, to strengthen labour mobility frameworks in line with international labour standards. By continuing to work collaboratively across the region, there is a shared opportunity to ensure that labour mobility contributes not only to economic outcomes, but also to social justice, dignity and sustainable development for Pacific peoples.



Martin Wandera

Director

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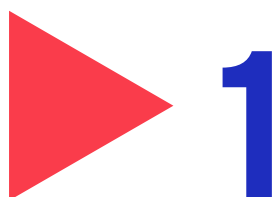
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Abbreviations and acronyms

AUD	Australian dollar
AWU	Australian Workers Union
CEACR	ILO Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DESE	Department of Education, Skills and Employment (Australia)
DFAT	Department of Foreign Affairs and Trade (Australia)
GCM	United Nations Global Compact for Safe, Orderly and Regular Migration
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ILO	International Labour Organization
ILS	International labour standards
IOM	International Organization for Migration
LSU	Labour Sending Unit
MBIE	Ministry of Business, Innovation and Employment (New Zealand)
NAWPP	Pacific Microstates–Northern Australia Worker Pilot Programme
NZCTU	New Zealand Council of Trade Unions
NZD	New Zealand dollar
OHCHR	Office of the High Commissioner for Human Rights
PALM	Pacific Australia Labour Mobility
PIC	Pacific island country
PLS	Pacific Labour Scheme (Australia)
PSWPS	Pacific Seasonal Worker Pilot Scheme (Australia)
RSE	Recognised Seasonal Employer (New Zealand)
SOGIESC	sexual orientation, gender identity, expression and sex characteristics
SWP	Seasonal Worker Programme (Australia)
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific





Introduction

In 2022, the International Labour Organization (ILO) released a review of the migrant worker programmes in Australia and New Zealand available to citizens of Pacific Island Countries (PICs) in a report entitled *Seasonal worker schemes in the Pacific through the lens of international human rights and labour standards*. The 2022 report was part of the project “Enhancing Protection and Empowerment of Migrants and Communities Affected by Climate Change and Disasters in the Pacific Region”, otherwise known as the Pacific Climate Change Migration and Human Security Programme, led by the International Organization for Migration alongside the ILO, the Office of the High Commissioner for Human Rights, and the United Nations Economic and Social Commission for Asia and the Pacific, with the Platform on Disaster Displacement and the Pacific Islands Forum Secretariat.

The 2022 report consisted of two main components. The first component was a legal review of Australia’s Seasonal Workers Programme (SWP) and New Zealand’s Recognised Seasonal Employer (RSE) scheme with respect to migration policies and laws governing the two schemes in light of human rights and labour standards, as well as the inclusion of women and other groups. The second component was a review of the two schemes in practice, particularly from the point of view of the seasonal workers themselves, based on interviews with migrant workers in four participating PICs – Fiji, Kiribati, Samoa and Vanuatu – as well as on consultations with key stakeholders.

Since the time when the original report (ILO, 2022) was completed, aspects of migrant worker schemes in Australia and New Zealand have been changed. With a view to facilitating further analysis and reform to these schemes, ILO has produced a second report that updates the legal and policy review sections of the original report (ILO, 2022). This new report explains changes to the Pacific Australia Labour Mobility scheme (PALM, formerly the Seasonal Worker Programme and Pacific Labour Scheme, see explanation below) in Australia and the Recognised Seasonal Employer (RSE) scheme in New Zealand and identifies the extent to which the current design of the schemes meets relevant international human rights and labour rights standards. The scope of this report is limited to a review of laws, policies and practices in Australia and New Zealand. The field research component of the original report (ILO, 2022) has not been repeated since other studies involving primary data collection have been completed by various organisations in the interim. Analysis of laws, policies and practices in countries of origin has not been undertaken as the scope of this report is narrower and confined to the destination countries, where the workers are employed. The analysis of the bilateral agreements between Australia and countries of origin, and that of Inter-Agency Operational Understandings between New Zealand and countries of origin, contained in the original report has been removed since, at the time of writing this report, Australia and New Zealand have indicated that these were being reviewed and are, or will be, revised. It is acknowledged that the narrower scope of this report means that it is not possible to fully represent how the schemes align with international labour standards in practice.

The in-depth primary analysis, drafting and validation for this report was undertaken at the end of 2024. Additional updates were made in 2025 - 2026 based on updated information that was publicly available as well as feedback from stakeholders. Noting also that the RSE Policy Review is currently underway, this report may not fully capture recent changes in the RSE scheme. The focus of this report is on the PALM and RSE schemes as they were operating in 2024.

Chapter 1 of this report begins with a brief overview of the PALM and RSE,¹ and is followed by a section explaining the methodology of the legal review. Chapter 2 presents the updated and revised legal and policy analysis of the PALM and RSE schemes. Chapter 3 presents recommendations made by comparing international legal standards with the laws, policies and practices of the PALM and RSE schemes respectively.

1.1. Brief history of temporary migrant worker schemes in Australia and New Zealand

The Pacific Australia Labour Mobility (PALM) scheme in Australia and the Recognised Seasonal Employer (RSE) scheme in New Zealand are two labour mobility programmes that provide restricted labour market access to workers from selected Pacific Island Countries.²

Pacific labour mobility schemes, Australia

The Australian Government initially implemented the Pacific Seasonal Worker Pilot Scheme (PSWPS) from 2008 to 2012. The PSWPS was largely modelled on the success of New Zealand's RSE scheme. There were 1,623 arrivals throughout the pilot. In 2012, the PSWPS was subsumed by the Seasonal Worker Programme (SWP), which initially allowed workers from eight PICs and Timor-Leste to work in the Australian horticulture industry for up to six months. In 2015, Fiji joined the scheme, and the annual cap, which was initially set at 12,000, was removed, allowing employers to determine the number of workers to be recruited (World Bank, 2017). The SWP was subsequently expanded to the broader agriculture industry and the accommodation sector (in selected locations), as well as offering trials in the aquaculture, cotton and sugarcane sectors. It was managed by the Department of Education, Skills and Employment (DESE).

Another temporary migration pathway for Pacific Islanders opened up in 2015 with the Pacific Microstates–Northern Australia Worker Pilot Programme (NAWPP). Through this programme, Approved Employers who are unable to fill positions from the Australian labour market could recruit workers from Kiribati, Nauru and Tuvalu for an initial two years with the option of applying for a third year. The microstate visa permitted a total of 250 migrants to work in lower-skilled jobs in northern Australia in non-seasonal occupations in any industry, such as tourism and hospitality. In July 2018, the Australian Government launched the Pacific Labour Scheme (PLS). The PLS was an uncapped programme open to citizens of nine PICs – Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, the Solomon Islands, Tonga, Tuvalu and Vanuatu – as well as Timor-Leste (Australia, DFAT, 2019a). Under the PLS, workers could be employed in low- and semi-skilled jobs in rural and regional Australia for up to three years. The scheme was open to all sectors and industries but initially focused on the accommodation and food services industry; the healthcare and social assistance industry; and the non-seasonal agriculture, forestry and fishing industries (Howes, 2018c).

Beginning in late 2021, the Australian Government embarked on a series of reforms to the SWP and the PLS that led to the consolidation of both schemes with the creation of a new single visa for both schemes, the Temporary Work (International Relations) (subclass 403) visa in April 2022, and the implementation of Pacific Australia Labour Migration (PALM) scheme deed and guidelines in July 2023. The PALM scheme is managed by the Department of Employment and Workplace Relations (DEWR) and the Department of Foreign Affairs and Trade (DFAT).

The Pacific Labour Facility (PLF), under which Pacific Labour Scheme, and then the PALM scheme had been managed, was replaced with the Pacific Labour Mobility Support Programme (PLMSP) in 2024. Following an open tender process, the contractor responsible for delivering the PLF over the period 2018 to 2023, Palladium, was selected as the managing contractor for the PLMSP (Palladium Group, 2024). DFAT will manage the PLMSP investment, working closely with Posts in participating countries.³

¹ Included in this overview is an update on recent and expected changes to the two schemes that have been introduced since the research for this report was carried out in 2020–21. These include some particularly substantial changes to Australia's SWP, which has been merged with another programme to create the Pacific Australia Labour Migration (PALM) scheme.

² The PALM is also open to workers from Timor-Leste. Under the RSE, employers can recruit from other countries if they can demonstrate pre-established relationships with workers from these countries.

³ Correspondence with DEWR, January 2025.

Through various reforms, the Australian Government have improved the PALM scheme with respect to workers' rights and labour protection, including through the following:

- Supporting more than 1,000 PALM scheme workers to attain formal qualifications over four years in priority sectors for growth in the Pacific and Timor-Leste, where there are worker shortages in Australia.
- Increase support to make it easier for PALM scheme workers to access their superannuation savings when they return home.
- Restricting the number of deductions that employers are allowed to make and setting a minimum take-home salary for workers each month.
- Providing access to Medicare for an initial 200 families who will participate in the PALM scheme family accompaniment pilot.
- Strengthening its monitoring and reinforcement system by the introduction of the PALMIS and contingency plans.
- Introducing mandatory cultural competency training for employers.
- Strengthening equality of treatment by introducing pay parity between PALM workers and other workers operating under the same award or enterprise agreement.

Under the PALM scheme, there are two cohorts of workers: short-term workers who can access a multi-year visa to return to Australia for placements of up to nine months each year for a total of four years; and long-term workers who can work in placements of between one and four years.

Dating back to the operation of the PSWPS, there have been debates in Australia about whether, and if so how, to provide pathways to permanent residence for temporary migrant workers from the Pacific, and the absence of any provision for the families of workers to accompany them to Australia. In January 2024, the Australian government announced a PALM scheme Family Accompaniment Pilot.

Also in 2024, Australia also announced a new "Pacific Engagement Visa", a permanent residence visa available to participating countries across the Pacific and Timor-Leste (Australia, DFAT, n.d.-e). Up to 3,000 visas, inclusive of partners and dependent children, will be available each program year through a ballot process. Pacific Engagement Visa holders are exempted from Australia's newly arrived residents waiting period for access to Austudy and Youth Allowance while studying or completing an apprenticeship, and for the family Tax Benefit Part A. Visa holders also have access to the Higher Education Loan Programme and VET Student Loans (Australia, ATO, n.d.-e).

Recognised Seasonal Employer scheme, New Zealand

In 2007, New Zealand launched the Recognised Seasonal Employer (RSE) scheme to fill seasonal labour shortages in its horticulture and viticulture industries. Under this scheme, employers can apply for "Recognised Seasonal Employer" status and fill vacant seasonal positions for which there are no New Zealand applicants. The annual cap has grown from the initial 5,000 to 20,750 for the 2025-2026 season (New Zealand, INZ, n.d.-d). Unless employers can demonstrate pre-established relationships with workers from other countries, they may recruit workers from: Federated States of Micronesia; Fiji; Kiribati; Nauru; Palau; Papua New Guinea; Republic of Marshall Islands; Samoa; Solomon Islands; Timor-Leste; Tonga; Tuvalu; and Vanuatu. . In August 2024, New Zealand announced that Timor-Leste will be included in the scheme. The RSE scheme allows seasonal workers to stay in New Zealand for up to seven months in any 11-month period. Workers from Kiribati and Tuvalu can work in New Zealand for up to nine months. Workers may be re-employed in subsequent years, either with the same or a new employer. This report only covers the RSE scheme, however it is noteworthy that the RSE scheme shares some features with other New Zealand government schemes employing Pacific workers.

In late 2022, the New Zealand Ministry of Business, Innovation and Employment (MBIE) commenced a review of the RSE policy. The policy review had two objectives: 1) to develop "sustainable long-term administrative settings

that work effectively for the government and employers”; and 2) to inform a “scheme that respects RSE workers, and upholds their rights and dignity through an improved set of policies and guidelines, backed by consistent and ethical employment practices.”⁴ In October 2023, in a summary of submissions published in relation to recommended proposals, the MBIE (2023) noted that “[s]takeholders including employers, industry bodies, Pacific Governments and Pacific workers have all highlighted the scheme’s success and indicated that industry, RSE workers and the wider Pacific are all benefitting from participation in the scheme... However, some stakeholders such as Unions and the Human Rights Commission expressed strong concerns about the protection of worker wellbeing in the scheme.” The MBIE further noted that “[t]here is a widespread agreement among submitters that the RSE scheme needs to have greater flexibility, clarity, defined and consistent standards, and measurable outcomes.” Some submissions also expressed uncertainty about a perceived lack of detailed information on the cost implications of the review and the paucity of reliable data or evidence quantifying issues mentioned in some areas of the review (New Zealand, MBIE, 2023). In September 2024, the New Zealand Government announced several changes including (New Zealand, INZ n.d.-o):

- Increasing the RSE cap by 1,250 workers.
- Changing the minimum weekly work requirement such that employers can now average out the requirement to provide 30 hours of work per week across a four-week period. Employers that cannot provide the required 120 hours of work over the four-week period are required to top up the worker’s pay to the equivalent of 120 hours.
- Employers must pay RSE workers at least the New Zealand adult minimum wage plus 10 per cent if they are returning for their third or subsequent seasons. All other RSE workers must be paid at least the New Zealand minimum wage.
- Permitting employers to apply a limited temporary increase in accommodation costs while a broader review of accommodation costs took place⁵.
- Extending the grace period for the movement of workers from 14 days to 21 days either side of the worker’s move date, as approved on the ATR.
- Allowing RSE workers to apply for multi-entry visas.
- RSE workers may be able to study, train and develop skills, even if it is not directly related to their role. Training does not have to take place through industry training organisations.
- Removing the requirement that workers be screened for HIV.

As of February 2026, a review of the RSE scheme is currently underway and further changes to its operational arrangements are anticipated.

4 New Zealand Ministry of Business, Innovation and Employment (MBIE). n.d.-i. “Ola Manuia Pacific RSE Health and Wellbeing Framework”, available at: <https://www.mbie.govt.nz/immigration-and-tourism/immigration/recognised-seasonal-employer-policy-review/recognised-seasonal-employer-policy-review-summary-of-submissions/consultation-with-rse-workers> (accessed: 1 May 2025, archived at: <http://web.archive.org/web/20250123175516/https://www.mbie.govt.nz/immigration-and-tourism/immigration/recognised-seasonal-employer-policy-review/recognised-seasonal-employer-policy-review-summary-of-submissions/consultation-with-rse-workers>).

5 The updated guidance on RSE worker accommodation cost changes were published on 28 January 2026

1.2. Methodology for the legal review

The legal review analyses the design and operation of the RSE and PALM schemes and determines their alignment with relevant international labour and human rights standards. The method applied to conduct this legal analysis began with identifying the most relevant ILO Conventions and Recommendations and international human rights instruments and frameworks concerning temporary labour migration (“Relevant Documents”). See table 1.1 below for the complete list of Relevant Documents included in this review and, where applicable, any action taken in relation to each Relevant Document on the list by the countries included in this study. Second, the provisions pertaining to temporary migrant workers at each stage of the migration process were extracted from these Relevant Documents. Provisions from different Relevant Documents that contained substantially the same content were collated. The language used in the official legal instruments within the Relevant Documents was simplified into plain English statements that identify specific obligations and the party responsible for implementing each obligation. The outcome of this process was a list of international labour and human rights standards that apply to temporary migration programmes. The simplified legal standards were divided into the following categories:

- Pre-departure arrangements (recruitment, offer of employment, visas, travel, costs).
- Working conditions (pay, leave, termination, choice of employment, wages and remittances, training, health and safety).
- Living conditions (accommodation, social life, access to healthcare, family life).
- Equality of treatment (membership of trade unions, taxation, social security, access to justice, monitoring and enforcement).
- Return and re-integration; and
- Participation of women and other groups.

Third, a web-based search was conducted to identify official documents issued by the Government of Australia concerning the PALM and by the Government of New Zealand concerning the RSE scheme. The complete list of documents utilised for each review is contained in the references section of this report.

Justification for the selection of Relevant Documents

The review referred to binding international treaties as well as recommendations and frameworks issued under the auspices of the United Nations and the ILO that contain standards applicable to temporary migrant workers. Additionally, the review referred to the Yogyakarta Principles (2006) and the Yogyakarta Principles plus 10 (2017). The Yogyakarta Principles were created by a distinguished group of international human rights experts as a definitive statement on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics.

The ILO Conventions and binding United Nations (UN) treaties included in this review have not been universally ratified by all of the countries covered by this report (see table 1.1 below). Upon ratifying an ILO Convention, a Member State is required to submit periodic reports outlining the steps it has taken in law and in practice to apply its contents. However, under Article 19 of the ILO Constitution, ILO Member States are also required to report at regular intervals, at the request of the Governing Body, on measures they have taken to give effect to the provisions of any Conventions or Recommendations, and to indicate any obstacles that have prevented or delayed the ratification of a particular Convention (ILO, 2019b, 117). The standards contained in all ILO Conventions and Recommendations are therefore relevant for the purposes of this legal review.

Within the UN human rights system, States are under an obligation to respect, protect and fulfil the human rights contained in the UN treaties that they have ratified. States participate in the Universal Periodic Review conducted by the UN Human Rights Council, which assesses their human rights record in relation to ratified treaties.

The core ILO Conventions and international human rights treaty that focus exclusively on migrant workers have relatively low levels of ratification by States. These are the:

- ILO Migration for Employment Convention (Revised), 1949 (No. 97).
- ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and
- UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) (ICRMW).

Convention Nos. 97 and 143 together with the Migration for Employment Recommendation (Revised), 1949 (No. 86), and the Migrant Workers (Supplementary Provisions) Recommendation, 1975 (No. 151), have been the subject of two General Surveys, in 1999 and 2016, and were assessed by the ILO Standards Review Mechanism in 2016 (ILO, 1999; ILO, 2016). However, it is important to note that in principle ILS apply to all workers irrespective of nationality and immigration status unless otherwise stated.

This review also considers three non-binding frameworks:

- the ILO General Principles and Operation Guidelines for Fair Recruitment (2016) and Definition of Recruitment Fees and Related Costs (2019);
- the ILO Multilateral Framework on Labour Migration (2006); and
- the UN Global Compact for Safe, Orderly and Regular Migration (2018) (GCM).

The ILO General Principles and Operational Guidelines, which are based on ILO standards, were included in the review because they represent a comprehensive approach to realising fair recruitment through the development, implementation and enforcement of laws and policies aimed at regulating the recruitment industry and protecting workers' rights (ILO, 2019a). The GCM was adopted by 164 UN Member States in 2018. It is the first inter-governmentally negotiated framework, prepared under the auspices of the UN, covering all dimensions of international migration in a holistic and comprehensive manner. The ILO Multilateral Framework on Labour Migration contains non-binding principles and guidelines for a rights-based approach to labour migration. It was developed and adopted at a tripartite meeting of experts, is based on ILO standards, and provides comprehensive guidance on labour migration.

In summary, the analysis reviews the schemes' consistency with standards that are binding for Australia and New Zealand as a result of their ratification of various international instruments, as well as consistency with standards that are not binding, either because the relevant instruments have not been ratified by the countries covered in this report, or because they are frameworks and recommendations that are, by their nature, non-binding. The analysis in relation to these standards is therefore provided as a useful point of reference. ILO standards are adopted by a majority of qualified delegates attending the International Labour Conference, and their content represents internationally accepted good practice recommended by the ILO.

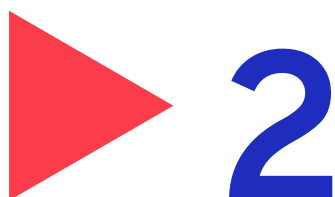
► **Table 1.1. Instruments and frameworks included in this legal review: Ratification status by country**

Convention/Treaty or framework	Australia	New Zealand
Find ILO Conventions		
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	1959	Not ratified
Forced Labour Convention, 1930 (No. 29) & Protocol of 2014 to the Forced Labour Convention, 1930	1932 2022	1938 2019
Labour Inspection Convention, 1947 (No. 81)	1975	1959

Convention/Treaty or framework	Australia	New Zealand
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)	1973	Not ratified
Protection of Wages Convention, 1949 (No. 95)	Not ratified	Not ratified
Migration for Employment Convention (Revised), 1949 (No. 97)	Not ratified	1950
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)	1973	2003
Social Security (Minimum Standards) Convention, 1952 (No. 102)	Not ratified	Not ratified
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	1973	1983
Equality of Treatment (Social Security) Convention, 1962 (No. 118)	Not ratified	Not ratified
Employment Injury Benefits Convention, 1964 (No. 121)	Not ratified	Not ratified
Labour Inspection (Agriculture) Convention, 1969 (No. 129)	Not ratified	Not ratified
Minimum Wage Fixing Convention, 1970 (No. 131)	1973	Not ratified
Workers' Representatives Convention, 1971 (No. 135)	1993	Not ratified
Human Resources Development Convention, 1975 (No. 142)	1985	Not ratified
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	Not ratified	Not ratified
Occupational Safety and Health Convention, 1981 (No. 155)	2004	2007
Maintenance of Social Security Rights Convention, 1982 (No. 157)	Not ratified	Not ratified
Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	1990	Not ratified
Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)	Not ratified	Not ratified
Private Employment Agencies Convention, 1997 (No. 181)	Not ratified	Not ratified
Maternity Protection Convention, 2000 (No. 183)	Not ratified	Not ratified
Safety and Health in Agriculture Convention, 2001 (No. 184)	Not ratified	Not ratified
UN Human Rights Treaties		
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965	1975	1972
International Covenant on Civil and Political Rights (ICCPR), 1966	1980	1978
International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966	1975	1978
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979	1983	1985

Convention/Treaty or framework	Australia	New Zealand
International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	No action	No action
Convention on the Rights of Persons with Disabilities (CRPD), 2008	2008	2008
Non-binding frameworks		
The ILO General Principles and Operation Guidelines for Fair Recruitment (2016) and Definition of Recruitment Fees and Related Costs (2019)		
ILO Multilateral Framework on Labour Migration (2006)		
The Global Compact on Safe, Orderly and Regular Migration (GCM) United Nations General Assembly, 2018	Abstained	Yes

n/a = not applicable.



Legal review of the Recognised Seasonal Employer scheme and Pacific Australia Labour Mobility scheme

2.1. Pre-departure arrangements

2.1.1. Bilateral arrangements

Australia and New Zealand have advised that the bilateral arrangements for the PALM and RSE schemes are currently being reviewed and revised.

Since the original report (ILO, 2022) was published, the UN Network on Migration has issued Guidance on Bilateral Labour Migration Agreements (BLMAs) (United Nations Network on Migration, 2022). The purpose of this BLMA guidance is to assist countries of origin and destination to design, negotiate, implement, monitor and evaluate rights-based and gender-responsive BLMAs, based on a cooperative and multi-stakeholder approach. The guidance is developed by the UN Network's Thematic Working Group on Bilateral Labour Migration Agreements, co-led by the ILO and International Organization for Migration (IOM), and comprised of representatives of UN agencies, employers' and workers' organizations, academia, and civil society organizations. The BLMA guidance sets the criteria against which governments, workers' and employers' organizations, as well as other interested stakeholders, may assess existing practices based on principles drawn from international human rights law and international labour law and standards, related UN and ILO instruments, and other relevant sources and promising practices.

ILO recommends the use of this new guidance in the development of bilateral arrangements for the PALM and IAUs for the RSE schemes.

