
Community Consultation Report: Fair Work Commission CALD Community Engagement Strategy



Executive Summary

Community consultations to inform the Commission CALD Community Engagement Strategy

The Fair Work Commission (the Commission) is developing a **Culturally and Linguistically Diverse (CALD) Community Engagement Strategy**.

This strategy aims to enhance engagement with migrant and diverse communities across Australia, facilitating increased accessibility, improved information dissemination, enhanced the Commission's services, and greater access to justice. The development of this strategy acknowledges that despite the prevalence of workplace issues experienced by CALD community members, their engagement with the the Commission remains comparatively low.

The Social Policy Group (SPG), a national not-for-profit body, has partnered with the Commission and CALD communities in a series of community consultations to inform the development of the Commission's engagement strategy. These consultations gathered perspectives

from community leaders, representatives, and stakeholders to optimise the Commission's engagement with diverse communities.

The community consultations aimed to:

- gauge existing CALD community sentiment of the Commission (including knowledge, understanding and trust),
- better understand potential engagement strategies, including communication channels and messages that would resonate with CALD communities, and,
- identify practical steps the Commission can take towards enhancing engagement with CALD communities.

The consultations involved 50 community leaders and representatives from a wide range of CALD communities. Additionally, SPG conducted direct consultations with four community organisations specialising in working with CALD communities, including in relation to workplace issues.



Principles from community to inform the strategy

Three guiding principles for the engagement strategy emerged from the consultation process.

- 1. Continual Engagement:** Consultation participants stressed the importance of ongoing engagement with CALD communities, demonstrating a genuine willingness from CALD communities to partner with the Commission given how relevant workplace issues and the Commission's services are to CALD community members.
- 2. Addressing Barriers:** The consultations identified a number of barriers to engagement including misconceptions, fears, and cultural practices which cannot be addressed through information dissemination alone. Understanding and addressing these deeper issues will contribute to better engagement outcomes.
- 3. Focus on general engagement:** The third principle was the desire towards improving broader engagement with CALD communities regarding workplace issues, including those beyond the direct remit of the Commission. This would support CALD community members with their rights and understanding more generally, regardless which pathways (or 'doors') they might first use, whether it is the Commission, the Fair Work Ombudsman (FWO), relevant third-party organisations, or informed stakeholders such as community leaders or community groups.

Identifying common barriers to engagement

Identifying common barriers inhibiting CALD community members from engaging with the Commission is crucial for informing the engagement strategy. These barriers include:

- **Apprehension regarding processes:** Both specific preconceptions regarding the costs involved but also fear about the wider unknown process of engaging with the Commission and what CALD community members will experience.
- **Fears regarding repercussions for visas:** Especially prevalent for newly arrived CALD community members and those on temporary visas is the notion that visa status is placed at risk either by the Commission or by employers.
- **Fears regarding repercussions for work and income:** CALD community members will prioritise income over approaching the Commission. This includes prioritising maintaining existing employment rather than lodging a bullying application. It also includes prioritising the search for new work over lodging an unfair dismissal application. Major reasons include cost-of-living pressures, as well as to continue to send remittances to family abroad.
- **Cultural practices:** Some CALD community members are reluctant to seek help due to cultural norms related to stoicism and saving face.

- **Trust:** Some CALD community members may lack trust in the Commission’s ability to deliver meaningful outcomes for them, such as improvements to their workplace conditions or substantial enough compensation to make approaching the Commission worth the perceived time and effort.
- **Language barriers and knowledge gaps:** While those consulted often emphasised that it is not only lack of knowledge about “Fair Work” that preclude CALD community members from approaching the Commission, the consultations did show there are tangible gaps in understanding mechanisms for resolving workplace issues, the Fair Work system (and what the Commission can do), and how CALD community members might address issues. CALD community representatives noted that these gaps are often linked to the need for further dissemination of appropriate in-language communications, information, and resources.

Key message areas and communications considerations

Key message areas and culturally sensitive communication considerations were identified through the consultation process, including:

- **Addressing barriers in communications:** Messaging should clarify the Commission’s processes, address preconceptions related to visa repercussions and costs, tackle cultural barriers, build trust, and provide tailored, in-language communications.
- **Identifying relevant third-party organisations:** CALD community members could benefit from knowing about trusted organisations they can turn to for support, even if they do not contact the Commission directly.
- **A welcoming and safe space:** Communications and engagement efforts should ensure that CALD community members feel welcomed, safe, and able to access the Commission’s services. Communications can include diverse representatives that will help show the Commission’s services are for everyone. Messages can address specific CALD community issues. More broadly, the Commission’s practices can continue to adapt to increase cultural-responsiveness, trauma-informed services, and training and support for CALD customer care, as well as increased messaging on the Commission’s website about available translation services and support to access the Commission’s services.



Channels and platforms

The consultation process focused on identifying effective channels and mediums for engaging with CALD communities, including:

- **Social media:** Platforms including Xiaohongshu and WeChat for Chinese community members, with preference for official accounts for trustworthiness, and Facebook groups for other community groups including Latin American communities and working holiday visa holders.
- **Community networks:** Engaging through community, including community leaders, representatives, community groups (such as ethno- and religious-specific associations and organisations), religious institutions, faith leaders, and events such as multicultural festivals and celebrations. These spaces are often the main mechanism where CALD community members turn to for support regarding workplace issues and offer opportunities for engagement and partnership.
- **Migrant and refugee settlement sector:** The migrant and refugee settlement sector services tens of thousands of CALD community members each year, including in direct relation to employment. This includes the Humanitarian Settlement Program, the Settlement Engagement and Transition Support Program, the Adult Migrant English Program, and other settlement organisations. Developing further engagement partnerships with the settlement sector could benefit both the Commission and settlement providers.
- **Media and in-language media:** Working with media including SBS (SBS Settlement Guide and associated SBS media products), which offer in-language resources and news in relation to employment, workplace issues, and workplace rights.
- **Workplace and Employers:** Engaging with workplaces with significant CALD community member workforces. The community consultations also highlighted CALD community members as business owners and employers themselves, with associated interest in the Commission's engagement for relevant information to their role as employers.
- **Professional and other services:** CALD community members often turn to teachers, health workers, accountants, and lawyers with workplace issues, offering potential further avenues for engagement.

An evolving engagement strategy

The report outlines the potential of community reference groups to inform the evolving strategy around CALD community engagement. The report also notes additional points of engagement including enhancing connections with community legal centres (CLCs) and other relevant third-party organisations.

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Acknowledgements

SPG extends thanks to all those who contributed their insights towards the community consultation process. This includes the Commission in their drive towards improving engagement with CALD communities; the organisations who met 1-1 to discuss engagement strategies; and the community representatives and leaders who shared such valuable perspectives.

Disclaimers

This report has been designed to share CALD community perspectives to help the development of the *Fair Work Commission CALD Community Engagement Strategy*. It is acknowledged that not all the analysis, findings, and recommendations in the report will be part of