2.1.2. Recruitment process

► **Table 2.1** Legal standards related to the recruitment process⁶

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
States shall provide an adequate and free service to assist migrants for employment, and in particular to provide them with accurate information (Convention No. 97, Art. 2; see also ICRMW, Art. 33(3)). This free service should be provided by public authorities and/or not-for-profit organizations that are approved and regulated by public authorities (Recommendation No. 86, Para. 5(1)).	✓ (Australia, DEWR 2024, sections 2.2 and 3.6; Australia, DEWR 2023, sections 9.13-9.15; Australia, PALM, n.d.-b)	✓ New Zealand, INZ 2023
Migrants shall receive information regarding migration in an appropriate language, assistance with administrative formalities, orientation both pre-departure and post-arrival and assistance during the initial period of settlement (Convention No. 97, Annex I, Art. 6; Recommendation No. 86, Para. 5(2-4); ICRMW, Art. 33(1-2)).	✓ Australia, DEWR 2025, sections 6.1-6.2, 7.1-7.5, 8.1-8.6; Australia, DEWR 2023, sections 11.2, 20, 27 and 28)	✓ New Zealand, INZ, 2023.
Member States shall supervise and approve direct recruitment undertaken by employers. (Convention No. 97, Annex I, Art. 3).	✓ (Australia, DEWR, 2025, section 2.2)	✓ (New Zealand, INZ, n.d.-h)
Members shall provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations which provide for penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses (Convention No. 181, Art. 8(1); Members States shall create a system to licence private recruitment agents (Convention No. 97, Annex I, Art. 3).	Partial consistency Separate regulation of labour hire companies is currently only in operation in some of Australia's states and territories. This means that not all labour hire companies registered as PALM scheme Approved Employers are separately licenced as recruitment agents. See discussion of labour hire companies in Box 2.1	Partial consistency New Zealand does not operate a licensing scheme for labour hire companies. See discussion of labour hire companies in Box 2.1

⁶ International legal standards with respect to recruitment fees and related costs is covered in section 2.1.5 on Recruitment Costs

International legal standard	PALM consistency with standard	RSE consistency with standard
Members should take measures to protect migrant workers from possible abusive and fraudulent practices during the recruitment and placement process (Protocol No. 29, Article 2(d))	Partial consistency A PALM worker can only be transferred to another employer by request of the original employer, or at the discretion of the Department of Employment and Workplace Relations (DEWR). In its 2022 comments, the CEACR noted the clear correlation between workplace exploitation and temporary visa status and it requested the Government to continue to provide information on the measures taken, both in law and practice, to protect migrant workers from abusive practices and ensure that they are not placed in a position of accrued vulnerability to forced labour. Australia ratified Protocol No. 29 in March 2022 and has reported on its implementation of Article 2(d) through its ILO Article 22 reporting (report is currently under examination)⁷. A 2024 report by the Office of the New South Wales Anti-Slavery Commissioner found that “Temporary migrant workers, particularly low-wage workers in agriculture, horticulture and meat processing in rural NSW, face risks of debt bondage, deceptive recruiting, forced labour and, in extreme cases, servitude, sexual servitude or even human trafficking.” (NSW Anti-Slavery Commissioner, 2024)	Partial consistency Workers are tied to an RSE Employer (or employers in the case of a Joint Agreement to Recruit). The CEACR in its 2023 comments noted New Zealand’s Plan of Action Against Forced Labour, People Trafficking and Slavery, 2020–25 requires the Government to “develop information sources for migrants on their work rights and entitlements, including during the recruitment and placement process, and on where to seek support to protect themselves in exploitative situation”. The CEACR encouraged the Government to pursue its efforts to inform migrant workers on their rights and prevent them from being victims of fraudulent and abusive practices during the recruitment and placement process. (Direct Request, adopted 2023, published 112nd ILC session (2024))

⁷ In Australia’s 2024 Article 22 report under Convention No. 29 (Part B – Replies to CEACR) and its first Article 22 report under Protocol No. 29 (submitted 4 September 2024, under examination), the Australian Government set out measures taken since the CEACR’s 2022 Direct Request to protect migrant workers from abusive and fraudulent practices during recruitment and placement. These include reforms to the Migration Act 1958 addressing exploitation linked to visa status, Fair Work reforms (including criminalisation of intentional wage theft and higher civil penalties), progress toward a harmonised national labour hire licensing model, the Strengthening Reporting Protections pilot (replacing the Assurance Protocol) to enable safe reporting, and PALM safeguards above the minimum standard (e.g., minimum hours and a weekly take home pay floor, transparency of deductions/accommodation, employer vetting, welfare & wellbeing and cultural competency). Correspondence with DFAT, January 2026.

International legal standard	PALM consistency with standard	RSE consistency with standard
Recommendations and frameworks		
Before their departure from the territory of emigration, migrants should be examined, for purposes of occupational and medical selection, by a representative of the territory of immigration (Recommendation No. 86, Para. 14(4)).	✓ Australia, DEWR 2025, sections 2.1 and 6.2; Australia, DEWR 2023, sections 9-11)	✓ (New Zealand, INZ 2023)
Authorities of the relevant territories should consult the employers' and workers' organizations about the operations of recruitment, introduction, and placement of migrants for employment (Recommendation No. 86, Para. 19; Recommendation No. 100, Para. 15(d)).	✓	✓
Recruitment and selection should be carried out as near as possible to the place where the intending migrant is recruited (Recommendation No. 86, Para. 14(6)).	* 	*

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

Recruitment of PALM workers is a multi-stage process. First, Australian employers who wish to participate in the PALM scheme must apply to become an Approved Employer. Approval is given by the Department of Employment and Workplace Relations (DEWR) to employers who meet the eligibility criteria (Australia, PALM, 2023). Employers must also apply to become a Temporary Activities Sponsor through the Department of Home Affairs (DHA). In July 2025, according to the data available on the PALM scheme website, the scheme had 519 Approved Employers and 30,475 workers (Australia, PALM, 2025). For all new Approved Employers, a Recruitment Cap is imposed for their first placement (Australia, DEWR, 2023, section 10.5; Australia, DEWR, 2025, section 3.5), providing new employers the opportunity to adjust to their obligations and responsibilities while working with a manageable number of migrant workers, both long- and short-term, in their first placement. Approved Employers can be either direct employers of workers or labour hire companies. For further discussion of labour hire companies and the PALM scheme see box 2.1.

Second, an Approved Employer must submit a Recruitment Application to the DEWR indicating how many seasonal workers are required and the details of their recruitment (as part of the Labour Market Testing process), transport arrangements, working conditions, accommodation, pay and net financial benefit (Australia, DEWR, 2023, Section B1.2; Australia, DEWR, 2025, section 2.4, Chapter 3). Approved Employers must seek the approval of the DEWR to increase the number of workers to be recruited or to change the appointed work location (Australia, DEWR, 2025, Chapter 4).

Third, once the Recruitment Plan has been submitted, the Approved Employer may begin recruitment using the recruitment pathways that are allowed in the selected country of origin. Approved Employers must demonstrate

cultural competency related to the participating country/ies that they propose to recruit Workers from (Australia, DEWR, 2025, sections 2.1.18-2.1.19). They must also submit a Contingency Plan in each Recruitment Application to cover situations in which they are not able to meet their obligations under their employment contracts with Workers (Australia, DEWR, 2025, section 3.4). The three possible recruitment pathways for the PALM scheme are: (i) from the “work-ready” pool of workers vetted by the Labour Sending Unit in the country of origin; (ii) direct recruitment by Approved Employers; and (iii) recruitment by a licensed recruitment agent (Australia, DEWR, 2025, section 2.2).

► Box 2.1 Labour hire companies participating in the PALM and RSE schemes

Labour hire companies are eligible to become Approved Employers in the PALM scheme and the direct employer of workers in the RSE scheme. For New Zealand employers who want to use the services of private recruitment agencies in countries of origin, there are certain conditions - employers remain responsible for paying all recruitment costs in and outside New Zealand. Recruiters must not pass these costs on to any workers that are hired (New Zealand INZ, n.d.-t). Labour hire companies are covered by ILO Private Employment Agencies Convention, 1997 (No. 181). The definition of ‘private employment agency’ under this Convention includes a company whose services consist of employing workers with a view to making them available to a third party which assigns their tasks and supervises the execution of these tasks (Article 1(b)).

ILO Convention 181 recognises the crucial role of private employment agencies in facilitating access to labour markets for workers, especially migrant workers, and in ensuring efficient deployment of resources in national economies. The Convention contains a framework for effective and transparent regulation of private employment agencies to protect workers against unethical or abusive practices and to protect employers against unfair competition. Amongst other provisions, Article 8 of the Convention states:

“A Member shall, after consulting the most representative organizations of employers and workers, adopt all necessary and appropriate measures, both within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations which provide for penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses.”

This issue was specifically recognized in Australia in the report of the Migrant Worker Task Force (established by Australia in 2016 to identify proposals for improvements in law, law enforcement and investigation, and other practical measures to more quickly identify and rectify any cases of migrant worker exploitation) which states in a section of the report entitled “unscrupulous labour hire operators” that “evidence suggests there are a number of common practices employed by non-compliant labour hire, including:

- underpayment of wages and non-payment of the superannuation guarantee
- not remitting PAYG tax and paying workers’ compensation premiums
- the use of vulnerable workers (including illegal and trafficked workers)
- poor record keeping
- sham contracting arrangements
- sub-contracting arrangements that add little value to the supply or service
- practice of liquidating businesses to avoid accrued employee obligations (known as ‘illegal phoenixing’)
- provision of over-priced, sub-standard accommodation
- involvement in criminal activity (e.g. money laundering, illegal tobacco).”

(Australia, 2019, p. 101-102).

In October 2025, there were 110 labour hire companies operating as Approved Employers for the PALM scheme (making up 21% of the total number of Approved Employers). No data is publicly available on the percentage of PALM scheme workers who are employed by labour hire companies in 2025. Prior to the creation of the PALM scheme, Curtain and Howes (2020) reported that the four largest employers in the SWP were all labour hire companies and that these four companies were responsible for hiring 48 per cent of workers between 2012 and 2019.

In Australia, in addition to meeting the DEWR requirements to become an Approved Employer (which includes a requirement to become a Temporary Activities Sponsor with the Department of Home Affairs), labour hire companies that participate in the PALM scheme are required to show evidence that their labour hire licence is renewed annually if they are in a jurisdiction that requires a license. However, not all states and territories in Australia have established a regulatory system for labour hire companies.

In 2019, in its response to the 2019 Report of the Migrant Workers' Taskforce, the Australian Government made a commitment to "finalise and introduce a model, in consultation with stakeholders, for a National Labour Hire Registration Scheme that will reduce worker exploitation, improve accountability, provide greater transparency and drive behavioural change among labour hire operators in high-risk sectors, without causing major disruption to the entire labour hire industry"(Australia, Attorney-General's Department 2019).

The Australian Government has been working closely with state and territory governments to progress national labour hire reform. Following a meeting of Commonwealth, State and Territory Workplace Relations Ministers in October 2025, the Australian Government is leading an interjurisdictional working group to consider a consistent approach to labour hire regulation across state and territory schemes.⁸

Exact figures on the number of labour hire companies participating in the RSE scheme were not publicly available. New Zealand does not currently have a general licensing requirement for labour hire companies.

Before leaving their country of origin, the PALM scheme requires workers to attend a pre-departure briefing led by the participating country's Labour Sending Unit (LSU) and supported by the Australian Government through the PLMSP. The materials provided to workers at the pre-departure briefing include information on adapting to life in Australia, worker rights and protections, and worker welfare and support. Topics covered include the place of employment and type of work, transportation arrangements including on arrival, accommodation arrangements, the local area of employment, wage deductions, international flights and movement between Approved Employers (if applicable) (Australia, DEWR, 2025, section 6.2.3). Workers also receive a pre-departure guidebook that is developed by the PLMSP from their LSU when they attend the predeparture briefing. In 2021, the guidebook was publicly available for download. The new pre-departure guide is designed for workers to view its contents alongside videos during the pre-departure briefing.⁹ The guide and other arrival-related materials are now only available in password-protected section of the website and were not reviewed for this report. In recognition of the importance of preparing workers and their families for their time in Australia, the PLMSP contract managed by DFAT includes dedicated funding to strengthen worker preparation in the PALM scheme, including an uplift to pre-departure briefings.¹⁰

After arriving in Australia, the PALM scheme also requires workers to attend an arrival briefing organised by their Approved Employer within seven calendar days of commencing work. Employers must invite a representative from the relevant union, a representative from the Fair Work Ombudsman (FWO), the Welfare and Wellbeing Support Person and other relevant persons such as employee organisations, church, Country Liaison Officer, and/or community representatives to address workers either at the briefing, at an alternative time within 15

⁸ Correspondence with DFAT, January 2026.

⁹ Correspondence with DEWR, January 2025.

¹⁰ Correspondence with DEWR, January 2025.

calendar days, or a time otherwise agreed. Employers are provided with in-language information and resources for distribution to their workers in the event a FWO representative is unable to attend (Australia, DEWR, 2025, section 8.3.4). Prior to travel, workers participate in a pre-departure briefing that provides information about living and working in Australia and how to access support.

In addition, the PALM scheme has made available several guides to help Workers understand their obligations while working in Australia, such as information on how to obtain a driver's license, obtain health insurance, lodge a tax return, understand mental and physical health, payroll deductions and superannuation, and rent a share house (Australia, PALM, n.d.-c). Guides on these subjects are available in-language (English, Bislama, Fijian, Gilbertese, Samoan, Tetum, Tongan, Tuvaluan, Tok Pisin, Nauruan and Solomon Islands Pidgin) on the PALM scheme website. The Australian Government has expressed its intention to make this information available on the PALM specific worker learning and worker support web applications.¹¹

New Zealand – Recognised Seasonal Employer scheme

Recruitment of RSE workers is a multi-stage process. First, prospective employers are required to submit an application to become a Recognised Seasonal Employer (New Zealand, INZ, n.d.-h). The requirements for obtaining and keeping RSE status include abiding by New Zealand law on employment and working conditions. Second, Recognised Seasonal Employers submit an Agreement to Recruit. Third, recruitment takes place using an approved pathway in the relevant country of origin. Workers can then apply for a visa from New Zealand Immigration. MBIE has created a new resource for workers entitled “Working in New Zealand - Recognised Seasonal Employer (RSE) Scheme”. This is a presentation which Labour Mobility Units use and present in a manner most appropriate to their workers. This presentation has not been translated from English.

The MBIE has also created a resource for workers entitled [Get Ready Pack – Information for RSE workers](#) (New Zealand, MBIE, n.d-l). RSE employers are required to include the following in the induction programme:

- Introduction to supervisors and co-workers, and the trade union delegate where there is one.
- Guided tour of the site and work areas.
- Health and safety briefing, including hazards within the workplace and the workplace evacuation plan, and introduction to the health and safety representative.
- Provision of safety or other equipment required for the job.
- Information on reporting requirements, such as who to contact in case of absence or in an emergency in the workplace.
- Clarification of expectations regarding attendance and breaks.
- Outline of any training, on or off the job, that employees can expect to receive.
- Discussion of ongoing performance expectations, including the support and guidance that the employee will receive during their employment.
- Information on when and how the employer will review performance and provide feedback.
- Information required by employees, such as reimbursement of work expenses and what constitutes gross misconduct (for example, sexual harassment or consuming drugs and alcohol during work time).
- Explanation of, and where appropriate signing up to, any benefit schemes (such as medical insurance) (New Zealand, INZ, 2017).

11 Correspondence with DFAT, January 2026.

In its Strengthening Pacific Labour Mobility Programme (SPLM), which is now in its third phase (2024-2029), New Zealand has included new outputs including “support to ensure more equitable recruitment and sharing of benefits” and “more effective pre-departure training mitigating impacts on families that remain at home”. The SPLM is part of New Zealand’s international development funding and “seeks to increase social and economic well-being and resilience across the Pacific through relevant, effective and enhanced circular labour mobility participation” (New Zealand, MFAT, n.d.-a). There are 202 employers on the current list of Recognised Seasonal Employers (New Zealand, INZ, n.d. i).

2.1.3. Offer of employment

► **Table 2.2 Summary of PALM and RSE consistency with legal standards related to the offer of employment**

International legal standards	PALM consistency with standard	RSE consistency with standard
Conventions		
States shall ensure that the system of supervision of contracts between an employer and a migrant worker is enforced and that appropriate penalties are applied in cases of violations (Convention No. 97, Annex I, Art. 5(3)).	✓ Any changes made to pre-approved Recruitment Applications must receive written approval by the Department (Australia, DEWR, 2025, section 4.1). Corrective actions will be issued for instances of non-compliance (Australia, DEWR, 2025, section 14.7) and penalties are defined.	✓ The New Zealand Immigration monitors employer compliance with the RSE scheme (New Zealand, INZ, n.d.-k).
States shall ensure that the migrant receives a copy of the contract in writing before departure that contains provisions indicating the conditions of life and work (Convention No. 97, Annex I, Art. 5(1-2)).	✓ (Australia, DEWR, 2025, sections 2.2.3, 3.2, 3.6, 6.2)	✓ The minimum requirements for RSE worker employment agreements are clearly stated in program documents and information on pay, minimum hours and sick leave are included in the pre-departure briefing (New Zealand, INZ, n.d.-r.; New Zealand, INZ, 2024). However no specific mention of this requirement concerning contracts could be located in RSE scheme documentation.

International legal standards	PALM consistency with standard	RSE consistency with standard
Recommendations and frameworks		
Governments should take steps to ensure that employment contracts are clear and transparent and are respected, including that written contracts of employment are provided to workers specifying the job to be performed and the terms and conditions of employment, including those derived from collective agreements. The contract (or an authoritative copy) should be in the language of the worker or in a language the worker can understand, and the necessary information should be provided in a clear and comprehensive way in order to allow the worker to express his or her free and informed consent. For migrant workers, these contracts should be provided sufficiently in advance of departure from their country of origin. These contracts should not be substituted and should be enforceable in the destination country. While respecting confidentiality and the protection of personal data, governments may consider the use of information technology to achieve the aforementioned objectives (ILO General Principles and Operational Guidelines for Fair Recruitment, part 1(IV), para. 7).	✓ (Australia, DEWR, 2025, sections 2.2.3, 3.6; DEWR, 2023, clauses 9.13-9.15) Necessary documents must be uploaded to the Department's IT Systems at least 5 calendar days prior to the Worker's departure (Australia, DEWR, 2025, section 6.2.7)	✓ No specific mention of this requirement concerning contracts could be located in RSE scheme documentation, however it is understood that the operational settings of the RSE scheme contain this requirement.

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

The Deed of Agreement signed by Approved Employers with the Australian Government creates a legal requirement that the offer of employment (which functions as a contract) includes “as much information as possible to support Workers to understand the key elements” of the offer. The details must cover all relevant information required under international labour standards (Australia, DEWR, 2025, section sections 2.2.3, 3.6; DEWR, 2023, clauses 9.13-9.15). (

Although the Portability Arrangements in the PALM scheme provide some flexibility and protection of workers' rights, this aspect of the operation of the PALM scheme has some weaknesses and hence should be reviewed. As discussed in other sections of this report, it is essential to the concept of informed consent that migrant workers are provided with clear and comprehensive information about their options if they change employers or wish to resign. Standards are met for workers who are hired under the Offshore Portability as the Transferring Approved Employer and Receiving Approved Employer must jointly submit a Recruitment Application that includes each of the offer of employment, proposed move dates, accommodation and transport arrangements, before the worker

departs (Australia, DEWR, 2025, section 8.7.7). However, information contained in the PALM scheme documents concerning the Onshore Portability and Temporary Portability arrangements only contains information on how these can be instigated by employers since the purpose of these arrangements is to relieve employers who are unable to provide the minimum number of hours to workers.. Under the Onshore and Temporary Portability arrangement, workers are provided with amended offers for subsequent placements during their time in Australia (Australia, DEWR, 2025, section 8.7). The amended PALM Scheme Approved Employer Guidelines stipulates that employers must only make portability arrangements:

if the Worker:

(i) will not be disadvantaged by the Portability Arrangement

(ii) is suitable for the work to be conducted at the Temporary Portability Arrangement Host Organisation or Receiving Approved Employer; and

(iii) has provided informed written consent prior to the Portability Arrangement being made (Australia, DEWR, 2025, section 8.7.3(b)).

There is currently no requirement that workers are provided with information on their options if they do not agree to the terms offered by a subsequent Approved Employer. DEWR provided the following additional information regarding the Portability Arrangements: “[a] worker not agreeing (i.e. not signing an updated Offer of Employment) is an issue for the employer to resolve with the worker. Any terminations etc. would need to comply with the Fair Work Act. It might be considered that the Approved Employer has to abide by conditions in the Deed relating to Minimum Hours so to meet their obligations relating to providing minimum hours they undertake portability arrangements for the benefit of the worker. Minimum Hours is an essential condition under the contract of engagement between the Approved Employer and the Worker.”¹²

New Zealand – Recognised Seasonal Employer scheme

Information on the contents of the RSE Agreement to Recruit and the employer requirements is available on the INZ website (New Zealand, INZ, n.d.-r.; New Zealand, INZ, 2024). Under the RSE scheme the employer must provide a genuine written agreement to the worker and to Immigration New Zealand as part of the visa process.

2.1.4. Travel

► **Table 2.3 Summary of PALM and RSE consistency with legal standards related to migrant worker travel**

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Appropriate measures shall be taken by each Member to facilitate the departure, journey, and reception of migrants for employment (Convention No. 97, Art. 4).	✓ (Australia, DEWR, 2025, chapter 6, sections 7.1, 7.2, 7.4, 8.1-8.3, 13.6)	✓ See discussion below
Migrant workers shall have the right to be informed of the conditions of their admission, their rights and obligations under the law, and any other matters that will enable them to comply with administrative or other formalities in that State (ICRMW, Arts 33(1), 37).	✓ (Australia, DEWR, 2025, sections 3.6 and 6.2; Australia, DEWR, 2023, clauses 9.13-9.15)	✓ (New Zealand, INZ, 2023; New Zealand, MBIE, 2015)

¹² Correspondence with MBIE, December 2024.

International legal standard	PALM consistency with standard	RSE consistency with standard
States Parties shall take measures to disseminate the said information or to ensure that it is provided by employers, trade unions, or other appropriate bodies. As appropriate, they shall cooperate with other relevant States (ICRMW, Art. 33(2)).	✓ (Australia, DEWR, 2025, sections 3.6 and 6.2; Australia, DEWR, 2023, clauses 9.13-9.15)	✓ (New Zealand, INZ, 2023; New Zealand, MBIE, 2015)
Information shall be provided upon request to migrant workers free of charge (ICRMW, Art. 33(3)).	✓ (Australia, DEWR, 2025, section 5.1)	✓ (New Zealand, INZ, 2023; New Zealand, MBIE, 2015)
Recommendations and frameworks		
Migrants are to be informed of their rights under national law as far as possible in their mother tongue, or, if that is not possible, in a language with which they are familiar (Recommendation No. 151, Para. 8; ICRMW, Art. 33(3)).	Partially consistent Information on migrants' rights under the Fair Work Act is available in most, but not all languages of the PALM scheme countries. (Australia, DEWR, 2025, section 3.6; Australia, FWO, n.d.-i)	Partially consistent See discussion below.
Every effort should be made to ensure that migrant workers receive training and instruction in occupational safety and occupational hygiene in connection with their practical training or other work preparation (Recommendation No. 151, Para. 21(1)).	✓ (Australia, DEWR, 2025, section 8.4; Australia, DEWR, 2023, clause 15)	✓ (New Zealand, INZ, 2023, p.4)
Employers should take all possible measures so that migrant workers may fully understand instructions, warnings, symbols, and other signs relating to safety and health hazards at work. In cases where the training given to other workers is inadequate for them, special measures should be taken to ensure their full understanding (Recommendation No. 151, Para. 22(1-2)).	✓ Australia, DEWR 2025, section 8.4.1, requires Approved Employers to "ensure Workers understand and comply with the requirements of their job to achieve expected and safe standards by using effective, culturally appropriate communication techniques". Employers must provide each Worker with a Workplace Induction in a language that can be understood by a non-native speaker (Australia, DEWR, 2025, section 8.6) .	✓ (New Zealand, INZ, 2017, p.3; New Zealand, INZ, 2023, p.4)

International legal standard	PALM consistency with standard	RSE consistency with standard
States should have in place laws or regulations regarding the provision of special measures to ensure full understanding of safety and health information and provide that where employers or other persons or organizations having responsibility in this regard fail to observe such laws or regulations, administrative, civil and penal sanctions might be imposed (Recommendation No. 151, Para. 22(1-2)).	✓ (Work Health and Safety Act, 2011, and associated legislation at the state and territory level; Australia, DEWR, 2025, sections 8.4 and 8.6) Note that neither of the abovementioned special measures for migrant workers beyond provision of information in an appropriate language.	✓ (Health and Safety at Work Act, 2015; New Zealand, INZ, 2023, p.4) Note that neither of the abovementioned special measures for migrant workers beyond provision of information in an appropriate language.

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

The Australian Government requires workers to be provided with a pre-departure briefing by the nominated ministry in their country of origin and an arrival briefing by the employer, both of which must contain the information set out in international labour standards (Australia, DEWR, 2025, section 6.2). During the Workplace Induction, employers are required to provide information in a format and language that can be understood by the workers and give links to short in-language videos about workplace rights and entitlements in Australia produced by the Fair Work Ombudsman (Australia, DEWR, 2025, section 8.6). One of the findings from the Pacific Research Program indicates that workers have a low level of understanding of what they are entitled to, and who to turn for help (Kanan and Putt, 2023).

New Zealand – Recognised Seasonal Employer scheme

Information on pre-departure cited in the original report (ILO, 2022) was contained in the bilateral Inter-Agency Operational Understandings supplied by New Zealand. These documents were not provided for this report as they are currently under review. New Zealand did provide a copy of the Working in New Zealand PowerPoint slides that are presented to workers prior to departure. These contain information about working conditions and Country Liaison Officers but do not contain specific information on workers’ employment rights or information on identifying and responding to exploitation (New Zealand, INZ, 2024). The MBIE provided written comment that “employee packs are provided to workers which includes terms and conditions on employment while in New Zealand; these are primarily in English and are delivered prior to departure by either the Labour Mobility Unit or the Agent representing the employer.”¹³

13 Correspondence with MBIE, December 2024.

2.1.5. Recruitment fees and related costs and wage deductions

► Table 2.4 Summary of PALM and RSE consistency with legal standards related to recruitment costs

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Private employment agencies should not charge any fees or costs to workers directly or indirectly. In the interest of the workers concerned, and after consulting the most representative organizations of employers and workers, the competent authority may authorize exceptions to this provision in respect of certain categories of workers, as well as specified types of services provided by private employment agencies. (Convention No. 181, Art. 7).	Partially consistent See below (Australia, DEWR, 2025)	Partially consistent See below. New Zealand, INZ, n.d.-h
Wages shall be deducted only under the conditions prescribed by national laws or regulations or fixed by collective agreement or arbitration award (Convention No. 95, Art. 8(1); Recommendation No. 100, Para. 13).	✓ (Australia, DEWR, 2025, sections 5.1 and 5.2) Factsheets to explain payroll deductions are available to Workers in language (Australia, PALM, n.d.-d)	✓ (New Zealand, MBIE, 2015)
Any deduction from wages with the intention of obtaining or retaining employment, made by a worker to an employer or to any intermediary, shall be prohibited (Convention No. 95, Art. 9).	✓ Workers can request certain forms of deduction from wages from a list of expenses approved by the Department (Australia, DEWR, 2025, chapter 5)	✓ RSE Employers are prohibited from using recruitment agents that charge a commission. Employers themselves must only apply deductions to recover actual, reasonable and verifiable expenses. (New Zealand, INZ, n.d.-q).
The laws or regulations concerning deductions should be: ► made available for the persons concerned; ► define the persons responsible for compliance; ► provide for the maintenance of adequate records in an approved form (Convention No. 95, Art. 15(a-b, d)).	✓ (Australia, DEWR, 2025, sections 5.1 and 5.4)	✓ (New Zealand, MBIE, 2015)

International legal standard	PALM consistency with standard	RSE consistency with standard
The laws or regulations concerning deductions should prescribe adequate penalties for any violation (Convention No. 95, Art. 15(I)).	✓ (Australia, DEWR, 2025, section 14.7; Fair Work Act, 2009)	✓ (Wages Protection Act, 1983)
Recommendations and frameworks		
No recruitment fees or related costs should be charged to, or otherwise borne by, workers or job seekers. (ILO General principles and operational guidelines on fair recruitment. III. 8).	Partial consistency See discussion below	Partial consistency See discussion below.

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

The ILO Definition of Recruitment Fees and Related Costs states: “Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services. Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits” (ILO, 2019a, part 2(II), para. 7).

The ILO Definition of Recruitment Fees and Related Costs define “recruitment fees” as follows:

Recruitment fees include:

- a. payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment,
- b. payments made in the case of recruitment of workers with a view to employing them to perform work for a third party,
- c. payments made in the case of direct recruitment by the employer, or
- d. payments required to recover recruitment fees from workers.

These fees may be one-time or recurring and cover recruiting, referral and placement services which could include advertising, disseminating information, arranging interviews, submitting documents for government clearances, confirming credentials, organizing travel and transportation, and placement into employment (ILO, 2019a, part 2(II), paras 9–10).

“Related costs” are defined as “expenses integral to recruitment and placement within or across national borders, taking into account that the widest set of related costs are incurred for international recruitment”. Related costs include medical costs, insurance costs, and expenses incurred for travel, lodging and subsistence within or across national borders while migrating for work if these are:

- i. initiated by an employer, labour recruiter or an agent acting on behalf of those parties,
- ii. required to secure access to employment or placement, or
- iii. imposed during the recruitment process (ILO, 2019a, part 2(II), para. 12).

The ILO Definition of Recruitment Fees and Related Costs also recognizes that the “competent authority” (in this case, the governments involved) has:

flexibility to determine exceptions to [the applicability of the above provisions], consistent with relevant

international labour standards, through national regulations, and after consulting the most representative organizations of workers and employers. Such exceptions should be considered subject, but not limited, to the following conditions:

- i. they are in the interest of the workers concerned, and
- ii. they are limited to certain categories of workers and specified types of services, and
- iii. the corresponding related costs are disclosed to the worker before the job is accepted (ILO, 2019a, part 2(II), para. 11).

Australia – Pacific Australia Labour Mobility scheme

Recruitment or placement fees cannot be charged to workers. However the only costs associated with migration covered by the Approved Employer are costs (where applicable) up to 300 Australian dollars (AUD) towards the cost of return travel from the country of origin to the worksite, and any additional amount above the amount specified in the international airfares and domestic transportation matrix ('the Travel Matrix') current at the time of travel (Australia, DEWR, 2025, sections 7.2 and 9.1; Australia, PALM, 2024c). The PALM scheme places an obligation on employers to provide workers with a loan to cover the cost of travel to the worksite. The amount of this loan can then be deducted from the workers' pay in accordance with PALM scheme guidelines and requirements regarding wage deductions (Australia, DEWR, 2025, section 5.1, 6.1, 7.2-7.4). The Travel Matrix assists employers to calculate the maximum amount that PALM scheme employers can seek from workers to reimburse travel costs including international airfares and domestic accommodation or transportation. The Travel Matrix specifies a fixed cap on the amount that can be charged for unavoidable overnight accommodation costs and meals. It specifies that workers must be charged the actual costs incurred or the cap, whichever is lower (Australia, PALM, 2024c).

By requiring workers to pay for migration costs¹⁴ as well as maintain licenses required by Australian standards, the PALM scheme does not follow the ILO General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related Costs (ILO, 2019a, part 2(II), paras 11–12) or ILO Convention No. 181.

Reforms introduced since the original report (ILO, 2022) provide clear guidelines for employers regarding the terms on which loans are repaid. Employers are permitted to make direct deductions from workers' wages, but this must occur over a minimum period of 12 weeks on a repayment schedule, with a minimum net pay guarantee of AUD 200 per week after tax and deductions (Australia, DEWR, 2025, sections 5.1.7-5.1.10). Employers must also provide workers with regular pay slips in accordance with statutory requirements, which clearly set out gross pay, itemized deductions, tax and net pay, and must instruct workers on how to read the pay slip (Australia, DEWR, 2025, section 5.5). After deductions, employers must ensure that workers derive a reasonable "Net Financial Benefit" from the total period of their employment in Australia, which must be demonstrated in their Recruitment Application and be approved by the department (Australia, DEWR, 2025, section 2.4). The information contained in the PALM Scheme Approved Employer Guidelines does not provide a formula for calculating this, but notes that it is ascertained through factors including the proposed hours of work, duration of stay, expected earnings after tax and deductions and ensuring a minimum net pay guarantee of \$200 per week for Workers after deductions (Australia, DEWR, 2025, section 2.4). Fact sheets that explain payroll deductions are available to workers in language produced by both the PALM scheme and the Fair Work Ombudsman (Australia, PALM, n.d.-d; Australia, FWO, n.d.-j).

At the time of writing the original report (ILO, 2022), neither employers nor workers were provided with information on the consequences if a worker returned home before their debt to employers was repaid. In 2023, changes were made to the *Approved Employer Guidelines* stating that that workers cannot carry over outstanding debts after the end of placements (Australia, DEWR, 2023a, p.2; Australia, DEWR, 2023, clauses 20, 27 and 28; Australia, DEWR, 2025, clause 7.5).

14 "Migration costs" are defined by the ILO (2019a, 28) to include such things as the cost of visa applications, health checks and medical examinations, police and character checks, the cost of insurance and travel expenses.

Another inconsistency with ILS discussed in the original report (ILO, 2022), concerning the ability of workers to pay for their return trip if they ended their employment prior to the end date of their original contract, has also been addressed in recent reforms to the PALM scheme which now explicitly makes employers “responsible for ensuring Workers can return to their Home Country in the event of the employment relationship ending due to Worker termination, Worker resignation or due to the natural ending of an employment contract” (Australia, DEWR, clause 11.4.3). Consistency would be increased if the PALM scheme provided workers with explicit information that, in the above circumstances, the cost of the return flight is the employer’s responsibility.

It appears that these new financial responsibilities for PALM scheme employers are balanced by a commitment from Australia to reimburse costs associated with participation in the Short-Term PALM scheme that are the responsibility of workers but cannot be recouped from short-term workers through no fault of the employer, e.g. “where workers disengage” (Australia, PALM, n.d.-l). A worker is deemed to have ‘disengaged’ when their Approved Employer has reported to Home Affairs that they have left their employment with little/no notice, prior to completing their period of employment. However, the wording of this commitment is unclear – it clearly applies to workers who leave the PALM scheme but remain in Australia with irregular status but does not explicitly state that employers will be reimbursed for return flights if a worker is terminated or resigns. It would serve workers and employers better if the circumstances in which the government will repay employers for return flights were clearly outlined to both employers and workers.

Since the original report (ILO, 2022) Australia has introduced a cap on the amount that can be charged to workers for the cost of travel and related expenses. The cap and policy on wage deductions have been revised three times since June 2023 indicating that it is being adjusted regularly (Australia, PALM, 2024c). Since 2022, Australia has also introduced new legislation, *Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024*, to increase civil penalties a court may impose for certain contraventions of employers’ obligations – including pay slip and record-keeping obligations – that may enhance compliance within the PALM scheme (Australia, FWO, n.d.-k); and the *Migration Amendment (Strengthening Employer Compliance) Act 2024* which clarifies the interaction of the *Fair Work Act 2009* with the Australian migration laws and policies.

As explained in the original report, PALM scheme workers are protected under Australian workplace relations legislation on the basis of equality of treatment with nationals (the Fair Work Act, 2009; Australia, DEWR, 2025, sections 5.1.14-5.1.19). However, that report also noted that migrant workers who have experienced a violation of their work rights are “unlikely to file a claim because they fear being deported, losing their job or other forms of retaliation” (Berg and Farbenblum, 2021). A survey of over 4,000 migrant workers in Australia found that nine out of ten respondents who knew they were underpaid took no action (Hemingway, Yeh, Berg and Farbenblum, 2024).

Workers who may wish to raise a complaint about migration costs can also contact their Country Liaison Officer or the 24/7 PALM Support Service Line, though the Pre-Departure Briefing notes do not indicate what will happen if a worker calls this line, and workers may be concerned about repercussions for their placement in Australia (Australia, DEWR, 2025, section 9.1; see also section 4.4.5 below on monitoring and enforcement).

New Zealand – Recognised Seasonal Employer scheme

The only costs associated with migration covered by the RSE employers are costs associated with recruitment (where applicable) and half of the return airfare between New Zealand and the worker’s country of residence (New Zealand, INZ, 2023, p.5).¹⁵ As noted above in relation to the PALM scheme, by requiring workers to pay for migration costs, the RSE scheme does not follow the ILO General principles and operational guidelines on fair recruitment and Definition of recruitment fees and related costs (ILO, 2019a, part 2(II), paras 11–12) or ILO Convention No. 181.¹⁶ The ILO Definition of Recruitment Fees and Related Costs provides for flexibility on this

¹⁵ The return airfare is defined as the total cost of travel from the worker’s country of residence (or from Nadi (Fiji) for a worker who is a citizen of Tuvalu or Kiribati) to New Zealand and back, including all associated taxes and fees.

¹⁶ As noted above, “migration costs” are defined by the ILO (2019a, 28) to include such things as the cost of visa applications, health checks and medical examinations, police and character checks, the cost of insurance and travel expenses.

principle if paying the costs is in the interest of the workers concerned; is limited to certain categories of workers and specified types of services; and costs are disclosed to the worker before the job is accepted. However, this flexibility should only be exercised after consulting the most representative organizations of workers and employers (ILO, 2019, part 2(II), para. 11).

The RSE documents available to this legal review indicate that pay deductions must be approved by New Zealand Immigration (New Zealand, MBIE, 2020a, WH1.20.10). The [Wages Protection Act, 1983](#), (section 5A) prohibits deductions that are “unreasonable”. Information provided to workers in the MBIE publication *Get Ready Pack* states, “For your protection, all deductions must be shown to the Ministry of Business, Innovation and Employment labour inspectors, who will check that they are lawful and correct,” and “[y]our rate per hour might sound like a lot but there are deductions, and if you are not careful with the rest of your money, you may not go back home with as much money as you expected to” (New Zealand, MBIE, n.d.-h). MBIE undertakes direct monitoring of employer deductions, though the details of what is considered “reasonable” could not be found in the documents made available for this review (New Zealand, MBIE, 2015, 7). Workers should be provided with detailed information on expected deductions prior to departure. Further, employers and workers need to be provided with clear guidance on the maximum limit of deductions from wages permitted each month in order to ensure that repayment of loans is spread out over time.

2.2. Working conditions

The human rights of all migrant workers, regardless of their status, should be promoted and protected. In particular, all migrant workers should benefit from the principles and rights in the 1998 ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which are reflected in the eight fundamental ILO Conventions, and the relevant United Nations human rights Conventions (ILO Multilateral Framework on Labour Migration, para. 8).

All international labour standards apply to migrant workers, unless otherwise stated. National laws and regulations concerning labour migration and the protection of migrant workers should be guided by relevant international labour standards and other relevant international and regional instruments (ILO Multilateral Framework on Labour Migration, para. 9).

2.2.1. Pay, leave and working hours

► **Table 2.5 Summary of PALM and RSE consistency with legal standards related to pay, leave and working hours**

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Each Member, without discrimination in respect of nationality, race, religion or sex, shall treat immigrants lawfully within its territory no less favourably than its own nationals with respect to: remuneration, including family allowances where these form part of remuneration; hours of work; overtime arrangements; and holidays with pay (Convention No. 97, Art. 6(1)(a)(i); Convention No. 143, Art. 10; Recommendation No. 151, Para. 2(e–f); Recommendation No. 111, Para. 2(b)(v–vi); ICRMW, Art. 25).	✓ (Australia, DEWR, 2025, section 2.3; Fair Work Act, 2009)	✓ (Employment Relations Act, 2000)

International legal standard	PALM consistency with standard	RSE consistency with standard
States should establish a system of minimum wages which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate (Convention No. 131, Art. 1)	✓ (Fair Work Act, 2009)	✓ (Employment Relations Act, 2000)
Everyone, without any discrimination, has the right to equal pay for equal work (Universal Declaration of Human Rights, Art. 23(2)).	✓ (Workplace Gender Equality Act, 2012, Australia, DEWR, 2025, section 2.3)	✓ (New Zealand, INZ, 2023, p.5; Equal Pay Act, 1972)
States Parties shall recognize the right of everyone to just and favourable work conditions, which ensure fair wages and equal remuneration for work of equal value without distinction of any kind ... rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays (ICESCR, Art. 7(a, d)).	✓ (Fair Work Act, 2009; National Employment Standards, Part 2-2 of the Fair Work Act, 2009)	✓ (New Zealand, MBIE, 2015, 5; Holidays Act, 2003)

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

Under the Fair Work Act 2009, workers in Australia can be employed on either a permanent, fixed term, and/or casual contract. Employees on a fixed-term contract are employed for a specific period or a specific task. Once the time duration or task is completed, their employment ends. Permanent employees are employed on an ongoing basis until the employer or employee ends the employment relationship. Within both permanent and fixed-term contracts, an employee can be classified as full-time or part-time. An employee can work a maximum of 38 hours in a week unless an employer asks them to work reasonable extra hours. (Australia, FWO, n.d.-d). Both full-time and part-time permanent or fixed-term employees are entitled to paid leave, including annual leave and sick and carer's leave, and are usually entitled to written notice or payment instead of notice, if their employer terminates their employment (in the case of fixed-term employees only if termination occurs before the specified contract end date). Casual employees, do not have a firm advance commitment from an employer to ongoing work, nor the days (or hours) they will work. A casual employee also does not commit to all work an employer might offer (Australia, FWO, n.d.-p).

The minimum rights and entitlements for full-time, part-time and casual workers are contained in the [National Employment Standards](#) (Australia, FWO, n.d.-a; n.d.-b).

The PALM scheme documents available in April 2025 do not place a requirement on the type of employment (permanent, fixed-term, or casual) for either short- or long-term PALM scheme workers. Long-term PALM scheme workers are generally employed on fixed-term contract and must be offered full-time hours, though the PALM scheme documents do not expressly indicate that a fixed-term contract is a requirement (Australia, PALM, n.d.-o). From 6 December 2023, new rules apply to the use of fixed term contracts in Australia limiting their use for the same role to two consecutive contracts or a maximum contract length of two years, (including extensions or renewals), whichever is shorter. Employers cannot re-engage the same employee after either two years or two consecutive contracts and must instead offer a permanent ongoing contract (Australia, PALM, n.d.-o). This

means that PALM scheme long-term workers who are employed in the same role for more than two years must be placed on a permanent contract and will be eligible for the benefits associated with permanent employment in accordance with Australian workplace laws.

Prior to August 2024, most PALM scheme short-term workers were employed on casual contracts. Casual workers in Australia are entitled to be paid on a public holiday if they work on that day¹⁷. However, if a casual employee does not work on a public holiday, they are not entitled to be paid for being absent (unlike full-time and part-time employees who are entitled to be paid if they are absent on a public holiday under the National Employment Standards). As of August 2024, the Australian Government describes a “casual worker” as one employed with “no firm advance commitment to ongoing work, taking into account a number of factors”; these workers are “entitled to a casual loading or specific casual pay rate under an award, registered agreement, or employment contract” (Australia, FWO, n.d.-p). In June 2024, the PALM scheme introduced a requirement that short-term workers be offered a minimum of 120 hours over four weeks. If employers cannot provide these hours, they must pay workers income equivalent to 120 hours over four weeks. (Australia, PALM, 2024b; see also Bedford, 2024).¹⁸ Migrant workers under long-term placements must be offered full-time hours, including during standdowns (Australia, DEWR, 2025, section 3.7).

When asked to explain whether the new definition of casual employment as involving “no firm advance commitment to ongoing work” precluded short-term PALM scheme workers from being employed as casuals, the DEWR responded that a “casual workforce can still exist in the PALM scheme settings; however, many short-term PALM scheme worker scenarios may be classified as part-time going forward under the new Fair Work Act casual definition”.¹⁹ Workers employed as casuals prior to August 2024 are able to request conversion to a permanent full-time or part-time employee under the new definition of ‘casual’ if they meet certain requirements (Australia, FWO, n.d.-l). The DEWR said, in writing, that “casual workers, including PALM scheme workers, can access a new pathway to part-time employment if they choose under the Fair Work Act”.²⁰

Employee entitlements in all of the industries in which seasonal workers are employed are outlined in industry-specific enterprise agreements or other registered arrangements.²¹ PALM scheme employees, like other migrant workers, have the same workplace entitlements and protections as all other national system employees in Australia and employers “must pay workers the same full rate of pay attached to the relevant classification in the applicable Fair Work Instrument if workers are performing the same type of work and engaged at the same site as other employees” (Australia, DEWR, 2025, section 2.3.1; Australia, DEWR, 2023, clause 11.1).²² Workers must be provided with pay slips in accordance with workplace laws, and pay and deductions must be consistent with that agreed by the seasonal worker in accepting the offer of employment or a subsequent written agreement (Australia, DEWR, 2025, section 5.5). A major change that has occurred since the original report was published (ILO, 2022) is that Australia has introduced a minimum wage guarantee alongside other changes to the piecework rules under the Horticulture Award. This guarantee means that all horticultural workers, including PALM scheme workers, must be paid the higher amount of either what they earned for their day’s work under the piece rate; or what they would have earned for the day based on their minimum hourly rate (including any casual loading) under the Horticulture Award multiplied by the number of hours they worked that day (Australia, FWO, 2022c).

17 A casual employee who does work on a public holiday may be entitled to additional pay (penalty rates) under the relevant award that applies to their employment

18 In early 2024, the PALM scheme introduced a requirement that employers offer a minimum average of 30 hours of work a week for the duration of PALM scheme workers’ employment in Australia. This new arrangement was widely contested principally by the agriculture industry. In response, the requirement was changed in June 2024.

19 Correspondence with DEWR, January 2025.

20 Correspondence with DEWR, January 2025.

21 This refers to the Australian system whereby a national employment tribunal establishes “awards” or quasi-statutory instruments containing minimum terms and conditions of employment for particular industries and occupations. The terms must be either the equivalent of or more generous to workers than the National Employment Standards contained in part 2-2 of the Fair Work Act, 2009.

22 Australia, Fair Work Commission. Aquaculture Industry Award; Horticulture Award; Hospitality Industry (General) Award; Pastoral Award; Sugar Industry Award (modern awards made under the Fair Work Act 2009), available at: <https://www.fairwork.gov.au/employment-conditions/awards>.

New Zealand – Recognised Seasonal Employer scheme

Prior to 2 September 2024, the RSE scheme required workers to be paid the New Zealand adult minimum wage per hour plus 10 percent. After that date, RSE workers in their first and second season are paid at least the New Zealand adult minimum wage, and those in their third or subsequent season must be paid the adult minimum wage plus 10 per cent (New Zealand, INZ, n.d.-o).

Another change introduced on 2 September 2024, concerns the minimum weekly requirement regarding work hours. Prior to that date, RSE employers were required to pay workers for a minimum 30 hours per week. The new requirement is that employers (including joint ATR employers) “are able to average out the 30-hour requirement across a 4-week period. If an employer cannot provide the required 120 hours of work over the 4-week period, they will need to top up the worker’s pay to meet this amount” (New Zealand, INZ, n.d.-o). This change was instigated because “[e]mployers have raised concerns that factors like weather can cause weekly fluctuations in the availability of work, meaning they may pay for hours which are not worked under current rules” (New Zealand, INZ, n.d.-o).

According to the New Zealand Immigration Operational Manual, this means that “[f]or employment agreements that are for a period of six weeks or longer, the minimum remuneration is the greater of the following amounts:

- i. payment at no less than 240 hours at the “per hour” rate, regardless of the actual availability of work, or
- ii. payment for an average of 30 hours per week at the “per hour” rate for each four-week period of employment.

For employment agreements that are for a period of less than six weeks, the minimum remuneration is payment for 40 hours per week, at the “per hour” rate, over the period of work offered in the employment agreement, regardless of the actual availability of work.” Workers may also be paid a piece rate if this results in higher payment than the minimum remuneration requirement (New Zealand, INZ, n.d.-p).

Seasonal workers in New Zealand are generally fixed-term employees. This means that they are full-time workers whose employment will end on a specified date. Fixed-term employees in New Zealand may be paid “holiday pay” of 8 per cent of gross earnings with their regular pay, in lieu of four weeks annual holiday a year. The employee must agree to this in their employment agreement and the 8 per cent gross earnings must be shown as an identifiable component of the employee’s pay (New Zealand, MBIE, n.d.-b). All employees receive a paid day off on public holidays that occur on a day that an employee would otherwise have been working. Employees that work on a public holiday are paid time and a half, and may get an alternative day off (New Zealand, Employment New Zealand, n.d.-a). The Immigration New Zealand Operations Manual does not explicitly state how this applies in the specific case of RSE workers.

Workers’ entitlement to paid sick leave have increased since the 2022 report (ILO, 2022). RSE employers are now required to provide two days of paid sick leave from the first day of employment and an additional two days each month until they reach a total entitlement of 10 days sick leave on their four-month anniversary (New Zealand, INZ, n.d.-l). The change in sick leave entitlements does not apply to workers granted RSE Limited Visas before 1 October 2024 (New Zealand, INZ, n.d.-l; New Zealand, MBIE, n.d.-

2.2.2. Termination of employment

► **Table 2.6 Summary of PALM and RSE consistency with legal standards related to termination of employment**

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
A migrant worker who has resided legally in the territory for the purposes of employment shall not be regarded as in an illegal or irregular situation by the mere fact of the loss of his employment. Nor should the loss of employment imply the withdrawal of his authorization of residence or work permit. Instead, he shall enjoy equality of treatment with nationals with respect to security of employment, the provision of alternative employment, relief work, and retraining (Convention No. 143, Art. 8).	✗ There are certain safeguards but no broad right to remain and search for work in case of loss in employment. (See analysis below). (Australia, DHA, n.d.-b)	✗ Information provided to workers by Immigration New Zealand does not meet this standard (see section 4.4.5 on monitoring and enforcement for further discussion).

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

The Temporary Work (International Relations) Visa (subclass 403, Pacific Labour Mobility stream) contains a “work limitation” condition that states “[y]ou must continue to be employed by your approved sponsor or another employer in accordance with an arrangement by the Department of Employment and Workplace Relations (DEWR) for the duration of your visa” (Australia, DHA, n.d.-b). Under the PALM scheme, termination of employment by an employer before the stated end of a fixed-term contract is classified as a non-critical incident, for which employers are required to report as soon as possible, or by 5pm the next business day, to the DEWR through the IT systems (Australia, DEWR, 2023, section 11.1, 13.1 and 13.4). The DEWR will proceed with working together with the employer and the worker to implement alternate actions, including a possible placement with another Approved Employer (Australia, DEWR, 2023, section 11.2.3). A change of employer must be approved by the DEWR, and workers are not given information about the conditions under which approval will be granted or how to explore the possibility of employment with other employers.

The PALM scheme has a grievance procedure (Australia, DEWR, 2025, section 9.12) that was implemented after the 2022 report (ILO, 2022) and for which information is provided on the PALM website. For PALM workers, in conjunction with the operation of the new Workplace Justice Visa, this may also provide a route to compliance with ILO Convention No. 143, Article 8, if workers are supported to understand their entitlements in relation to these mechanisms and are provided with functional support to access them.

Approved Employers are prohibited from terminating a worker on the basis of trade union membership, race, religion, pregnancy, marital status, or gender, or if the worker questions employment conditions or makes a complaint about the employer.

New Zealand – Recognised Seasonal Employer scheme

RSE workers who are dismissed from employment lose their right to remain in New Zealand (New Zealand, INZ, 2024). RSE workers can only work for the employer (or employers in the case of Joint Applications to Recruit) specified on their visa (New Zealand, INZ, 2018, 1). The MBIE indicates that the transfers of RSE workers are possible and will be considered on a case-by-case basis if raised by an employer, the labour inspectorate, an engagement partner, or a Pacific Liaison Officer. Workers could raise concerns through any of these avenues or use a free call number. While information on complaints mechanisms are provided to workers, information on the ability to change employers is not covered in material provided to RSE workers.²³ A discussion of information provided to workers who report exploitation is contained in section 2.4.5 on monitoring and evaluation.

As with the PALM scheme, there is no requirement within the RSE scheme for employers to provide reasons if they do not re-hire a worker who wishes to return for future seasons. In the absence of such provisions, employers wield significant power over workers (Bailey, 2019). This imbalance in power increases the risk of worker exploitation. In October 2023, New Zealand also announced changes to the immigration system to increase protection and support for migrant workers, notably with the Exploitation Protection Work Visa (MEPV). The MEPV is further discussed in the section on “Access to Justice” below.

2.2.3. Choice of employer

► Table 2.7 Summary of PALM and RSE consistency with legal standards related to choice of employer

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
While assuring migrant workers the right to geographical mobility, the free choice of employment may be made subject to the conditions that the migrant worker has: (a) resided lawfully in its territory for the purpose of employment for a period not exceeding two years, or (b) if its laws provide for contracts for a fixed term of less than two years, that the worker has completed his first work contract. Access to limited categories of employment may be restricted where this is necessary in the interests of the State (Convention No. 143, Art. 14(a, c); Recommendation No. 151, Para. 6). 1	✗ PALM workers’ visas are tied to continued employment with a specified Approved Employer. The limitations on Portability Arrangements within the PALM scheme (see DEWR, 2025, section 8.7) do not provide workers on a second or subsequent PALM scheme contract with free choice of employment.	✗ Workers are tied to an RSE Employer (or employers in the case of a Joint Agreement to Recruit) There is no publicly available process that workers can use to instigate a change of employer.

23 Correspondence with DEWR, January 2025.

International legal standard	PALM consistency with standard	RSE consistency with standard
Recommendations and frameworks		
States should develop and strengthen labour migration and fair and ethical recruitment processes that allow migrants to change employers and modify the conditions or length of their stay with minimal administrative burden (GCM, objective 6, 22(h)), and “[d]evelop accessible and expedient procedures that facilitate transitions from one status to another” (GCM, objective 7, 23(h)).	×	×
Workers should be free to terminate their employment and, in the case of migrant workers, to return to their country. Migrant workers should not require the employer’s or recruiter’s permission to change employer (ILO General Principles and Operational Guidelines on Fair Recruitment, part 1(III), para. 12)	Partially consistent PALM workers can terminate employment and return home, though work permits are tied to an individual employer or group of specific employers and workers are not provided with information on whether they can seek permission to change to a new PALM scheme employer or the circumstances in which such a request will be approved. DHA’s online information about the PALM scheme visa states under “Employment Transfers”, “After the grant of a PALM stream visa, you may only change employment if DEWR approves the change.” (Australia, DHA, n.d.-b). PALM Workers also have the option to apply for other visas that would enable them to stay in Australia should they meet the eligibility criteria for the grant of the visa. This could include an employer sponsored visa with an employer who is not a PALM approved employer, provided the Department of Home Affairs has approved that employer as a sponsor. (Correspondence with DFAT 2026)	Partially consistent RSE workers can terminate their employment and return home. Work permits are tied to an individual employer or group of specific employers and workers are not provided with information on whether they can seek permission to change employer or the circumstances in which this will be granted.

International legal standard	PALM consistency with standard	RSE consistency with standard
Employers should respect the freedom of migrant workers to leave or change employment or to return to their countries of origin. Employers' permission should not be required for migrant workers to terminate or change employment, or to leave the country if the worker so desires, taking into account any contractual obligations that may apply. (ILO General Principles and Operational Guidelines on Fair Recruitment, part IV, B, para. 31)	Partially consistent See above.	Partially consistent See above.

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

1 Note that the ICRMW Article 52 states that the right of temporary migrant workers to freely choose remunerated activities may be limited provided that the migrant has not lawfully resided in the territory for a period "exceeding two years". This period can be extended to five years if the purpose of restricting freedom of employment is to grant priority of employment to nationals and this is prescribed in a bilateral agreement.

As discussed below, restrictions on free choice of employment may also constitute discrimination under Convention No. 111.

Australia – Pacific Australia Labour Mobility scheme

The PALM scheme does not provide the right to unrestricted free choice of employer for workers regardless of their length of residence or duration of their contract. DEWR provided written comments on this section of this report stating that it "supports workers to change employers where concerns arise in relation to their employer, place of employment, or available work hours."²⁴ However, the PALM scheme documents available in April 2025 did not contain information that explains to PALM workers the specific procedure to initiate a change of employer or the criteria that will be used to decide whether this will be approved. PALM scheme employers can arrange for workers to be transferred to a new employer on a temporary or permanent basis (a 'Portability Arrangement') while onshore using the procedure outlined in the Approved Employer Guidelines (Australia, DEWR, 2025, section 8.7). DEWR must approve these transfers, and the employer must ensure that the worker (i) will not be disadvantaged by the Portability Arrangement, (ii) is suitable for the work to be conducted at the new employer, and (iii) has provided informed written consent prior to the Portability Arrangement being made (Australia, DEWR, 2025, section 8.7.3). This does not meet the ILS since the choice is not initiated by workers. Further, workers have little bargaining power if they disagree with the terms of such offers. The only alternative would be to return home, potentially before repaying debts held by employers. Further, the absence of an official and advertised mechanism for workers seeking to transfer employers leaves workers with little bargaining power to obtain better working conditions and pay over the course of their contracts. The ability to freely provide informed written consent to a transfer is also affected by the reality that the conditions of PALM scheme workers' visas require that they remain employed under the scheme. Anecdotal reports from workers interviewed by the media suggest that the restrictions on choice of employer is a factor in workers absconding (Amin 2025).

In the context of these restrictions on choice of employer, it is noted that the number of PALM workers applying for a protection visa is increasing in recent years, which provides an avenue to unrestricted working rights and Medicare. Between July 2018 and October 2023, 3,351 applications for a Protection Visa (subclass 866)

²⁴ Correspondence with DEWR, January 2025.

were lodged from PALM scheme participating countries where a PALM visa was held at the time of lodgement (The Australia Institute, 2023). Further research is required to ascertain whether there is any link between the restrictions placed on PALM scheme visas and the increase in protection visa applications.

New Zealand – Recognised Seasonal Employer scheme

The RSE scheme does not facilitate the right to unrestricted free choice of employer for workers regardless of their length of residence or duration of their contract. All RSE workers are prohibited from changing visa categories while in New Zealand and workers are not permitted to transfer to a new employer without the approval of their employer (New Zealand, INZ, n.d.-d). As with the PALM scheme, this creates a risk of worker exploitation as workers may not be willing to raise concerns about employment conditions for fear of losing their right to remain in New Zealand. In response to the draft of this report, MBIE commented that workers are able to instigate a change of employer “if there is bullying or other conditions that risk worker wellbeing.”²⁵ While this is indeed welcome and required, there is still no readily available means to change approved employers. This does not meet ILS because the absence of an official and advertised mechanism for workers seeking to transfer employers leaves workers with little bargaining power to obtain better working conditions and pay over the course of their contracts.

2.2.4. Remittances

► Table 2.8 Summary of PALM and RSE consistency with legal standards related to remittances

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Each Member for which this Convention (No. 97) is in force undertakes to permit, taking into account the limits allowed by national laws and regulations concerning export and import of currency, the transfer of such part of the earnings and savings of the migrant for employment as the migrant may desire (Convention No. 97, Art. 9).	✓ (Australia, DEWR, 2025, section 8.3.2)	✓ (RBNZ, 2022)
Recommendations and frameworks		
Arrangements should be made to create such facilities as may be required for the voluntary remittance of funds to the worker’s family in his area of origin (Recommendation No. 100, Para. 48).	✓ (Australia, DFAT, n.d.-c)	✓ (RBNZ, 2022)

25 Correspondence with MBIE, December 2024.

International legal standard	PALM consistency with standard	RSE consistency with standard
States should establish conducive policy and regulatory frameworks that promote a competitive and innovative remittance market, remove unwarranted obstacles to non-bank remittance service providers in accessing payment system infrastructure, apply tax exemptions or incentives to remittance transfers, promote market access to diverse service providers, incentivize the private sector to expand remittance services, and enhance the security and predictability of low-value transactions by bearing in mind de-risking concerns, and developing a methodology to distinguish remittances from illicit flows, in consultation with remittance service providers and financial regulators (GCM, objectives 20, 26(d)).	✓ Various initiatives are in place.	✓ Various initiatives are in place.

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

PALM scheme employers are required to assist workers to remit money to their countries of origin. In recognition of the relative expense of sending money from Australia and New Zealand to the Pacific, the Australian and New Zealand governments jointly funded the creation of a free website – sendmoneypacific.org – that provides information on the remittance options and processes available to migrants, as well as a comparison of current rates available from a range of operators (Australia DFAT, n.d.-c). The effectiveness and relevance of the Send Money Pacific (SMP) service is being questioned as findings demonstrate low remittance literacy amongst Pacific diaspora in Australia, and that very few website visits (less than 1 in 3) result in users comparing the price of remitting money (Strategic Development Group, 2023). Budgeting and remittances are covered in the pre-departure briefing with resources provided for SendMoneyPacific.

Through the DFAT, Australia's contribution through the International Finance Corporation enabled the Tonga Development Bank to design and implement a low-cost remittance product for the Australian–Tongan remittance corridor. The 'Ave Pa'anga Pau' has lowered the cost of sending AUD 200 from Australia to Tonga to 4.89 per cent (as of Q1 2021, according to the World Bank). In 2021, a four-year programme, Empowering Migrants through Pacific Remittances (EMTR), was launched, jointly funded by the New Zealand's MFAT and Australia's DFAT, whose goal is "to enable all people in Australia and New Zealand remitting to Pacific Island countries to meaningfully engage with the market remittance service providers, select providers that best suit their needs, and maximise the value of remittances sent to Pacific households" (Australia, DFAT, n.d.-d). In parallel, the DFAT has previously engaged in discussions with regional partners (Asian Development Bank, World Bank, central banks) to support the development of a regional facility to reduce costs of verification and to facilitate compliance with the Anti-Money Laundering and Counter-Terrorism Financing Act, 2006, with a view to reducing remittance costs.²⁶

²⁶ Correspondence with DFAT, 2021.

New Zealand – Recognised Seasonal Employer scheme

In addition to the measures mentioned above being implemented jointly by Australia and New Zealand, the Reserve Bank of New Zealand's Pacific Remittances Project aims to improve access to and reduce the costs of remittance transfers to the Pacific. The project was established in 2019 and concluded in July 2022, with a relevant achievement being reaching an agreement between nine central banks to develop a regional electronic know-your-customer facility (RBNZ, 2022).

2.2.5. Training

► Table 2.9 Summary of PALM and RSE consistency with legal standards related to training

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination including in the activities of vocational guidance, vocational training and placement services under the direction of a national authority (Convention No. 111, Arts 2, 3I; ICRMW, Art. 43(1)(a-c)).	Partially consistent Pacific Labour Mobility visa holders are eligible to participate in the national Skills for Education and Employment (SEE) Program on the basis of equality with nationals (DEWR, n.d.-a). There are no restrictions on PALM scheme workers to undertake trainings. While PALM scheme workers are not eligible for state government funding to support their participation in training, employers can access funding through the PALM Skills Development Program for PALM workers to undertake training similar to what is offered through state schemes. (DHA, n.d.-g)	Partially consistent Through the MFAT, New Zealand funds Labour Mobility Programmes as part of its International Development Cooperation. This includes an RSE Worker Training Programme. However, RSE scheme workers do not receive equality of opportunity and treatment with nationals with respect to access to vocational training, guidance and placement.

International legal standard	PALM consistency with standard	RSE consistency with standard
Recommendations and frameworks		
Each Member shall ensure equality of opportunity and treatment with nationals with respect to access to vocational guidance and placement services; access to vocational training and employment of their own choice on the basis of individual suitability for such training or employment, account being taken of qualifications acquired outside the territory of and in the country of employment; advancement in accordance with their individual character, experience, ability and diligence (Recommendation No. 151, Para. 2(a-c))	Partially consistent Pacific Labour Mobility visa holders are eligible to participate in the Skills for Education and Employment (SEE) Program run by the DEWR (DEWR, DER. SEE offers eligible workers free training to improve your reading, writing, maths and basic computer skills. PALM scheme employers can apply for funding for different tiers of training for workers from the PALM Skills Development Program. Only employers are eligible to apply for the funding which means that workers cannot independently choose the training they receive (PALM, n.d.-g)	Partially consistent RSE workers do not receive equality of opportunity and treatment with nationals with respect to access to vocational guidance and placement, though New Zealand does have dedicated program for RSE worker training (New Zealand, MFAT, n.d.-a).

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

PALM scheme workers are eligible for national training schemes on the basis of equality of treatment with nationals, but not to schemes run by state governments (DEWR, n.d.-a; DHA, n.d.-g). All PALM scheme employers are able to apply for a share in funding allocated to the PALM Skills Development Program to access accredited and non-accredited training. The goal of this Program is “to improve workers’ skills in the workplace, increase productivity for employers and provide skills and abilities that will benefit the workers and their communities when they return home” (DEWR, n.d.-a). Applications are assessed according to the specified criteria and funding is allocated at DEWR’s discretion. Funding is available on a cost-share basis for employers depending on the type of training (either employability and life skills, job skills, or formal qualifications) and the training must be arranged by the employer (DEWR, n.d.-a). Eligibility for national training schemes and the availability of funding to support PALM scheme worker training is consistent with international labour standards and good practice globally. For greater consistency, PALM scheme workers should also be eligible for training schemes available to workers at a state level on the basis of equality of treatment with nationals, and the PALM Skills Development Program should be adjusted to enable workers to receive training of their own choice, including training that is not linked to the needs of their Approved Employer.

In recent years Australia has also begun supporting training to enable PALM scheme workers to fill skilled labour shortages. By 2024, the PALM scheme had reached its target of training over 500 workers from participating PALM scheme countries in Certificate III Individual Support (Ageing), with the majority then accepting PALM scheme jobs in Australia. Another training pilot announced in 2024 involves 15 workers from Papua New Guinea employed in early childhood education and care sector in the Northern Territory.²⁷ In 2023, the PALM scheme

²⁷ Correspondence with DEWR, January 2025.

also announced it would fund more than 1,000 workers to attain formal qualifications in “priority sectors for growth in the Pacific and Timor Leste, where there are worker shortages in Australia” (Australia, PALM, n.d.-q).

New Zealand – Recognised Seasonal Employer scheme

New Zealand’s MFAT administers international development cooperation funding that includes an RSE Worker Training Programme. This program “provides opportunities for Pacific RSE workers to access skills training while in New Zealand... [it] offers courses for RSE workers ranging from an introductory essential learning course (which covers building digital capability, healthy living, financial capability, sexual health, and human rights) to courses covering money matters, small business development, leadership, compost toilets, building concepts, and other practical courses. Courses are offered in most regions where RSE workers are based” (New Zealand, MFAT, n.d.-a). However, the RSE scheme does not facilitate access to vocational guidance or training for migrant workers on the basis of equality of treatment with nationals.

RSE scheme employers are expected to provide on-the-job training, upskilling, and access to training courses for workers. In September 2024, RSE introduced policy to allow RSE workers to study, train and develop skills, including those not directly related to their role (New Zealand, INZ, n.d.-o).

2.2.6. Health and safety

► Table 2.10 Summary of PALM and RSE consistency with legal standards related to health and safety

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Each Member shall, in the light of national conditions and practice, and in consultation with the most representative organizations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimizing, so far as is reasonably practicable, the causes of hazards inherent in the working environment (Convention No. 155, Art. 4; Recommendation No. 164, Para. 10).	✓ (Australia, Safe Work Australia, 2023)	✓ (New Zealand, Worksafe, n.d.-a)

International legal standard	PALM consistency with standard	RSE consistency with standard
In the light of national conditions and practice and after consulting the representative organizations of employers and workers concerned, Members shall formulate, carry out and periodically review a coherent national policy on safety and health in agriculture. This policy shall have the aim of preventing accidents and injury to health arising out of, linked with, or occurring in the course of work, by eliminating, minimizing or controlling hazards in the agricultural working environment (Convention No. 184, Art. 4).	✓ Work Health and Safety Act, 2011 and associated legislation at the state and territory level	✓ (Health and Safety at Work Act, 2015)
Measures shall be taken to ensure that temporary and seasonal workers receive the same safety and health protection as that accorded to comparable permanent workers in agriculture (Convention No. 184, Art. 17).	✓ Work Health and Safety Act, 2011 and associated legislation at the state and territory level.	✓ (Health and Safety at Work Act, 2015)
Recommendations and frameworks		
The steps to be taken for migrant workers should include appropriate arrangements for industrial hygiene and prevention of accidents and occupational diseases. These arrangements should include: ► suitable assistance measures in case of accident or occupational disease; ► measures to secure the health and safety of migrant workers in their places of employment; ► measures for reporting accidents and investigating their causes; ► an obligation on the employers to bring to the attention of migrant workers by notices, talks or any other means any dangerous or unhealthy features of their work;	✓ Work Health and Safety Act, 2011, and associated legislation at the state and territory level. However, no special arrangements for migrant workers.	✓ Health and Safety at Work Act, 2015. However, no special arrangements for migrant workers.

International legal standard	PALM consistency with standard	RSE consistency with standard
► special or additional training or instruction to migrant workers on the prevention of accidents and risks to health in places of employment when, on account of lack of familiarity with processes, language difficulties or for other reasons, the training or instruction normally given to other workers employed in the country or territory is unsuitable; ► provision for the collaboration of employers and workers in the promotion of safety measures (Recommendation No. 100, Para. 46; Recommendation No. 151, Paras 21–22; Recommendation No. 164, Para. 10).		

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

PALM scheme employers are required to comply with all relevant workplace health and safety legislation (including the Work Health and Safety Act, 2011, and relevant state legislation) as well as Approved Codes of Practice that apply to workers in Australia. Employers must provide protective equipment, clear instructions to workers regarding health and safety, and ensure that these provisions are met by any subcontractors. Employers are also required to notify the DEWR of any work-related health and safety concerns (Australia, DEWR, 2023, clause 15). PALM scheme workers are entitled to receive compensation for illness or injury through the private health insurance they pay for personally, or through Australia's national workers' compensation scheme, which is funded by compulsory insurance purchased by employers.

A number of concerns about safety in Australia's agricultural industry, as well as in other industries that employ Pacific workers have been raised over the past decade. The six priority industries targeted to reduce fatalities and serious claims under the Australian Work Health and Safety Strategy 2022-2032 (revised in October 2023) are agriculture, construction, road transport, manufacturing, health care and social assistance, and public administration and safety (Australia, Safe Work Australia, 2023).

The most current information displayed on the Safe Work Australia website in June 2024 indicates that between 2003 and 2022, the agricultural industry accounted for 23.2 per cent of worker fatalities in Australia²⁸, despite constituting only 2.2 per cent of the Australian workforce. Issues with the implementation of workplace health and safety in Australia's agriculture industry as part of Australia's obligations under the Occupational Safety and Health Convention, 1981 (No. 155), which Australia has ratified, have been the subject of observations and direct requests by ILO CEACR in recent years (2009, 2010, 2012 and 2016), with Australia being required to report on this Convention to the Committee.²⁹

28 Australia, Safe Work Australia. Work-related fatalities data, available at: <https://data.safeworkaustralia.gov.au/interactive-data/topic/work-related-fatalities> (accessed: June 2024).

29 When examining the application of international labour standards, the ILO CEACR makes two kinds of comments: observations and direct requests. Observations contain comments on fundamental questions raised by the application of a particular Convention ratified by a State. These observations are published in the Committee's annual report. Direct requests relate to more technical questions or requests for further information.

New Zealand – Recognised Seasonal Employer scheme

New Zealand's Health and Safety at Work Act, 2015, and associated regulations apply to all work and workplaces that employ RSE workers. The application to become a Recognised Seasonal Employer requires employers to provide information on health and safety procedures and to demonstrate continued compliance with relevant laws and regulations (New Zealand, INZ, 2019, 2). The 2015 Act was passed in response to a 2013 report by an Independent Taskforce on Workplace Health and Safety created by the Minister for Labour in 2012 (New Zealand, Independent Taskforce on Workplace Health and Safety, 2013). Employers in New Zealand's agriculture and viticulture industries have specific obligations with respect to the Health and Safety at Work Act and are subject to workplace inspections (New Zealand, Worksafe, n.d.-b). The Health and Safety at Work Act, 2015, contains a requirement for worker participation, including elected health and safety representatives. The New Zealand Council of Trade Unions (NZCTU) commented on a draft of this report that, in their experience of the conditions of RSE employment, it is "unlikely that most employers, if any, are complying with these requirements" and that "while it is true that migrant workers are entitled to accident compensation, they may struggle to access this if they are repatriated after an injury".³⁰

2.3. Living conditions

2.3.1. Accommodation

► **Table 2.11 Summary of PALM and RSE consistency with legal standards related to accommodation**

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of accommodation (Convention No. 97, Art. 6(1)(a)(iii); ICRMW, Art. 43(1)(d)). ³¹	✓ (Australia, Safe Work Australia, 2018)	✓ See discussion below.
Recommendations and frameworks		
The arrangements to be made for the housing of migrant workers should include measures to enable such workers to be provided, either at the expense of the employer or by the provision of appropriate financial aid or by other means, with accommodation meeting approved standards and at rents reasonable in relation to the wages earned by the various categories of workers (Recommendation No. 100, Para. 21).	✓ (Australia, DEWR, 2025, section 10.1)	✓ (New Zealand, Worksafe, 2016; New Zealand, INZ, n.d.-n; New Zealand, INZ, 2026)

³⁰ Consultation with the NZCTU, February 2021.

³¹ Refers specifically to States' responsibility to provide "protection against exploitation in respect of rents".

International legal standard	PALM consistency with standard	RSE consistency with standard
The competent authority should be responsible for ensuring the establishment of satisfactory housing conditions for migrant workers including minimum standards of accommodation and exercise strict control over the enforcement of these standards. It should also define the rights of the worker who may be required to vacate his accommodation on leaving employment and should take all necessary steps to secure the enforcement of these rights (Recommendation No. 100, Para. 22).	✓ (Australia, DEWR, 2025, section 10.1-10.3)	✓ (New Zealand, MBIE, 2017; New Zealand, 2016)
It is generally not desirable that employers should provide housing for their workers directly, with the exception of cases in which circumstances necessitate that employers provide housing for their workers, as, for instance, when an undertaking is located at a long distance from normal centres of population, or where the nature of the employment requires that the worker should be available at short notice (Recommendation No. 115, General Principles, Para. 12(2)).	✓ Employers have the option to directly provide or arrange accommodation to Workers, unless the Worker chooses to arrange their own accommodation (Australia, DEWR, 2025, section 10.1; Australia, DEWR, 2023, clause 13.6)	✗ (though may be consistent under the exception) (New Zealand, INZ, 2024)
In cases where housing is provided by the employer, the fundamental human rights of the workers, in particular freedom of association, should be recognized; national law and custom should be fully respected in terminating the lease or occupancy of such housing on termination of the workers' contracts of employment; and rents charged should be to ensure that adequate and decent housing accommodation should not cost the worker more than a reasonable proportion of income, and in any case should not include a speculative profit (Recommendation No. 115, General Principles, Para. 12(3)). ³²	✓ (Australia, DEWR, 2025, section 10.2-10.3)	✓ (New Zealand, MBIE, 2017)

32 Consistency with this standard has been assessed taking into account the specifications contained in Recommendation No. 115, Suggestions Concerning Methods of Application, Paras 15–17.

International legal standard	PALM consistency with standard	RSE consistency with standard
The provision by employers of accommodation and communal services in payment for work should be prohibited or regulated to the extent necessary to protect the interests of the workers (Recommendation No. 115, General Principles, Para. 12(4)).	✓ (Australia, DEWR, 2025, section 10.1-10.4)	✓ New Zealand, MBIE, 2017
As a general principle, the competent authority should, in order to ensure structural safety and reasonable levels of decency, hygiene and comfort, establish minimum housing standards in the light of local conditions and take appropriate measures to enforce these standards (Recommendation No. 115, General Principles, Para. 19). ³³	✓ (Australia, DEWR, 2025, section 10.3, 10.5, 10.7)	✓ (New Zealand, MBIE, 2017; New Zealand, Worksafe, 2016)
Rent for workers' housing should not be increased to a rate that permits more than a reasonable return on investment (Recommendation No. 115, Suggestions Concerning Methods of Application, Para. 40(2)).	✓ (Australia, DEWR, 2025, section 10.1)	✓ (New Zealand, MBIE, 2017; New Zealand, INZ, 2026)

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

PALM Approved Employers are required to submit an Accommodation Plan as part of the Application to Recruit. Accommodation must be “safe and secure” and “fit for occupation” and comply with state-level and local government work health and safety legislation (these are issues devolved from the federal level in Australia). The plan must include photographs of all rooms that will be used to accommodate workers and demonstrate the setup of furniture required for living arrangements. The *Approved Employer* Guidelines indicate that the photos will be used for monitoring visits (Australia, DEWR, 2025, section 14.6.3). Detailed guidance is also provided to employers to enable them to meet four “principles” concerning employer-provided accommodation within the PALM scheme:

- (i) Renting arrangements and inclusions **must** be fair and provide good value for money for seasonal workers.
- (ii) Monetary breakdown of inclusions of accommodation costs must be transparent.
- (iii) Accommodation must be fit for immediate occupation and be in good condition.
- (iv) Accommodation must be accessible, safe and secure (Australia, DEWR, 2025, section 10.3).

Detailed requirements are also outlined for bedrooms, bathrooms, and leisure, social, and telecommunication facilities (Australia, DEWR, 2025, section 10.3).

³³ Consistency with this standard has been assessed taking into account the specifications contained in Recommendation No. 115, Suggestions Concerning Methods of Application, Paras 7–8.

The PALM Approved Employers Guidelines require employers to provide workers with access to information regarding accommodation, including costs (Australia, DEWR, 2025, section 10.3.16), to introduce transparency to the cost of accommodation.

The DEWR issues comprehensive guidelines regarding employer-provided accommodation for workers and mandates compliance with relevant Australian legislation. ILO standards indicate that employers providing accommodation to workers is “undesirable”. However, Approved Employers recruit workers for deployment in rural areas, which meets the criteria for exceptions to this standard. The DEWR’s guidelines for accommodation comply with the relevant ILO instruments. However, there have been multiple reports of PALM scheme accommodation conditions that do not meet the guidelines and rental charges that are much higher than prevailing market conditions (Hermant, 2020; Holmes, 2024). This is a PALM scheme-specific issue that is separate from the issue that many workers are residing in rural and remote locations where accommodation in general can be limited and therefore expensive.

In 2020, the DFAT commissioned a private consulting firm to conduct a review of Pacific labour mobility accommodation. The purpose of the review was “to examine the costs and inclusions of accommodation for Pacific Labour Scheme and Seasonal Worker Program workers and to consider what policy and process changes are warranted to improve the value and suitability of accommodation for workers” (Australia, DFAT, n.d.-b). The Government agreed to all the recommendations of the review and commented:

We acknowledge that accommodation issues are an ongoing and serious issue and are important to resolve for the wellbeing of workers and reputation of the programmes. Accommodation issues are complex and, as noted by the Migrant Workers Taskforce, of concern for all temporary migrant workers. We are committed to resolving accommodation issues for Pacific workers, including by working through the Migrant Workers Taskforce on the broader issue (Australia, DFAT, n.d.-b).

Workers are allowed to arrange their own accommodation, though it seems that very few, if any, actually do so (Australia, DEWR, 2023, section 10.5). Further information on non-compliant accommodation is contained in section 5.4.2 of this report.

New Zealand – Recognised Seasonal Employer scheme

RSE employers must provide accommodation to their workers which meet the minimum accommodation standards (New Zealand, INZ, 2026). Comprehensive guidelines regarding accommodation standards are established in the Health and Safety at Work Act, 2015, and in written advice to employers issued by the New Zealand Government (New Zealand, Worksafe, 2016; New Zealand, MBIE, 2017; New Zealand, INZ, 2026). In some regions (Bay of Plenty and Hawke’s Bay, or Northland, Auckland (including upper Auckland), Marlborough, Nelson and Tasman, and Otago), residential houses cannot be used for RSE workers unless the house was included in an ATR approved before 26 September 2019 or if the house is owned by the employer (in Bay of Plenty and Hawke’s Bay, the house should have been owned and bought by the employer on or before 26 September 2019) (New Zealand, INZ, 2026,). This restriction was introduced to address the concern that housing for RSE workers was exacerbating residential housing pressures. This restriction may contravene Convention No. 97, Article 6(1) (a)(iii), as it applies a restriction on accommodation of workers from the Pacific that is not equally applied to New Zealand nationals (New Zealand, MBIE, 2020a, WH1.10.35). The ILO CEACR has noted that “discrimination based on national extraction means distinctions on the basis of place of birth, ancestry or foreign origin and is not necessarily related to citizenship”.³⁴ A specific ruling on whether these provisions constitute prohibited discrimination may be sought from the CEACR.

From April 2026 weekly rent caps ranging from NZD \$150 to NZD \$211 will apply. The amount that employers will be able to charge will depend on the quality and features of the accommodation. In its guidance (published

³⁴ ILO CEACR, Direct Request – Discrimination (Employment and Occupation) Convention, 1958, (No. 111) – Eritrea, adopted 2010, published 100th Session, International Labour Conferences, 2011.

in January 2026), the Government has explained “employers will only be able to recover the actual cost of providing accommodation, and all charges must be reasonable. Employers must still comply with employment law, including the Minimum Wage Act and the Wages Protection Act, and employers remain responsible for ensuring accommodation deductions are lawful. The approach is intended to encourage employers to invest in better-quality accommodation by allowing higher rent caps for higher standards”. Rent caps will be updated annually to keep up with inflation.

2.3.2. Social life and welfare

► **Table 2.12 Summary of PALM and RSE consistency with legal standards related to social life and welfare**

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Each Member shall take into account, without adversely affecting the principle of equality of opportunity and treatment, of such special needs as they may have until they are adapted to the society of the country of employment (Convention No. 143, Art. 12(e)).	✓ (Australia, DEWR, 2025, section 2.1 and 9.2; Australia, DEWR, 2023, clause 18.3)	✓ (New Zealand, INZ, 2023, p.4)
National laws and regulations or the competent authority shall prescribe, after consultation with the representative organizations of employers and workers concerned the provision of adequate welfare facilities at no cost to the worker (Convention No. 184, Art. 19).	✓ (Australia, DEWR, 2025, section 9.1, 9.5, 9.10; Australia, DEWR, 2023, clause 9 and 14)	✓ Note: no evidence that consultation has taken place Employers must provide “the opportunity for recreation and religious observance” (New Zealand, INZ, 2023, p.4).
Each country should provide a free service, conducted by a public authority and/or a non-profit organization, to provide migrant workers with accurate information on matters relating to emigration, immigration, employment and living conditions, including health conditions in the place of destination, return to the country of origin or of emigration, and generally speaking any other question which may be of interest to them in their capacity as migrants (Recommendation No. 86, Para. 5(1)).	✓ (Australia, DEWR, 2025)	✓ The RSE scheme requires workers to attend pre-departure training. (New Zealand, INZ, 2024)

International legal standard	PALM consistency with standard	RSE consistency with standard
Migrants and the members of their families should be assisted in obtaining access to recreation and welfare facilities, and steps should be taken where necessary to ensure that special facilities are made available during the initial period of settlement in the country of immigration (Recommendation No. 86, Para. 11).	✓ (Australia, DEWR, 2025 section 9.5 and 9.6)	✓ (New Zealand, INZ, 2023, p.4)
Steps should be taken to ensure the availability of consumer goods, particularly essential products and foodstuffs, to migrant workers and their families at reasonable prices and in sufficient quantities (Recommendation No. 100, Para. 42(1)).	✓ Reflected in various aspects of the PALM scheme design (Australia, DEWR, 2025)	✓ Employers must ensure that workers have access to food and health services at a reasonable cost (New Zealand, INZ, 2023)
In order to enable migrant workers and their families to take full advantage of their rights and opportunities in employment and occupation, such measures as may be necessary should be taken to assist and encourage the efforts of migrant workers and their families to preserve their national and ethnic identity and their cultural ties with their country of origin (Recommendation No. 151, Para. 7; ICRMW, Art. 31).	✓ (Australia, DEWR, 2025, section 9.2 and 9.19)	✓ Employers are to support workers to access recreation and religious observance, but cultural ties and ethnic identity are not mentioned. (New Zealand, INZ, 2023, p.4).
Social services should be made available that provide migrant workers every assistance in adapting to the economic, social and cultural environment of the country of employment; help migrant workers to obtain information and advice from appropriate bodies, for instance by providing interpretation and translation services; to comply with administrative and other formalities; and to make full use of services and facilities provided in such fields as education, vocational training and language training, health services and social security, housing, transport and recreation (Recommendation No. 151, Para. 24(a-b)).	✓ (Australia, DEWR, 2025, chapter 9; Australia, DEWR, 2023, clause 14; Australia, PALM, n.d.-i)	✓ Employers are obliged to provide necessary language translation, for example for health and safety purposes (New Zealand, INZ, 2023, p.4; New Zealand, INZ, 2017).

International legal standard	PALM consistency with standard	RSE consistency with standard
Social services should be made available that assist authorities and bodies with responsibilities relating to the conditions of life and work of migrant workers in identifying their needs and in adapting thereto; give the competent authorities information and, as appropriate, advice regarding the formulation, implementation and evaluation of social policy with respect to migrant workers; provide information for fellow workers and foremen and supervisors about the situation and the problems of migrant workers (Recommendation No. 151, Para. 24(c-e)).	✓ (Australia, DEWR, 2025, chapter 9; Australia, DEWR, 2023, clause 14)	✓ (New Zealand, INZ, 2017)
The social services referred to may be provided, as appropriate to national conditions and practice, by public authorities, by approved non-profit-making organizations or bodies, or by a combination of both. The public authorities should have the over-all responsibility of ensuring that these social services are at the disposal of migrant workers and their families. Full use should be made of services which are or can be provided by authorities, organizations and bodies serving the nationals of the country of employment, including employers' and workers' organizations (Recommendation No. 151, Para. 25).	✓ (Australia, DEWR, 2025, chapter 9; Australia, DEWR, 2023, clause 14)	✓ See information provided by MFAT below.
Each Member should take such measures as may be necessary to ensure that sufficient resources and adequately trained staff are available for the social services (Recommendation No. 151, Para. 26).	✓ (Australia, PALM, n.d.-j) As of January 2025, each participating Country to the PALM Scheme has at least one Country Liaison Officer (CLO) to support workers in Australia.	✓ The role of an RSE team leader or pastoral care worker may fulfil this function, though these are not legally required of RSE employers.

International legal standard	PALM consistency with standard	RSE consistency with standard
Each Member should promote cooperation and coordination between different social services on its territory and, as appropriate, between these services and corresponding services in other countries, without, however, this cooperation and coordination relieving the States of their responsibilities in this field (Recommendation No. 151, Para. 27).	✓ Contained within the support provided by the DFAT to participating countries under the PLMSP.	✓ Contained within the support provided by the MFAT under the Strengthening Pacific Labour Mobility programme.
Arrangements should be made to ensure the material, intellectual and moral welfare of migrant workers, including wherever practicable, the maintenance in immigration areas of welfare officers who are familiar with the languages and customs of the migrant workers to facilitate the adaptation of these workers and their families to their new way of living; and facilities to enable migrant workers to satisfy their intellectual and religious aspirations (Recommendation No. 100, Para. 49).	✓ (Australia, PALM, n.d.-j)	✓ (New Zealand, INZ. 2017)

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

The Application to Recruit requires employers to submit a Welfare and Wellbeing Plan that outlines the support they will provide to PALM workers. As part of the plan, employers must appoint a Welfare and Wellbeing Support Person from their existing staff or an external organization within 200 km of the worksite. Each Welfare and Wellbeing Support Person is limited to a maximum of 120 Workers under their support. The employer is required to facilitate and keep records of fortnightly face-to-face, in person discussions between the Welfare and Wellbeing Support Persons and the workers (Australia, DEWR, 2025, section 9.1). Employers are also responsible for assisting with “special needs” of workers, such as explaining how Australia’s banking and tax systems work and making efforts to help integrate workers with the wider local community (Australia, DEWR, 2025, section 9.8 and 9.10).

Recommendation No. 151 (Para. 25) indicates that social services for migrants should be provided by public authorities, by approved non-profit-making organizations or bodies, or by a combination of both. Until 2021, SWP welfare and wellbeing services were provided by the Approved Employers or an employer subcontractor. In March 2021, the DESE awarded the Salvation Army an AUD 1 million contract to implement the Community Connections measures announced as part of the Pacific Labour Mobility Safeguarding the Welfare of Workers package in the Australian Government’s 2020–21 Budget. Under the contract, the Salvation Army was to “provide additional and strengthened welfare support to workers, better connect them with their local communities and work to advance cultural understanding with the wider population” (Salvation Army, 2021). An evaluation of work carried out by the Salvation Army between 2021 and 2023 was not found online, though the independent evaluation of the PLF commissioned by DFAT in 2023 states: “There was a strong focus on assuring worker

welfare in Australia—though a range of stakeholders reflected concerns that current arrangements in relation to frontline worker support could be improved or at least clarified—a finding also borne out in independent research” (Clear Horizon, 2023).

For this report, DEWR provided written information as follows: “[i]n April 2024, The Salvation Army (TSA) was selected through an open tender process to deliver the Community Connections Programme over 2024 to 2027. Under this new contract, the programme’s focus is to foster pro-social connections and protective factors to support workers through initiatives including:

- engagement between workers and their host communities through social, cultural, faith-based and sporting events and activities;
- information and cultural exchange, including ensuring workers are welcomed into their host communities and understand norms and expectations of life in Australia, as well as where to access support if required;
- connecting workers to local services and community groups, including community supports, police, churches and diaspora communities; and
- organising targeted interventions to build awareness of the PALM scheme and strengthen community relationships in locations where there have been serious or repeated issues arising with (concerning) workers or their host communities;
- a Community Initiatives Fund, offering funding of up to \$1,000 per event, with annual limits, to support community initiatives that meet program objectives. Guidelines for the Community Initiatives Fund are under development, with the fund anticipated to be launched in early 2025;
- an Emergency Support Fund used to assist workers in financial hardship with urgent welfare needs where these cannot be met elsewhere.”

As of April 2025, contact details for Community Connections programme in each state are available on the PALM website. 2022 data collection by the Pacific Research Programme indicates patchy implementation: in some location the programme plays an important role in connecting workers and employers with services, while in other locations there was no visibility of the programme (Kanan and Putt, 2023). The 2020 Australian Budget also included funding for new Country Liaison Officers (CLOs) to assist in providing welfare to workers. In 2025, these officers were employed by their sending country governments to provide culturally appropriate welfare support to their workers. The Australian Government continues to provide co-funding to sending countries for CLOs.

In 2024, the Australian Government introduced the PALM scheme Family Accompaniment Pilot in participation with Fiji, Kiribati, Timor-Leste, Tonga and Vanuatu. In total, 205 workers engaged by 24 Approved Employers, together with their families arrived in Australia in August 2024. Eligible families can access Family Tax Benefits and the Child Care Subsidy. Participating workers and family members are also eligible for Medicare. Family members participating in the programme have full work rights and children can attend public schools without paying international student fees.

New Zealand – Recognised Seasonal Employer scheme

The Pastoral Care Guide for RSE employers’ states:

Pastoral care means that as an employer you address the needs of the whole person, their safety and their wellbeing, and don’t limit your involvement to what happens between nine and five. Just giving someone a job is not enough. Pastoral care doesn’t happen by accident. It takes time and resources and most importantly a determination to make sure your RSE workers feel welcome and well settled (New Zealand, INZ, 2017; New Zealand INZ, 2026).

The MBIE indicates that while the Guide is not legislatively enforceable by the Labour Inspectorate, any incidences whereby an employer is not adhering to the Guide will be reported to the RSE unit and may result in appropriate

action being taken, such as an accommodation site not being approved, the loss of RSE status, or the decline of an Agreement to Recruit.³⁵ “Pastoral care” workers are often employed to provide RSE workers with assistance in accessing services and community groups, though this is not a legal requirement (New Zealand, INZ, 2017; 2019b; 2026). The MBIE also indicates that “local communities, diaspora communities, churches, NGOs, and trade unions are engaged in various ways by RSE employers to care for and connect workers. New Zealand has provided some funding to community/non-government/industry bodies to provide support to workers, often in the form of recreational activities and training”.³⁶

The MFAT has also allocated resources to worker welfare within the Strengthening Pacific Labour Mobility Programme (SPLM). For the period 2024-2029, additional resources have been specifically allocated to ensure that workers from each country participating in the RSE scheme has access to a Country Liaison Officer (CLO). According to MFAT, the resources for CLOs are “staggered and scaled based on the number of workers each country sends.”³⁷

In 2021 and 2022, the MBIE developed Ola Manuia, a Pacific Health and Wellbeing Framework for RSE scheme workers. As noted by the MBIE:

During the COVID-19 pandemic, a range of pastoral care issues were highlighted that identified more needed to be done for Pacific workers so that they do not become vulnerable to exploitation. It also identified a lack of cultural knowledge by RSE employers in understanding and dealing with RSE workers from an employment and cultural perspective (New Zealand, MBIE, n.d.-i).

In a written response to the draft of this report, the MBIE commented: “Ola Manuia provides a comprehensive guide to employers to put health and wellbeing at the centre. It sought to respond to worker well-being concerns being raised by Pacific partners and other stakeholders... [and]... the policy settings within the New Zealand RSE context. Ola Manuia is a joint initiative between Immigration New Zealand and Health New Zealand and was developed in consultation with RSE workers and employers. As a metaphor, Ola Manuia is embodied in the design of the coconut tree, the ‘tree of life’ aligned with health and well-being. The RSE eco-system is huge, and everyone has a role to play. It is key that we are all working together as a village of support to ensure the health and well-being of RSE workers during their time in New Zealand.”³⁸

2.3.3. Access to healthcare

► Table 2.13 Summary of PALM and RSE consistency with legal standards related to access to healthcare

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of medical care of a preventive or curative nature (ILO Convention 102, Article 7).	✓ Compulsory health insurance provides in-principle access to in- and out-patient services. (Australia, DEWR, 2025, section 9.3-9.4).	✓ Compulsory health insurance provides in-principle access to in- and out-patient services. (New Zealand, MBIE, 2015, 4)

35 Correspondence with MFAT, July 2021.

36 Correspondence with MFAT, July 2021.

37 Correspondence with MFAT, December 2024.

38 Correspondence with MBIE, December 2024.

International legal standard	PALM consistency with standard	RSE consistency with standard
Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned (ICRMW, Art. 28).	✓	✓

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

PALM scheme workers who are not participating in the Family Accompaniment Pilot are not entitled to access Australia's universal public health system (Medicare), which provides medical services by doctors, specialists and other health professionals, as well as hospital treatment and prescription medicines for free or at a low cost. These PALM scheme workers are liable for all healthcare costs incurred while in Australia and it is a requirement of Visa Subclass 403 that the holder maintain adequate health insurance (Australia, DHA, n.d.-c). The Deed of Agreement signed between Approved Employers and the Australian Government indicates that workers must have health insurance that covers both in- and out-patient care (Australia, DEWR, 2025, section 9.3).

As private health insurers may set waiting periods before an individual can seek health insurance, the Australian Government sets the maximum waiting periods that an Australian registered private health insurer can impose for hospital treatments, these include (no more than):

- 12 months for pregnancy and birth related treatments (obstetrics),
- 12 months for pre-existing conditions,
- Two months for psychiatric treatments, rehabilitation or palliative care, even for a pre-existing condition,
- Two months in all other circumstances" (Australia, DHA, n.d.-c).

Co-payments, excess and patient contributions are permitted. The cost of policies that do not have waiting periods is significantly higher. For PALM scheme workers, the DHA does not stipulate that the cover include (or not include) the waiting periods mentioned above.

The maximum length of time a short-term PALM scheme worker can remain in Australia means that they are unlikely to be insured for pregnancy and birth related care and pre-existing conditions regardless of the number of times they return to Australia unless they continue to pay for the policy when they return home. This may significantly increase the additional costs of receiving health care. Approved Employers are required to assist workers to access medical and health services and make insurance claims (Australia, DEWR, 2025, section 9.4). Employers must also provide a "reasonable level of assistance" under terms that are "fair, transparent, and agreed to" by workers who are unable to afford medical treatment (Australia, DEWR, 2025, clause 9.4.1(b)).

Providing all PALM scheme workers with access to Medicare would improve Australia's consistency with international labour and human rights standards. Polling carried out by the Australian Institute in 2023 found that 7 in 10 (68%) Australians believe that PALM scheme workers should have access to Medicare while in Australia (Australia Institute, 2023).

New Zealand – Recognised Seasonal Employer scheme

RSE workers pay the cost of insurance, and it must cover the full cost of:

- all medical expenses, including diagnosis and treatment, prescribed medicines, ambulance, hospital and post-hospital discharge care/home nursing care;
- emergency dental care, including the provision of antibiotics and treatment for the relief of sudden and acute pain;
- evacuation/return home in the event of serious illness or disability; and
- the return of remains to one's country of origin in the event of death (New Zealand, INZ, n.d.-s).

Insurance can exclude coverage related to:

- suicide or attempted suicide;
- sexually transmitted disease;
- any situation or action when under the influence of alcohol or non-prescribed drugs;
- HIV and/or HIV-related illness (including AIDS);
- childbirth or pregnancy unless they arise from medical complications that occur before the end of the 24th week of pregnancy; or
- pre-existing conditions (a surcharge is permitted for this cover) (New Zealand, INZ, n.d.-s).

RSE workers do not qualify for publicly funded health care (except emergency care). In the validation workshop for this report and in a written response to the draft report, MBIE staff noted that they recognise that health is an important aspect of programme administration and various measures are in place to try to improve workers' access to health. For example, MBIE commented: "[t]hrough our relationship with Health New Zealand and the work in specific areas such as Hawkes Bay, we have identified that sexual health accessing testing and ongoing medication is an issue and so there is some work happening to help address this. There is some onsite support for sexual health education... Health partnerships have been critical looking at exploring options but also reaching out to public health colleagues to consider how best to approach this given the eligibility limitations³⁹."

2.4. Equality of treatment and non-discrimination

In the jurisprudence of the UN human rights systems, the principle of equality of opportunity and treatment (which mirrors the principle of non-discrimination) does not impinge upon State sovereignty with regard to immigration policy provided that these policies do not discriminate against any particular nationality (ICERD Art. 1(3)). The Committee on the Elimination of All Forms of Racial Discrimination (CERD) has indicated that that Article 1(2) of the ICERD – which states "This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens" –

... must be construed so as to avoid undermining the basic prohibition of discrimination; hence, it should not be interpreted to detract in any way from the rights and freedoms recognized and enunciated in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (CERD Committee, 2005, para. 2).

The CERD (2005, para. 35) has also stated that "while States parties may refuse to offer jobs to non-citizens without a work permit, all individuals are entitled to the enjoyment of labour and employment rights, including freedom of assembly and association, once an employment relationship has been initiated until it is terminated".

³⁹ Correspondence with MBIE, December 2024.

In sum, distinctions between citizens and non-citizens are permitted only when: (a) lawfully imposed under the very narrow exceptions stated in international human rights treaties; (b) these distinctions serve a legitimate State objective; and (c) the distinctions are proportional to the achievement of that objective (OHCHR, 2006). It is not clear that the distinctions being drawn in the case of workers in the RSE and PALM schemes fall into these exceptions.

In ILO jurisprudence, ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) covers State obligations concerning “migration in abusive conditions” (part I) and equality of opportunity and treatment for all migrant workers, including undocumented workers (part II). Article 3 states “Each Member shall adopt all necessary and appropriate measures, both within its jurisdiction and in collaboration with other Members (a) to suppress clandestine movements of migrants for employment and illegal employment of migrants, and (b) against the organisers of illicit or clandestine movements of migrants for employment...” Article 9 then states “Without prejudice to measures designed to control movements of migrants for employment by ensuring that migrant workers enter national territory and are admitted to employment in conformity with the relevant laws and regulations, the migrant worker shall, in cases in which these laws and regulations have not been respected and in which his position cannot be regularised, enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits”. Article 9 goes on to require that workers whose rights are in dispute “shall have the possibility of presenting his case to a competent body, either himself or through a representative” and that “In case of expulsion of the worker or his family, the cost shall not be borne by them” at same time as explicitly stating that “Nothing in this Convention shall prevent Members from giving persons who are illegally residing or working within the country the right to stay and to take up legal employment.”

Relatedly, the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), defines discrimination in Article 1 to include:

- 1 (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers’ and workers’ organizations, where such exist, and with other appropriate bodies.
2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
3. For the purpose of this Convention the terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Both international human rights law and international labour standards indicate that the exclusion of PALM and RSE workers from equality of opportunity and treatment in areas of employment and occupation in national laws and policies can constitute discrimination if it is on the basis of nationality (discrimination that distinguishes between citizens and all non-citizens is permitted in defined circumstances). Further, the ILO CEACR has stated that “[t]he Committee considers that where a system of employment of migrant workers places those workers in a particularly vulnerable position and provides employers with the opportunity to exert disproportionate power over them, this could result in discrimination based on the grounds of the Convention” (ILO, 2012, para. 779).

Australia – Pacific Australia Labour Mobility scheme

Australia has not ratified the Migration for Employment Convention (Revised), 1949 (No. 97), though by ratifying Convention No. 111, Australia is required to take note of Recommendation No. 111, which states: “With respect to immigrant workers of foreign nationality and the members of their families, regard should be had to the provisions of the Migration for Employment Convention (Revised), 1949, relating to equality of treatment and the provisions of the Migration for Employment Recommendation (Revised), 1949, relating to the lifting of restrictions on access to employment” (Para. 8).

Recognised Seasonal Employer scheme

New Zealand has ratified both Convention No. 97 and Convention No. 111.

2.4.1. Membership of trade unions

► **Table 2.14 Summary of PALM and RSE consistency with legal standards related to membership of trade unions**

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
All migrant workers have the right to freedom of association and equality of treatment and non-discrimination with respect to membership of trade unions, exercise of trade union rights and eligibility for office in trade unions and in labour-management relations bodies, including bodies representing workers in undertakings (Convention No. 87, Art. 2; Convention No. 97, Art. 6(1)(a)(ii); Convention No. 143, Art. 10; Recommendation No. 143, Paras 6–17; Recommendation No. 151, Para. 2; Convention No. 98, Arts 1–4; Recommendation No. 100, Para. 41; Convention No. 135, Arts 1–6; Universal Declaration of Human Rights, Art. 23(4); ICRMW, Arts 26, 40; ICCPR, Art. 22; ICESCR, Art. 8).	✓ (Australia, DEWR, 2025, section 3.2, 8.3 and 13.6)	✓ (New Zealand Bill of Rights Act, 1990)
Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment (Convention No. 98, Art. 1).	✓ Australia, DEWR, 2023, clause 26, 84)	✓ (New Zealand Bill of Rights Act, 1990)

International legal standard	PALM consistency with standard	RSE consistency with standard
Recommendations and frameworks		
Each Member shall ensure equality of opportunity and treatment with nationals with respect to membership of trade unions (Recommendation No. 151, Para. 2(g)).	✓ (Australia, DEWR, 2025, section 8.3)	✓ (New Zealand, INZ, 2017; New Zealand, Bill of Rights Act, 1990)

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

The right to freedom of association is guaranteed by the PALM scheme (Australia, DEWR, 2025, section 8.3). The Approved Employers Guidelines that protects workers “to associate and move freely and unhindered about the community” (Australia, DEWR, 2025, section 9.9 (a)) and require employers to invite and “accommodate the attendance of the representatives from the FWO and a relevant union at each Arrival Briefing, and provide them with at least 7 calendar days’ notice, in writing” (Australia, DEWR, 2025, section 8.3.5 (a)), and if either representative is unable to attend, to arrange an alternative time within 15 calendar days (Australia, DEWR, 2025, section 8.3.5 (b)(i)). Freedom of association is also protected through the Fair Work Act 2009 (Australia, FWO, n.d.-g).

New Zealand – Recognised Seasonal Employer scheme

The New Zealand Bill of Rights Act, 1990, protects freedom of association for all people in New Zealand regardless of immigration status (section 17). RSE employers are required to comply with New Zealand employment law, including freedom of association.

2.4.2. Taxation

► **Table 2.15 Summary of PALM and RSE consistency with legal standards related to taxation**

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Each Member undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of employment taxes, dues or contributions payable in respect of the person employed (Convention No. 97, Art. 6(1)(c)).	Partially consistent (Australia, ATO, n.d.-d).	✓ (New Zealand, MBIE, 2015, 6; New Zealand, Inland Revenue Department (IRD), n.d.-a)

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

Short-term PALM scheme workers are classified as non-residents for tax purposes and taxed at a flat rate of 15 per cent on earnings and are not required to file a tax return. The tax is withheld by from payments by employers and paid directly to the government (Australia, ATO, n.d.-d). Since 2012-13, Australian tax residents are taxed at a rate of 0% (no tax) on earnings up to \$18,200 and receive a tax refund on any tax withheld from payments by employers (Australia, ATO, n.d.-a). Australia tax residents therefore receive treatment more favourable than PALM scheme workers. Long-term PALM scheme workers are generally treated as Australian residents for tax purposes, are required to file a tax return and receive equality of treatment with nationals with respect to employment taxes (Australia, ATO, n.d.-d). Resources have been developed and translated into language to support worker engagement on taxation (Australia, PALM, n.d.-s; Australia, PALM, n.d.-t).

Superannuation for PALM scheme workers may also be interpreted as Australia treating PALM scheme workers less favourably than nationals. Superannuation is Australia's compulsory retirement savings scheme. This is paid by employers on behalf of workers directly into a superannuation fund. Superannuation contributions are paid on top of wages at a minimum of 11 per cent of earnings (Australia, ATO, n.d.-d).⁴⁰ The tax paid on superannuation contributions for PALM scheme workers is 15 per cent (the same rate applied to Australian residents). However, whereas Australian residents ordinarily cannot access the money in their superannuation accounts until they are 65 years old,⁴¹ temporary visa holders, including PALM scheme workers who have left Australia and no longer hold a valid Australian visa, may withdraw funds through the Departing Australian Superannuation Payment (DASP). Australians pay no additional tax when they withdraw funds, whereas temporary migrants are charged at a higher rate. PALM workers generally taxed at a rate between 35 per cent and 45 per cent (Australia, PALM n.d.-k; Australia, ATO n.d.-c).

Employers are required to provide workers with information on how to claim their superannuation before their return home (Australia, DEWR, 2025, section 12.3). The original report (ILO, 2022) referred to reports from LSUs that they had difficulties assisting workers to obtain DASPs together with references to reports from workers about the difficulties of completing the administrative requirements associated with the DASP process. (see, for example, Australia, Parliament of Australia, 2016, paras 9.30–9.49).⁴² Since then, new resources to support workers to understand their tax obligations and meet the requirements of the DASP have been made available in PALM scheme country languages (Australia, PALM, n.d.-c). In October 2024, the ATO launched a National Tax Clinic program that provides support to eligible people who are unable to obtain tax advice and help due to financial, social or personal challenges. PALM scheme workers have been assessed to be eligible to receive support from National Tax Clinics. Starting in 2020 with a pilot initiative, New Zealand set up the Seasonal Worker Superannuation Administration Service. This voluntary scheme enables workers to use an online system to remit money or make contributions to their National Provident Fund accounts (Bedford, 2021).

New Zealand – Recognised Seasonal Employer scheme

A Pay as You Earn tax is compulsory for RSE scheme workers and deducted by employers. RSE scheme workers have a preferential tax rate and are taxed at 10.5 per cent, which is the tax rate for citizens earning up to \$14,000. RSE workers can earn above \$14,000 yet their preferential tax rate remains. RSE tax rates are set separately to those for citizen workers and workers are not required to file tax returns (New Zealand, IRD, n.d.-a; New Zealand, IRD, n.d.-b). As noted above, starting in 2020 with a pilot initiative, New Zealand set up the Seasonal Worker Superannuation Administration Service (Bedford, 2021). Little recent information on the scheme is available online.

⁴⁰ The superannuation guarantee was increased to 10 per cent on 1 July 2021. However, the rate of 9.5 per cent remains in the report as this was current at the time of the survey and therefore aligns with the perception of migrant workers.

⁴¹ Note that Australians are not permitted to make lump sum withdrawals except under specific circumstances.

⁴² Consultation with the Tuvalu Ministry of Public Works, Infrastructure, Environment, Labour, Meteorology and Disaster, Department of Labour, October 2020.

2.4.3. Social security

► **Table 2.16 Summary of PALM and RSE consistency with legal standards related to social security**

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Each Member undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of social security (including legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations: (i) there may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition; (ii) national laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension (Convention No. 97, Art. 6; Convention No. 102, Art. 68; Convention No. 118, Art. 3; Convention No. 143, Art. 10).⁴³	Partially consistent PALM workers who are not part of the Family Accompaniment Pilot are excluded from accessing some social security on the basis of equality of treatment with nationals in Australia, but this may fall under the exception in ILO Convention No. 102, Art. 68(2). See discussion below. (Australia, Department of Social Services, n.d.)	Partially consistent RSE workers are excluded from accessing social security some social security on the basis of equality of treatment with nationals in New Zealand. See discussion below. (New Zealand, Ministry of Social Development, n.d.-a)
Migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to nationals regarding social security in so far as they fulfil the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties.	Partially consistent No provision is in place to reimburse taxation of PALM workers; though amounts paid in tax are not directly linked to contributory benefits schemes.	Partially consistent No provision is in place to reimburse taxation of RSE workers; though amounts paid in tax are not directly linked to contributory benefits schemes.

⁴³ Note that Convention No. 118 regarding equality of treatment with respect to social security and Convention No. 157 regarding maintenance of social security rights are not mentioned here as none of the countries involved in the PALM or RSE have ratified these Conventions and these Conventions concern reciprocal arrangements between ratifying parties.

International legal standard	PALM consistency with standard	RSE consistency with standard
Migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to nationals regarding social security in so far as they fulfil the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties. The competent authorities of the State of origin and the State of employment can at any time establish the necessary arrangements to determine the modalities of application of this norm. Where the applicable legislation does not allow migrant workers and members of their families a benefit, the States concerned shall examine the possibility of reimbursing interested persons the amount of contributions made by them with respect to that benefit on the basis of the treatment granted to nationals who are in similar circumstances (ICRMW, Art. 27). Migrant workers shall enjoy equality of treatment with nationals of the State of employment in respect of: (a) Protection against dismissal; (b) Unemployment benefit; (c) Access to public work schemes intended to combat unemployment; (d) Access to alternative employment in the event of loss of work or termination of other remunerated activity (ICRMW, Art. 54).	Partially consistent No provision is in place to reimburse taxation of PALM workers; though amounts paid in tax are not directly linked to contributory benefits schemes.	Partially consistent No provision is in place to reimburse taxation of RSE workers; though amounts paid in tax are not directly linked to contributory benefits schemes.
In accordance with national law and practice, workers in agriculture shall be covered by an insurance or social security scheme against fatal and non-fatal occupational injuries and diseases, as well as against invalidity and other work-related health risks,	✓ (Australia, Safe Work Australia, 2019)	✓ (New Zealand, Accident Compensation Corporation, n.d.)

International legal standard	PALM consistency with standard	RSE consistency with standard
providing coverage at least equivalent to that enjoyed by workers in other sectors. Such schemes may either be part of a national scheme or take any other appropriate form consistent with national law and practice (Convention No. 184, Art. 21).		
States Parties recognize the right of everyone to social security, including social insurance (ICESCR, Art. 9 (CECSR General Comment No. 19 on the Right to Social Security specifies that seasonal workers should have access to unemployment benefits); ICERD, AI. 5(e)(iv); CEDAW, AI 11(1)(e), 14(2)(c); CRPD, Art. 28).	Partially consistent Some aspects of social security are available though not on the basis of equality of treatment with nationals. See discussion below.	Partially consistent Some aspects of social security are available though not on the basis of equality of treatment with nationals. See discussion below.
States should grant to the nationals of other countries, who suffer personal injury due to industrial accidents happening in its territory, the same treatment in respect of workmen's compensation as it grants to its own nationals. This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence (Convention No. 19, Art. 1).	✓ (Safe Work Australia, 2019)	✓ (New Zealand, Accident Compensation Corporation, n.d.)
Recommendations and frameworks		
Recognizing the overall and primary responsibility of the State in giving effect to the Recommendation on social protection floors, Members should apply this by applying the principles of universality of protection, based on social solidarity; non-discrimination; solidarity in financing while seeking to achieve an optimal balance between the responsibilities and interests among those who finance and benefit from social security schemes; and consideration of diversity of methods and approaches, including of financing mechanisms and delivery systems.	Partially consistent	Partially consistent RSE scheme workers are excluded from access to social security schemes in New Zealand.

International legal standard	PALM consistency with standard	RSE consistency with standard
Members should provide the basic social security guarantees referred to in this Recommendation to at least all residents and children, as defined in national laws and regulations (Recommendation No. 202, Paras 3(a, d, h-i), 6).		

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

The bulk of Australian social security provisions are based on a defined benefits scheme accessible only to citizens and permanent residents (Australia, Department of Social Services, n.d.). Exceptions for PALM Family Accompaniment Pilot participants were introduced in the *Social Services and Other Legislation Amendment (Australia's Engagement in the Pacific)* Act 2023. Families arriving in the Family Accompaniment Pilot can access Family Tax Benefits and the Child Care Subsidy. Participating workers and family members are also eligible for Medicare.

PALM workers are covered by laws at the state/territory level concerning workers' compensation. These laws require employers to purchase compulsory insurance that provides protection to workers who suffer a work-related injury or contract a work-related disease. Claims can be made for medical treatment and rehabilitation expenses, weekly payments, psychological injury, permanent impairment, injuries incurred during work breaks or journeys, and hearing impairment (Australia, Safe Work Australia, 2019).

The right to social security is well established in human rights law, including labour standards. Nonetheless, by excluding PALM workers from some aspects of Australia's social security system on the basis of equality of treatment with nationals, Australia falls short of standards articulated in the ILO Migrant Workers (Supplementary Provisions) Recommendation, 1975 (No. 151), and the ILO Social Protection Floors Recommendation, 2012 (No. 202). These Recommendations are particularly relevant to the PALM scheme, since the programme is designated as part of Australia's official development assistance programme.

The exclusion of Pacific workers from key forms of social protection, and in particular from unemployment benefits had particular implications during the COVID-19 pandemic, though the new minimum hours requirements introduced in the PALM scheme were introduced to address this issue.

It is relevant to both Australia and New Zealand that in 2021 the International Labour Conference adopted the Resolution concerning the second recurrent discussion on social protection (social security), which states:

In spite of progress made during the last decade, the pandemic and its socio-economic consequences and its effect on business have revealed significant social protection coverage and financing gaps. Considerable additional efforts are urgently needed to extend coverage and guarantee universal access to comprehensive, adequate and sustainable social protection for all, with a particular focus on those unprotected and in vulnerable situations. Certain groups, such as women, youth, persons with disabilities, migrant workers, domestic workers, agricultural workers, platform workers, rural populations, persons in precarious situations, persons in low-paid work, and persons in the informal economy, are often disproportionately affected by lack of coverage and/or inadequate levels of protection, which could be problematic for universal coverage (ILO, 2021, para. 8).

The Equality of Treatment (Social Security) Convention, 1962 (No.118), provides for the right to equality of treatment with regard to all nine branches of social security.⁴⁴ For each of the nine branches it accepts, a State

44 The nine branches of social security are protection in the areas of sickness, medical care, invalidity, work injury, family, unemployment, old-age, survivors and maternity

party to the Convention undertakes to grant within its territory to nationals of any other State that has ratified the Convention equality of treatment with its own nationals. The Convention provides some flexibility by permitting the exclusion of non-nationals in cases where benefits or parts of benefits are payable wholly out of public funds (OSCE, IOM and ILO, 2006).

New Zealand – Recognised Seasonal Employer scheme

Aspects of New Zealand's social security system are only available to New Zealand citizens and permanent residents (New Zealand, Ministry of Social Development, n.d.-a). The New Zealand Government offers Seasonal Work Assistance to persons who:

- stopped getting a benefit within the last 26 weeks to go into seasonal horticultural work;
- have lost wages because they could not work due to bad weather;
- are a New Zealand citizen or permanent resident (New Zealand, Ministry of Social Development, n.d.-b).

RSE workers are excluded from this scheme, though RSE employers must pay workers a four-weekly minimum wage of at least 120 hours, which provides more generous wage protection than the Seasonal Work Assistance benefit.

New Zealand's Accident Compensation Corporation operates a no-fault scheme that covers everyone injured in an accident in New Zealand, regardless of immigration status (New Zealand, Accident Compensation Corporation, n.d.).

See the previous section concerning the PALM scheme for the full extract from the 2021 Resolution on social protection (social security) adopted by the International Labour Conference. This resolution specifically identifies migrant workers and agricultural workers in stating:

Considerable additional efforts are urgently needed to extend coverage and guarantee universal access to comprehensive, adequate and sustainable social protection for all, with a particular focus on those unprotected and in vulnerable situations.

Starting in 2020 with a pilot initiative, New Zealand has set up the Seasonal Worker Superannuation Administration Service. This voluntary scheme enables workers to use an online system to remit money or make contributions to their National Provident Fund accounts (Bedford, 2021). This partially meets ILS concerning the obligation on states to promote cooperation and coordination between social services in countries of origin and destination. The ability to transfer rights and entitlements to a broader range of social services would go further in this regard.

2.4.4. Access to justice

► Table 2.17 Summary of PALM and RSE consistency with legal standards related to access to justice

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Each Member undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of legal proceedings relating to employment (Convention No. 97, Art. 6(1)(d); Recommendation No. 151, Para. 34). [All] Migrant workers and members of their families shall have the right to equality with nationals of the State concerned before the courts and tribunals (ICRMW, Art. 18; ICCPR, Art. 26).	✓ (Fair Work Act, 2009)	✓ (Employment Relations Act, 2000)
Recommendations and frameworks		
A worker to whom minimum rates are applicable and who, since they became applicable, has been paid wages at less than these rates, should be entitled to recover, by judicial or other means authorized by law, the amount by which he has been underpaid, subject to such limitation of time as may be determined by law or regulation (Recommendation No. 100, Para. 35).	✓ (Fair Work Act, 2009)	✓ (Employment Relations Act, 2000)
Workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred (ILO General Principles and Operational Guidelines for Fair Recruitment, part 1(III), para. 13).	✓ (Fair Work Act, 2009)	✓ (Employment Relations Act, 2000)

International legal standard	PALM consistency with standard	RSE consistency with standard
States should protect the rights of all migrant workers by providing for effective remedies for violation of their rights, and creating effective and accessible channels for all migrant workers to lodge complaints and seek remedy without discrimination, intimidation or retaliation (ILO Multilateral Framework on Labour Migration, guideline 10.5)	✓ Grievance procedures exist under the Fair Work Act, 2009; however, there are questions about the accessibility and effectiveness of these channels for PALM workers (see discussion below).	✓ Grievance procedures exist; however, there are questions about the accessibility and effectiveness of these channels for RSE workers (see discussion below).
National laws and regulations concerning residence in its territory are to be applied such that the lawful exercise of rights cannot be the reason for non-renewal of a residence permit or for expulsion and are not inhibited by the threat of such measures (Recommendation No. 151, Para. 5).	Partially consistent The introduction of a formal grievance procedure, the Strengthening Reporting Protections Pilot and the Workplace Justice Visa Pilot are promising reforms. However, measures such as these are insufficient to overcome the implications of PALM scheme workers' immigration status being tied to their ongoing participation in the scheme when taken together with other elements of the PALM scheme design and evidence of workplace exploitation affecting temporary visa holders. For example, workers are not informed of a process to initiate a request to change of employer. (see for example, Office of the Anti-Slavery Commissioner, 2025)	Partially consistent The introduction of the Migration Exploitation Protection Visa is a promising reform though may be insufficient to achieve full consistency. See discussion in relation to Australian reforms.

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

PALM workers are entitled to access to justice on the basis of equality of treatment with national workers under the Fair Work Act, 2009. In January 2024, the PALM scheme introduced a grievance management policy (Australia, PALM, n.d.-m). According to the DEWR, the policy was “developed in consultation with stakeholders to support resolution of concerns between PALM workers and approved employers (AEs). As at end October 2024, the department has received 99 grievances which cover a range of concerns including claims of unfair dismissal, mistreatment, low hours, incorrect payment, injuries, women’s safety concerns and general misunderstandings between the worker and employer. As at end October 2024, 73 of these cases have been resolved, with the remainder still being investigated.”⁴⁵ The policy states “[i]f a grievance relates to a matter that

⁴⁵ Correspondence with DEWR, January 2025.

another organisation or government agency is better placed to investigate or support, the department will direct the grievance to the relevant organisation such as a service provider, state or territory agency or regulator, or federal government agency... The department will continue to liaise directly with the referral agency to remain informed of the investigation and any potential next steps required" (Australia, PALM, n.d.-m). Workers can escalate their grievance to the DEWR by calling the 24/7 PALM Support Service Line or lodging the Grievance Lodgement Form (Australia, DEWR, 2025, section 9.12), and they can also ask the Country Liaison Officer or Fair Work Ombudsman (FWO) for assistance.

Since 2021, the PALM Approved Employer Guidelines have updated to expand the list of critical and non-critical incidents that employers are required to report to the DEWR. This expanded list increases the DEWR's oversight and ability to proactively identify if workers require assistance to access justice mechanisms if it chooses to do so (Australia, DEWR, 2025, section 13.2 and 13.4)

As part of their access to justice on the basis of equality of treatment with nationals, PALM Scheme workers can access information and advice regarding workplace rights and responsibilities, or assistance with dispute resolution from the Fair Work Ombudsman. Fair Work Inspectors have the power to investigate potential breaches of Australia's workplace laws. A summary of how this has been applied to the PALM Scheme is included in section 4.1.5 above.

As a PALM Scheme partner agency, the FWO has received funding for education and compliance activities in support of the PALM scheme workers. The FWO has a dedicated Pacific Australia Labour Mobility Scheme webpage containing links to relevant resources, including in-language storyboards/videos entitled '[t]he Fair Work Ombudsman is here to help' designed to assist PALM scheme employees understand the role of, and how to contact, the FWO that is available in Bislama, Fijian, Kiribati, Solomon Islands Pijin, Samoan, Tetum, Tok Pisin, Tongan and Tuvaluan (Australia, FWO, n.d.-j). Access to justice is also supported by the requirement that employers in Australia give every new employee, including PALM scheme workers, a copy of the [Fair Work Information Statement](#) before, or as soon as possible after, they start their new job in Australia. The Fair Work Information Statement contains information on the National Employment Standards – these are the 12 minimum entitlements that have to be provided to all employees (Australia, FWO, n.d.-b; n.d.-h).

The PALM scheme includes additional measures to address the relative vulnerability of PALM workers in Australia. These include the provision of information on rights and entitlements during pre-departure and arrival briefings, the availability of a dedicated telephone information line, and access to a welfare and wellbeing support person.

Prior to 2024, the DHA had an arrangement with the FWO known as the "Assurance Protocol" which was explained on the FWO website as follows:

Home Affairs won't cancel your visa if you have breached your work-related visa conditions because of workplace exploitation, as long as:

- you have sought advice or support from us and you're helping us with our inquiries;
- there is no other reason to cancel your visa (for example, for national security, character, health or fraud reasons);
- you have committed to following your visa conditions in the future (Australia, FWO, n.d.-m).

In 2024, the Assurance Protocol was paused for the duration of two pilot programmes: the Strengthening Reporting Protections Pilot and Workplace Justice Visa Pilot (Australia, DHA, n.d.-h).⁴⁶ Under Strengthening Reporting Protections Pilot, the DHA will not cancel certain categories of temporary work visas, including those of PALM scheme workers, if the visa holder has breached a work-related visa condition and there is a link between that visa breach and workplace exploitation, provided that:

⁴⁶ As per the original report (ILO, 2022), the DHA Assurance Protocol with the FWO stated that workers "can seek help without fear of visa cancellation, even if they've breached their work-related visa conditions." This protocol relied upon a policy decision made by the DHA and was therefore not legally binding on the DHA in the event that worker exploitation was found to have occurred.

- there is no other reason to cancel the visa (such as national security, character or fraud);
- the worker has experienced workplace exploitation in the last 12 months (or longer in exceptional circumstances);
- the worker has sought advice or support from a participating government agency or an accredited third party, and the agency or party is helping the worker resolve the issue; and
- the worker agrees in writing to follow their visa conditions, including meeting the genuine purpose of their visa in the future (Australia, DHA, n.d.-h).

To access this protection, temporary visa holders must have their workplace exploitation matter certified by either a participating government agency or an accredited third party before notifying DHA (Australia, DHA, n.d.-h). The introduction of the Strengthening Reporting Protections Pilot was acknowledged in the End of Mission Statement issued by the United Nations Special Rapporteur on Contemporary Forms of Slavery, including its Causes and Consequences, Professor Tomoya Obakata. The report goes on to state:

Accreditation by the Government and non-governmental organisations for the Strengthening Reporting Protection might pose a challenge as many workers may still be reluctant to approach them (Okobata, 2024).

The second pilot, the Workplace Justice Visa Pilot introduced a new visa category entitled the Temporary Activity visa (subclass 408) Australian Government Endorsed Events (Workplace Justice Pilot). This enables workers to remain in Australia while pursuing their workplace exploitation claim (Australia, DHA, n.d.-f). To apply for this visa, migrants must obtain certification from a government agency or an accredited third party to confirm their experienced exploitation and stay in Australia to address the issue effectively. Information on both the Strengthening Reporting Protections Pilot and the Workplace Justice Visa Pilot are available on the section of the FWO's website dedicated to the PALM scheme (Australia, FWO, n.d.-j).

As noted above (section 2.1.5 Recruitment related Costs and wage deductions), there is evidence suggesting that migrant workers holding temporary work visas (including, but not limited to PALM Scheme workers) who have experienced a violation of their work rights are "unlikely to file a claim because they fear being deported, losing their job or other forms of retaliation" (Berg and Farbenblum, 2021). A survey of over 4,000 migrant workers in Australia (including but not exclusively focused on PALM Scheme workers) found that 9 out of 10 respondents who knew they were underpaid took no action (Hemingway, Yeh, Berg and Farbenblum, 2024). These findings highlight potential barriers to accessing remedies for temporary migrant workers. Measures such as the Workplace Justice Visa may help address these barriers, but concerns remain about implications of PALM scheme workers' immigration status being tied to an individual employer. However, the PALM scheme includes safeguards such as compliance monitoring, approved employer obligations, and transfer pathways to mitigate these risks and support workers in raising concerns.

A further step to reinforce these reforms would be for the PALM scheme to establishing a process for worker initiated transfers and requiring that this information be presented to workers at the Arrival Briefing. While there is currently scope for a worker to move to another employer within the PALM Scheme, public information about the PALM Scheme only refers to the process through which an employer can initiate a change of employer. No publicly available information is available as to whether, and if so how, a worker may initiate or request a change of employer and the grounds on which DEWR will assess such requests.

New Zealand – Recognised Seasonal Employer scheme

RSE scheme workers are entitled to the same rights and entitlements as New Zealand nationals under the Employment Relations Act, 2000. In October 2023, New Zealand introduced the Migrant Exploitation Protection Work Visa (MEPV) in response to concerns about exploitation related to employer-tied visas. According to the MBIE:

The Migrant Exploitation Protection Visa (MEPV) is intended to:

- enable exploited migrants to quickly leave harmful workplace situations, while remaining lawfully in New Zealand;
- increase incentives for migrants to report exploitation, by removing barriers e.g. providing greater degree of certainty that reporting will not jeopardise their immigration status; and
- maintain the integrity of the immigration system, by minimising perverse incentives for migrants to falsely claim exploitation and other risks to the system.

Obtaining this visa involves multiple steps. First, exploitation must be reported to Employment NZ either through an online form or by phone (with interpretation available if needed). Employment NZ then assesses the report with the Labour Inspectorate and Immigration NZ. If Employment New Zealand finds that the report is credible, a Report of Exploitation Assessment letter is issued to the worker. The worker can then use this letter to apply to Immigration NZ for an MEPV. The visa is free and valid until the original visa expiry date or 6 months, whichever is sooner. MEPV visa holders can work for another employer while their visa is valid (New Zealand, INZ, n.d.-j). The MBIE indicated that the operation of this visa does not only rely on workers reporting exploitation directly and noted that “the RSE scheme has a range of worker protections in place and engagement seeks to minimise the possibility of worker exploitation. This includes Engagement Partners in regular contact with employers, Pacific Liaison Officers in regular contact with workers, the Labour Inspectorate who is highly engaged with employers, and Labour Mobility Units who will provide feedback on worker experiences.”⁴⁷ The MEPV increases New Zealand’s compliance with international labour standards, though evidence suggests that the availability of visas such as this may not be sufficient assurance of protection from the perspective of migrant workers holding visas tied to specific employers.

2.4.5. Monitoring and enforcement

► **Table 2.18 Summary of PALM and RSE consistency with legal standards related to monitoring and enforcement**

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Each Member shall maintain a system of labour inspection in industrial workplaces. The system of labour inspection in industrial workplaces shall apply to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors (Convention No. 81, Arts 1–2; Convention No. 129, Art. 1–2).	✓ (Fair Work Act, 2009)	✓ (Employment Relations Act, 2000)

47 MBIE and MFAT, validation Workshop, December 2024.

International legal standard	PALM consistency with standard	RSE consistency with standard
Recommendations and frameworks		
Each Member should ensure the activities concerning the application of the principles of equality of opportunity and treatment are placed under the control of a public authority and promote its observance in all other activities by methods appropriate to national conditions and practice (Recommendation No. 151, Para. 3).	✓ (Fair Work Act, 2009)	✓ (Employment Relations Act, 2000)
Appropriate measures should be taken, with the collaboration of employers' and workers' organizations and other bodies concerned, with a view to fostering public understanding and acceptance of the above-mentioned principles; and examining complaints that these principles are not being observed and securing the correction, by conciliation of other appropriate means, of any practices regarded as in conflict therewith (Recommendation No. 151, Para. 4(a-b)).	✓ (Fair Work Act, 2009)	✓ (Employment Relations Act, 2000)
In countries where the number of migrants for employment is sufficiently large, the conditions of employment of such workers should be specially supervised, such supervision being undertaken according to circumstances either by a special inspection service or by labour inspectors or other officials specializing in this work (Recommendation No 86, Para. 17).	✓ (Australia, DEWR, 2025, chapter and section 3.3; Australia, DEWR 2023, clause 35)	✓ (New Zealand, INZ, n.d.-c)

International legal standard	PALM consistency with standard	RSE consistency with standard
Each Member should organize and encourage the organization, at the national, regional or local level, or as appropriate in a branch of economic activity employing substantial numbers of migrant workers, of periodic meetings for the exchange of information and experience. Consideration should also be given to the exchange of information and experience with other countries of employment as well as with the countries of origin of migrant workers (Recommendation No. 151, Para. 28).	✓ (Australia, PALM, n.d.-n)	✓ MBIE indicates that it holds “fortnightly meetings with Pacific Liaison Officers, this is an opportunity for all parties to share information and has an operational focus. MBIE also has monthly meetings with Labour Mobility Units Issues raised at these meetings which cannot be resolved are escalated to relevant parties to manage.” ⁴⁸
Governments should take steps to ensure that workers have access to grievance and other dispute resolution mechanisms, to address alleged abuses and fraudulent practices in recruitment, without fear of retaliatory measures including blacklisting, detention or deportation, irrespective of their presence or legal status in the State, and to appropriate and effective remedies where abuses have occurred (ILO General Principles and Operational Guidelines for Fair Recruitment, part 1(III), para. 8).	✓ However workers may be vulnerable to blacklisting with respect to re-hiring.	✓ However as outlined in section 2.2.2 above, workers are vulnerable to blacklisting with respect to re-hiring.
The rights of all migrant workers should be protected by the effective application and enforcement of national laws and regulations in accordance with international labour standards and applicable regional instruments including by providing for effective remedies to all migrant workers for violation of their rights, and creating effective and accessible channels for all migrant workers to lodge complaints and seek remedy without discrimination, intimidation or retaliation (ILO Multilateral Framework on Labour Migration, principle 10).	✓ Consistency has been considerably improved since 2022. However, the rate of workplace exploitation within the PALM scheme suggested by outcomes of the FWO’s compliance activities suggests that further efforts are needed to ensure channels are effective and accessible.	✓ Consistency has improved with the introduction of the MEPV visa.

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

48 Correspondence with MBIE, December 2024.

Australia – Pacific Australia Labour Mobility scheme

The Australian Government and participating countries are jointly responsible for monitoring the PALM scheme and are required to act promptly to investigate allegations of exploitation or misconduct by employers, misconduct by workers, and breaches of mutually determined recruitment policies, including allegations of fraud or corrupt recruitment practices (Australia, DEWR, 2023, clause 33 and 51).

The Australian Government is also responsible for establishing a monitoring and reporting programme to ensure that workers are employed in accordance with PALM Scheme requirements and Australia's workplace, occupational safety and health, immigration, tax, and workers' compensation laws (Australia, DEWR, 2025, chapter 14; Australia, DEWR, 2025, clause 35).

This monitoring programme is called the "Scheme Assurance" under the PALM Scheme Approved Employer Guidelines and is implemented in the first instance through desk review of documentation submitted by employers (its framework is explained in Australia, DEWR, 2025, section 14.3). Workers can escalate any grievance with the employer to the Department through the 24/7 PALM Support Service Line or lodging the Grievance Lodgment Form (Australia, DEWR, 2025, section 9.12). Employers are required to provide the Department with access to the workplace to ensure labour standards are being applied and that all aspects of the SWP programme implementation adhere to the approved Recruitment Plan (Australia, DEWR, 2025, section 14.6; Australia, DEWR, 2023, clause 51). The DEWR empowered to take a wide range of actions to limit or alter employer and worker participation in the PALM scheme, including terminating any aspect of an agreement with an employer (Australia, DEWR, 2025, section 14.7).

PALM Scheme worksites are also within the jurisdiction of the FWO as described above. Within this jurisdiction, the FWO undertakes investigative activities in support of the PALM scheme to ensure compliance with Australian workplace laws. The FWO can independently determine how to respond to allegations, and workers are not required to attempt to resolve the matter themselves before this happens. Since the original report (ILO, 2022) was published, Australia has improved consistency with international labour standards and human rights principles. However, the rate of workplace exploitation within the PALM scheme suggested by outcomes of the FWO's compliance activities as well as reports from unions and civil society suggests that further efforts are needed to ensure worker protections are effective and accessible, and act as a sufficient deterrent (AWU, 2024; Australia Institute, 2023). As a result of compliance activities involving PALM scheme Approved Employers between 1 July 2019 to 30 June 2024, the FWO commenced 228 investigations, recovered \$762,625 for 1,937 workers and issued 52 Compliance Notices and 11 Infringement Notices (Australia, FWO, 2024).

The Migrant Worker Task Force recommended that Australia establish a mandatory national labour hire registration scheme (Australia, 2019, p. 105) The Australian Government is working with participating state and territory governments on a harmonised approach to national labour hire regulation with protections for workers as one of the goals. The Australian Government has convened a working group to consider ways to achieve a consistent approach to labour hire regulation across state and territory schemes.⁴⁹

The other mechanism for monitoring and enforcement is through the PALM scheme Country Liaison Officers, to whom workers are advised to direct concerns and queries. These officers also provide culturally appropriate welfare support and guidance to workers, to promote worker wellbeing throughout their participation in the scheme.

As of November 2025, there were 19 PALM scheme Country Liaison Officers serving the ten participating countries.

New Zealand – Recognised Seasonal Employer scheme

The MBIE's Labour Inspectorate has a critical role in enforcing and monitoring compliance in respect of the RSE scheme. The Labour Inspectorate has a team of employees specifically dedicated to the RSE scheme and undertakes an audit role within the scheme. The Labour Inspectorate is the regulator of the Wages Protection

⁴⁹ Correspondence with DFAT, January 2026

Act, 1983, and the Holidays Act, 2003, in New Zealand, and works to ensure that statutory minimum employment standards are complied with. It does so by identifying and investigating breaches and taking enforcement actions, as well as by working with industry and sector leadership, including RSE employers, to strengthen the systems that underpin employment standards compliance. Labour Inspectors also review the accommodation provided to house RSE workers to ensure it meets the pastoral care guidelines as outlined in the Immigration Instructions.

In July 2021, after conducting a review of temporary migrant worker exploitation, the New Zealand Government announced a NZD 50 million investment over four years to reduce the risk of temporary migrant worker exploitation in New Zealand, remove barriers to reporting exploitation, and improve response systems for helping migrant workers. In October 2023, the New Zealand Government enacted the first measure with the announcement of the Migrant Exploitation Protection Work Visa discussed above (New Zealand, INZ, n.d.-j). As of July 2024, policy work is still ongoing on measures such as enabling third parties to take steps to prevent a breach of employment standards, disqualifying people convicted of migration exploitation from managing or directing a company, establishing new immigration infringement offences, and allowing Labour Inspectors issue an infringement notice where employers fail to provide requested documents in a reasonable timeframe (New Zealand, MBIE, n.d.-j).

Though these formal complaints processes existed in the past as well, a study of RSE workers found that they were unlikely to be used due to a fear among workers of being perceived as troublemakers and cultural respect for authority. The study found that complaints were more likely to be raised informally to peers such as local Pacific community members, rather than through organized structures such as the Pacific Liaison Officers employed by the sending governments or RSE Relationship Managers (Bedford, Nunns, and Bedford 2020).

Another measure to support monitoring and enforcement, involves increased MFAT funding to support participating RSE scheme countries to employ Pacific Liaison Officers. Some RSE scheme countries already have Pacific Liaison Officers based in New Zealand to assist with the operation of the scheme.⁵⁰

2.5. Return and reintegration

► **Table 2.19 Summary of PALM and RSE consistency with legal standards related to return and reintegration**

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
States shall facilitate the sustainable reintegration of returning migrants into community life by providing them with equal access to social protection and services, justice, psychosocial assistance, vocational training, employment opportunities and decent work, recognition of skills acquired abroad, and financial services, in order to fully build upon their entrepreneurship, skills and human capital as active members of society and contributors to sustainable development in the country of origin upon return (GCM, objective 21(h)).	✓ (IOM, 2024)	✓

50 MBIE and MFAT, validation Workshop, December 2024.

International legal standard	PALM consistency with standard	RSE consistency with standard
States shall identify and address the needs of the communities to which migrants return by including respective provisions in national and local development strategies, infrastructure planning, budget allocations and other relevant policy decisions and cooperating with local authorities and relevant stakeholders (GCM, objective 21(i)).	✓ (Correspondance with DFAT, January 2025)	✓ (New Zealand, MFAT, n.d.-a).

✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

PALM Scheme Approved Employers must provide workers with a Departure Briefing containing information on final pay and deductions, accommodation and financial matters, record keeping, contact details, travel arrangements and visa conditions (Australia, DEWR, 2025, section 12.2-12.3).

The independent evaluation of the PLF noted that plans during the period 2018-2023 to develop worker reintegration processes “were not fully delivered”, noting that PLF support to LSUs had become more focused on capacity substitution than a capacity- building ambition in response to the growth of the scheme (Clear Horizon, 2023). Correspondence received from DFAT in 2024, stated that before the transition from the PLF to the PLMSP, the PLF had recruited 4 reintegration officers in 4 LSUs in the region and established a Reintegration Community of Practice to provide professional development and peer learning for these officers. To improve management of returned worker data, PLF launched a new reintegration module in its Internal Recruitment Database (IRD) in September 2024, allowing LSUs to register and track workers as they return home and complete reintegration activities. The new Pacific Labour Mobility Support Program will have an increased focus on reintegration and will include economic, social and psychosocial activities to support countries to deliver on their reintegration objectives. This will include support to LSUs to recruit dedicated reintegration officers, as well as developing information materials to prepare PALM scheme workers to for return and reintegration back in countries of origin.⁵¹

In August 2024, the Australian Government, through DFAT, also announced a new partnership with IOM to provide family-centred assistance to PALM scheme workers. This three-year regional pilot includes consultation with invited governments to develop tailored frameworks, broaden pre-departure assistance, strengthen reintegration support, and enhance capacity. It is intended to strengthen support to PALM scheme workers and their families during and after their employment in Australia. Activities within this partnership will be tailored to the specific interests and needs of select participating countries (IOM, 2024).

New Zealand – Recognised Seasonal Employer scheme

New Zealand, through MFAT, provides official development assistance funding to the RSE scheme through the Strengthening Pacific Labour Mobility (SPLM) Programme. The Programme seeks to increase social and economic well-being and resilience across the Pacific through relevant, effective and enhanced circular labour mobility participation. Between 2024-2029, enhanced support will be provided directly to Pacific governments so partners can shape the outcomes they seek from participation in New Zealand labour mobility schemes. New outputs include more effective reintegration to maximise the skills and experience obtained; and the need for good practice information sharing and research on the impacts of labour mobility both at the Pacific and labour receiving ends (New Zealand, MFAT, n.d.-a).

⁵¹ Correspondence with DFAT, January 2026.

MFAT also commented that the RSE Worker Training Programme (see above section 2.2.5), “seeks to support reintegration of workers by offering access to meaningful and transferable skills opportunities to support the worker upon their return home.”⁵²

2.6. Participation of women and other groups

2.6.1. Participation of women

► Table 2.20 Summary of PALM and RSE consistency with legal standards related to the participation of women

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
Member States shall ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother’s health or that of her child (Convention No. 183, Art. 3).	✓ The Fair Work Act, 2009, provides workers with protection from discrimination on the basis of sex, marital status, family or carer’s responsibilities, and pregnancy. Pregnant women in Australia are entitled to move to a safe job, or take safe job leave.	✓ The Employment Relations Act, 2000, and the Human Rights Act, 1993, provide workers with protection from discrimination on the basis of sex (including pregnancy or childbirth) or marital or family status. The Health and Safety at Work Act, 2015, also requires employers to not put at risk the health of a pregnant or breastfeeding mother
The Employment Relations Act, 2000, and the Human Rights Act, 1993, provide workers with protection from discrimination on the basis of sex (including pregnancy or childbirth) or marital or family status. The Health and Safety at Work Act, 2015, also requires employers to not put at risk the health of a pregnant or breastfeeding mother	✗ (Australia, Department of Social Services, n.d.) Having the temporary visa (subclass 403), PALM workers do not pass the residency test to access the government funded Paid Parental Leave. It is unconfirmed if family members under the Family Accompaniment Pilot will be eligible for this Paid Parental Leave.	✗ The Parental Leave and Employment Protection Act, 1987, provides entitlement to 26 weeks’ leave and a “primary carer” payment after 6 months with the same employer averaging at least 10 hours a week (12 months’ leave, 6 unpaid, after a year). Most RSE workers will not be able to access maternity leave given that they will be due to return shortly after becoming eligible.

52 Correspondence with MFAT, December 2024.

International legal standard	PALM consistency with standard	RSE consistency with standard
It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5 or during a period following her return to work to be prescribed by national laws or regulations, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer (Convention No. 183, Art. 8(1)).	✓ Protection available under the Fair Work Act, 2009	✓ Protection available under the Employment Relations Act, 2000. Section 49 of the Parental Leave and Employment Protection Act, 1987, prohibits dismissal on grounds of pregnancy or because a worker has taken parental leave.
Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including access to employment (Convention No. 183, Art. 9(1)).	✓ Protection available under the Fair Work Act, 2009, for all workers. Employers must not refuse employment on the basis of pregnancy (Australia, DEWR 2023, section 2.1.9). Australia has produced materials for PALM scheme workers concerning their workplace rights in the context of pregnancy and childbirth.	* Protection available under the Employment Relations Act, 2000, sections 104–105, and section 21(1) of the Human Rights Act, 1993. But no specific materials have been produced to explain their rights to RSE scheme workers.
Women should not be required to undergo a pregnancy test when applying for employment except where required by national laws or regulations in respect of work that is prohibited or restricted for pregnant or nursing women under national laws or regulations; or where there is a recognized or significant risk to the health of the woman and child (Convention No. 183, Art. 9(2)).	✓ PALM workers are required to undergo a health check but not a pregnancy test, though certain employers may not be aware that this is the case (World Bank, 2023a, p. 48).	✓ RSE workers are required to undergo a health check but not a pregnancy test.
Measures shall be taken to ensure that the special needs of women agricultural workers are taken into account in relation to pregnancy, breastfeeding and reproductive health (Convention No. 184, Art. 18).	✓ No special measures are in place for agricultural workers, however all workers entitled to request to move to a 'safe job' if it isn't safe for them to do their usual job because of their pregnancy. This information is provided for PALM scheme workers in materials that have been translated into relevant languages (Australia, PALM, n.d.-p)	* No evidence of information on protections for women agricultural workers being specifically provided to RSE scheme workers.

International legal standard	PALM consistency with standard	RSE consistency with standard
States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to work as an inalienable right of all human beings; (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment; (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work (CEDAW, Art. 1)	✱ Protection is available under the Fair Work Act, 2009. It is unclear how this is implemented in practice in PALM scheme recruitment.	✱ Protection available under the Employment Relations Act, 2000. It is unclear how this is implemented in practice in RSE recruitment.

✓ = consistent; ✕ = inconsistent; ✱ = silent or no evidence located.

International labour standards permit ILO Member States to exclude limited categories of workers from maternity protections if their inclusion would raise “special problems of a substantial nature”. States must report to the ILO the reasons for exclusion of these categories and describe the measures taken to extend the provisions of the Convention to these categories over time (ILO Convention No. 183, Art. 2). Australia and New Zealand have not signed Convention No. 183. The Committee on the Elimination of Discrimination against Women (2009, paras 18, 26) has addressed maternity protections in its General Recommendation No. 26, indicating the measures that need to be taken to ensure non-discrimination and the equal rights of women migrant workers, including: prohibiting mandatory pregnancy tests, ensuring access to safe reproductive health services, providing maternity benefits, and protecting workers from dismissal on the grounds of pregnancy. Australia and New Zealand do not implement discriminatory bans or restrictions on women’s migration through the PALM scheme or RSE, but neither do they have facilities in place to monitor or prevent discrimination against women on the basis of pregnancy, if such workers desire to participate in the programmes.

Australia – Pacific Australia Labour Mobility scheme

The only references to women in PALM scheme documents are to Australian workplace laws that prohibit “Retaliatory Action, including to refuse to employ someone” because of protected attributes that include pregnancy and breastfeeding (Australia, DEWR, 2025, section 2.1.9), and that men and women must have separate sleeping and bathroom facilities (Australia, DEWR, 2025, section 10.3.23).

Neither the Approved Employer Guidelines nor Deed of Agreement mentions specific employer obligations or responsibilities in the context of pregnancy of workers. However, since the original version of this report was published (ILO, 2022), Australia has issued a factsheet for workers entitled ‘Know your rights and responsibilities: Pregnancy and parenting in Australia’ which is available to workers on the PALM scheme website. This provides consolidated information and guidance about the law in Australia and options for workers. The factsheet states, “In most instances pregnant workers prefer to return home to give birth so that they can have the support of their family in the lead-up, during and after giving birth. This allows them to make suitable arrangements for their child if they are planning to return to Australia to continue their labour mobility employment” and also explains how to obtain a visa for a child born in Australia.

PALM scheme workers, with the exception of workers on the Family Accompaniment Pilot, are required to buy health insurance as they are not eligible for Medicare, Australia’s universal health insurance scheme (see section 4.3.3 on access to healthcare above). A variety of private companies offer health insurance for PALM scheme workers. The PALM scheme has selected a company called NIB as its preferred insurer and has advertised NIB policies through social media (Australia, PALM, n.d.-r). This policy is therefore used as an example to discuss access to health care for pregnancy and childbirth for PALM scheme workers. In April 2025, NIB offers four options for health insurance to PALM scheme workers. The least expensive policy that meets the PALM scheme visa requirements costs AUD 14.90 per week for a single person and does not cover any pregnancy- or childbirth- related consultations and services. Only one policy, entitled ‘Advantage Visitors Cover with Extras’, provides cover for pregnancy- and birth-related consultations and services at a cost of AUD 63.95 per week for a single person, with a waiting period of 12 months (NIB, n.d.-a). According to NIB, the waiting period applies each time a person takes out a new policy.⁵³ This means that no short-term PALM scheme worker can rely on health insurance for pregnancy and childbirth-related health costs while they are in Australia (contracts are limit to 9 months in duration and up to 4 contracts are permitted).. Long-Term PALM scheme workers can use this insurance after 12 months but, given the cost, are unlikely to purchase such a policy. .

The DEWR commented on the draft of this report, stating that “DEWR is aware that NIB, the PALM scheme preferred insurance provider, has extended discretionary support in certain circumstances to facilitate individual workers’ access to prenatal care and birth services; however, this has been on an ex-gratia basis and not within the existing scheme parameters. Where a worker discloses their pregnancy, the PALM scheme employer is required to assist them to access medical care and support. In many circumstances, pregnant PALM scheme workers choose to return home to have their baby, noting the additional expense of having and caring for a baby in Australia given they do not usually have access to Medicare or social security benefits.”⁵⁴

All employees in Australia are eligible for up to 12 months of unpaid parental leave if they have completed at least 12 months of continuous service with the same employer. This may apply to some long-term PALM scheme workers, but not to any short-term PALM scheme workers. Workers in Australia who are not eligible for the 12 months of statutory unpaid parental leave can negotiate unpaid leave with their employer and are protected under anti-discrimination laws. The total length of a fixed-term contract in Australia does not change if a worker takes a period of unpaid leave (Australia, PALM, n.d.-p).

The PALM scheme website contains stories of women workers participating in the scheme (see, for example, Australia, PALM, n.d.-a, n.d.-b, n.d.-c).

⁵³ Verbal communication with NIB, 1 May 2025.

⁵⁴ Correspondence with DEWR, January 2025.

Australia has advised⁵⁵ that it will strengthen gender equality, disability and social inclusion in the Pacific Labour Mobility Support Program (PLMSP) by

- **strengthening the labour mobility ecosystem** to enhance worker and family agency through access to information, skills and services
- **mainstreaming inclusion** — integrating GEDSI in all existing policies, programs, systems, people and culture
- **providing targeted support to groups who face more challenges**, like women at risk of violence or people with disabilities
- **prioritising local-led leadership and working with local actors** to deliver local solutions and innovations that are politically possible and technically sound in culturally sensitive contexts

New Zealand – Recognised Seasonal Employer scheme

Documents from the RSE reviewed for this report, such as the Get Ready booklet, did not contain information on pregnancy (New Zealand, MBIE, n.d.-h). It is generally understood that RSE scheme workers return home to receive maternity care and childbirth support. During the COVID-19 pandemic, New Zealand Immigration issued a circulate to RSE Employers asking them to ensure that workers were aware of their rights and to provide pastoral care. The circulate stated that workers may be entitled to paid parental leave “administrated and paid directly to the worker” (New Zealand, INZ, 2021). The RSE scheme worker health insurance guidelines do not require the insurance to cover any “childbirth or pregnancy unless they arise from medical complications that occur before the end of the 24th week of pregnancy” (New Zealand, INZ, n.d.-s).

Accommodation standards indicate that in shared accommodation, occupants should be of the same gender unless agreed otherwise by the residents, and that if there are no separate facilities for women, then the washing areas must be fully enclosed (floor-to-ceiling) with lockable doors (New Zealand, INZ 2026).

2.6.2. People with disabilities

► **Table 2.21 Summary of PALM and RSE consistency with legal standards related to people with disabilities**

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
States Parties recognize the right of persons with disabilities to work, on an equal basis with others. This includes the right to the opportunity to gain a living in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work by:	Partially consistent The PALM scheme protects workers from discrimination on the basis of physical or mental disability (Australia, DEWR, 2023, section 2.1.9; Fair Work Act, 2009)though it is permissible for an employer not to offer employment to a prospective employee with a disability if the employer can show that this	* Under the Human Rights Act, 1993, employers are required to take “reasonable measures” to provide services and facilities to meet the needs of workers with disabilities. It is unclear how this applies to the RSE scheme.

55 Correspondence with DFAT, January 2026

International legal standard	PALM consistency with standard	RSE consistency with standard
► Prohibiting discrimination on the basis of disability with regard to all matters concerning all forms of employment (including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions) ► Protecting the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value ► Promoting the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures ► Ensuring that reasonable accommodation is provided to persons with disabilities in the workplace; ► Promoting the acquisition by persons with disabilities of work experience in the open labour market (ICRPD, Art. 27(1)).	decision was made because of the employer's genuine belief that the candidate would be unable to perform the inherent requirements of the position. The Disability Discrimination Act, 1992, requires employers to make "reasonable adjustment" for workers unless it would cause an employer "unjustifiable hardship" to do so. It is unclear how this applies to the PALM scheme recruitment process.	
Recommendations and frameworks		
States should establish comprehensive policies and develop partnerships that provide migrants in a situation of vulnerability, with necessary support at all stages of migration, through identification and assistance, as well as protection of their human rights in particular in cases related to persons with disabilities (GCM, objective 7, para. 23(b)).	✱ No mention of support for workers with disabilities in the PALM scheme documentation.	✱ No mention of support for workers with disabilities in the RSE documentation.

✓ = consistent; ✕ = inconsistent; ✱ = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

PALM scheme documents reiterate the requirement on employers to abide by Australian workplace laws that prohibit “Retaliatory Action, including to refuse to employ someone” because of protected attributes, including physical and mental disability (Australia, DEWR, 2023, section 12.1.9). The PALM scheme website contains a short video under the title “Promoting the rights of people with a disability” and an article entitled “Challenging the limits on the field and in the workplace” that discusses the experience of PALM scheme worker Elie Enock (Australia, PALM, n.d.-d, n.d.-e). As noted in section 2.6.1 above, Australia intends to strengthen gender equality, disability and social inclusion in the PLMSP,

New Zealand – Recognised Seasonal Employer scheme

No mention of the participation of people with disabilities could be found in the RSE documentation.

2.6.3. Persons with diverse sexual orientation, gender identity, expression and sex characteristics (SOGIESC)

► Table 2.23 Summary of PALM and RSE consistency with legal standards related to persons with diverse SOGIESC

International legal standard	PALM consistency with standard	RSE consistency with standard
Conventions		
States undertake to respect and to ensure to all individuals their human rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. States undertake to take the necessary steps to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant (ICCPR, Art. 2(1–2); ICESCR, Art. 2(2)).	✓ (Australia, DEWR, 2023, section 2.1.9; legislative protection in Australia).	✓ Legislative protection exists in New Zealand; though this is not mentioned specifically in RSE documentation.
States recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which is freely chosen or accepted and will take appropriate steps to safeguard this right without discrimination of any kind (ICESCR, Art. 6(1)).	✓ See above.	✓ See above.

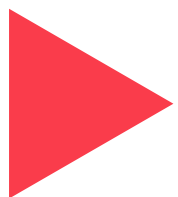
✓ = consistent; ✗ = inconsistent; * = silent or no evidence located.

Australia – Pacific Australia Labour Mobility scheme

No mention of specific measures to ensure inclusion and non-discrimination for persons with diverse SOGIESC could be found in PALM scheme documentation. As noted in section 2.6.1 above, Australia intends to strengthen gender equality, disability and social inclusion in the PLMSP; this would include workers with diverse SOGIESC,

New Zealand – Recognised Seasonal Employer scheme

No mention of specific measures to ensure inclusion and non-discrimination for persons with diverse SOGIESC could be found in RSE scheme documentation.



3

Recommendations

Pre-departure arrangements

Bilateral arrangements

Australia and New Zealand have advised that the bilateral arrangements and IAUs for the PALM and RSE schemes are currently being reviewed and revised. The UN Network on Migration has issued a Guidance on Bilateral Labour Migration Agreements (BLMAs) (2022) to assist countries of origin and destination to design, negotiate, implement, monitor and evaluate rights-based and gender-responsive BLMAs, based on a cooperative and multi-stakeholder approach.

Australia and New Zealand should:

- Consider and take into account the ILO Guidance on Bilateral Labour Migration Agreements (2022) in the development of bilateral arrangements and IAUs for the PALM and RSE schemes.

Recruitment

Australia and New Zealand should:

- Assess the provisions concerning recruitment contained in the bilateral arrangements and understandings for the PALM and RSE schemes to ensure consistency with the legal standards presented in section 2.1.2 of this report.
- Ensure that all current guidelines and information regarding the PALM and RSE schemes are publicly accessible in a comprehensive and user-friendly format. Information explaining all aspects of the program (including employers' obligations) should be presented in a format comprehensible to workers, including in translation and video format. These should be immediately updated when scheme policies or processes change.
- Convene a dedicated consultation with workers, unions and employers/employer representatives to discuss the effectiveness of existing mechanisms to communicate with workers about the PALM and RSE schemes (including explanation of contracts, pre-departure and on-arrival training) and identify concrete actions to increase and verify workers' comprehension. Specific measures should be taken to support workers and families considering participation in the Family Accompaniment Pilot in Australia.

Offer of employment

Australia should:

- Provide all workers with clear and comprehensive information about their options if they wish to terminate their employment or refuse an offer of subsequent employment, and guidance on the implications this decision will have for repayment of debt to employers and payment of return airfares.

New Zealand should:

- Make publicly accessible all information provided to workers on the operation of the scheme and the obligations of RSE scheme employers. Some information on the contents of the RSE Agreement to Recruit and employer obligations is presented on the INZ website; however, the documents for workers do not contain a clear and comprehensive explanation for workers on the operation of the scheme.

Recruitment-related costs

While the current system prohibits workers from being charged recruitment fees, it does impose on workers considerable costs related to recruitment, including documentation, transport and airfares. This is contrary to the ILO Guidelines and Operational Principles on Fair Recruitment and Definition of Recruitment Fees and Related Costs (ILO 2019a).

The recruitment fees and related costs (as per the ILO Definition) that are borne by workers are considerable, and workers start their seasons in Australia and New Zealand with debts to their employers, and partly with debts to family, banks and governments in their home countries.

Following the release of the 2022 report, Australia has adopted the recommendation to disincentivise employers from deducting unreasonable amounts from workers and introduced a limit on the amount of deductions that can be made every month. The PALM scheme contains guidelines to restrict deductions to be spread over a minimum of 12 weeks and to imply minimum take-home salary of AUD 200 per week.

Australia and New Zealand should:

- Identify all recruitment-related costs and employment costs of PALM and RSE workers and identify the total average costs and the share of these costs carried by employers, workers and government. This information can be used to review existing scheme arrangements and engage in consultation with scheme stakeholders and consider alternative options.
- Provide workers with clear and comprehensive in-language information on the implications of termination or withdrawal from the PALM or RSE schemes if loans have not been repaid, and their ability to access return airfares.

New Zealand should:

- Follow the policy adopted by Australia and also implement the terms of ILO Recommendation No. 100 and restrict deductions to a small portion of monthly remuneration.
- If it does not already do so, provide workers with detailed information on expected deductions prior to departure and provide employers and workers with clear guidance on the upper limit of deductions from wages permitted each month in order to ensure that repayment of loans is spread out over time.

Working conditions

Termination of employment

International labour standards state that a migrant worker who has resided legally in the territory for the purposes of employment shall not be regarded as in an illegal or irregular situation by the mere fact of the loss of his employment (Convention No. 143, Art. 8).

Australia has implemented a number of measures that increase consistency with ILS and should:

- Provide workers with clear and comprehensive in-language information on the procedure involved with termination of employment.
- Information on the PALM scheme grievance procedure should be available in an in-language factsheet distributed to workers.
- PALM short-term scheme employers should be required to provide an explanation if they decide not to re-hire a worker who has applied to the scheme for a second or subsequent season.

New Zealand should:

- Provide workers with clear and comprehensive in-language information on the procedure involved with termination of employment.

Choice of employer

Free choice of employer facilitates employment relations as it enables workers and worker representatives to bargain for conditions and pay in response to market needs or other factors.

Australia and New Zealand should:

- Develop a process involving minimal administrative burden that enables workers to change employers subject to reasonable contractual obligations. This policy may restrict the categories of employment available to PALM and RSE workers.
- Ensure that information about how workers can initiate a change in employer and terminate their employment at their discretion is available and accessible to workers and that workers are aware of how to exercise their right to choice of employer.
- Provide workers with clear and comprehensive in-language information on the situations in which the relevant government department (DEWR or MBIE) will assist workers to move to a new employer and the criteria that will be followed.

Training

The provision of skills development in the PALM and RSE schemes would enable workers to progress to higher rates of pay in accordance with industrial relations provisions in Australia and New Zealand. While both the PALM and RSE schemes have provision for training, the current policy settings do not achieve consistency with ILS.

Australia and New Zealand should:

- Introduce a training policy for the PALM and RSE schemes, on the basis of equality of treatment with nationals, outlining the training opportunities available to workers, including opportunities that may lead to formal qualifications.
- Provide workers with access to equality of treatment with nationals with respect to access to vocational training, guidance and placement.

Living conditions

Accommodation

New Zealand should:

- Issue program-specific guidelines on accommodation for the RSE scheme that are based on the nation-wide standards current provided to RSE scheme employers.
- Remove restrictions on the use of residential houses by the RSE scheme to ensure non-discrimination in access to housing.

Access to healthcare:

Human rights law and ILO standards represent a global consensus that the implementation of social health protection systems should be based on non-discrimination, gender equality and social inclusion (see example, ILO Convention 102 and ILO Recommendation No. 202, amongst others). At present, PALM and RSE workers' pay for private health insurance in Australia and New Zealand and are not covered by the public health system and incur significant costs and access issues related to healthcare.

Australia and New Zealand should:

- Provide all PALM and RSE scheme workers with access to the public health systems in Australia/New Zealand on the basis of equality of treatment with nationals. This step would contribute to the development assistance goals of the PALM and RSE schemes.

Equality of Treatment and Non-discrimination

Taxation:

Noting that PALM scheme workers are temporary workers and are bound to withdraw their superannuation when they depart, Australia should:

- Reconsider taxation rates for withdrawal to ensure equality of treatment with nationals.
- Simplify access to superannuation.

Social security:

International labour standards require States to extend equality of treatment with nationals to migrants lawfully within their territories with respect to social security (including in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities). The exceptions outlined in ILO Convention 143 concerning social security systems involving contributions or acquired rights are not applicable to Australia or New Zealand. The Global Compact on Migration affirms and directs States to “assist migrant workers at all skills levels to have access to social protection in countries of destination” (para. 38).

Australia and New Zealand should:

- Extend access to social security on the basis of equal treatment with nationals to PALM and RSE workers.
- Maternity Benefits and parental leave

The ILO’s position on maternity benefits is that safeguarding the health of expectant and nursing mothers and protecting them from job discrimination is a precondition for achieving genuine equality of opportunity and treatment for men and women at work and enabling workers to raise families in conditions of security.

Australia and New Zealand should:

- Provide all PALM/RSE workers with access to the public health systems in Australia/New Zealand on the basis of equality of treatment with nationals, including access to sexual and reproductive health services and access to maternity care (see further discussion below).
- As a matter of urgency, all PALM and RSE workers should be given access to pregnancy- and birth-related medical consultations, services and assistance on the basis of equality of treatment with nationals as an interim measure.
- In consultation with employers, workers, unions and employer associations, develop policies and processes that enable PALM and RSE workers to access maternity benefits on the basis of equality of treatment with nationals, as well as specialized support if workers need to negotiate with employers regarding unpaid leave, and facilitate return (if desired) or meet the costs of unpaid leave required pre- and post-partum that do not amount to a financial penalty for pregnant workers. Note that ILO Recommendation No. 100 advises that women workers who are pregnant or post-partum should have their repatriation costs covered.
- Include information on pregnancy, the obligations of employers and the Australian and New Zealand governments, and the support options available to workers in explanations of the offer of employment provided to all workers and in pre-departure materials⁵⁶ and on-arrival briefings. This information should also be included in the Deed of Agreement.

Access to justice

Measures such as the Workplace Justice Visa pilot in Australia and the Migration Exploitation Protection Visa in New Zealand, and assistance from the government to help workers who have been exploited change employers, while positive developments are not a replacement for free choice of employment .

Workers whose visa and ability to remain in Australia or New Zealand are tied to continued employment with a specific employer (or group of employers) are less likely to report labour exploitation.

It is for this reason that ILO Recommendation No. 151, para. 5 states that national laws and regulations concerning residence in its territory are to be applied such that the lawful exercise of rights cannot be the reason for non-renewal of a residence permit or for expulsion and are not inhibited by the threat of such measures.

⁵⁶ Currently only available in the pre-departure materials provided to PALM scheme workers.

In conjunction with changes recommended regarding termination and choice of employer, Australia and New Zealand should consider to:

- Issue visas for workers participating in the PALM and RSE schemes that do not link workers' immigration status to employment with one or more specifically named employer.

In response to evidence that employer-tied visas increase the risks of exploitation, the Government of Canada is currently investigating the feasibility of eliminating employer-specific work permits and moving to sector- and/or region-specific work permits (Report of the Standing Senate Committee on Social Affairs, Science and Technology, Canada, Senate 2024). Like the PALM and RSE schemes, the Canadian seasonal workers scheme requires employers to pay upfront costs, some of which can be recovered from workers through payroll deductions. A move to sector- and/or region-specific work permits would require a different system for financing migration-related costs and potentially also the cost of welfare responsibilities. This is linked to the recommendation regarding recruitment-related costs above.

Participation of women and other groups

Since the inception of the PALM and RSE schemes, women have been under-represented in both schemes, with considerable differences among Pacific countries of origin. Some of the PALM scheme industries and all of the RSE industries traditionally employ more men than women. As recruitment decisions for both schemes are made by employers, specific measures are required to promote women's participation, achieve gender equality goals, and promote the access of other groups who experience discrimination.

Australia and New Zealand should

- Conduct a review of the participation of women in the PALM and RSE schemes and consult with stakeholder groups to identify how to ensure the schemes are responsive to gender and that the specific needs of women are met⁵⁷.
- Consult women workers to determine whether it is suitable to provide separate pre-departure training sessions (facilitated by a suitably qualified women) that cover sexual and reproductive health and rights, including contraception, maternity leave provisions, and prevention of and recourse in case of violence or harassment in Australia and New Zealand.
- Consult with workers of diverse sexual orientation, gender identity, gender expression and sex characteristics to identify steps that can be taken to prevent discrimination, cater to their specific needs and ensure their protection.

⁵⁷ Australia has indicated that as of February 2026, there is a GEDSI strategy for the PALM scheme. This Strategy is not available in the public domain to review which is why this assessment cannot measure the extent to which women's participation and needs in the PALM scheme has been prioritized

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Note: this reference list is based on the list contained in the original report (ILO, 2022). All references from that report that do not appear in the current report have been deleted. For this reason some of the lists of websites identified as 'n.d.' with an alphabetical marker may appear to have references missing.

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► Temporary labour migration schemes in the Pacific through the lens of international human rights and labour standards: Technical report

Promoting the rights of migrant workers and strengthening the sustainable development impacts of labour mobility schemes remain a key component of decent work. The ILO Office for Pacific Island Countries has prepared a technical report reviewing the Pacific Australia Labour Mobility (PALM) scheme and New Zealand's Recognised Seasonal Employer (RSE) scheme through the lens of international human rights and labour standards. Within this scope, the report also considers recent reforms to both schemes and examines issues relating to equality of treatment, fair recruitment, access to justice, working and living conditions, and the participation of women and other groups who may face barriers in temporary labour migration programmes.

The objective of the technical report is to provide an updated overview of how labour mobility schemes in Australia and New Zealand align with relevant international labour standards and to identify areas where further measures may strengthen consistency with these standards. The report is based on a review of legislation, policies and programme settings governing the schemes and provides analysis together with observations aimed at supporting rights-based and well-governed labour migration in the Pacific region.

The research and analysis presented in the report form part of ongoing efforts by the International Labour Organization to promote fair and effective labour migration governance, enhance protection for migrant workers, and support sustainable development outcomes for Pacific Island countries and territories as well as destination countries. The findings are intended to inform governments, social partners and development partners engaged in the design, implementation and reform of temporary labour migration schemes in the Pacific.

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PACIFIC CLIMATE CHANGE MIGRATION AND HUMAN SECURITY (PCCMHS) PROGRAMME PHASE II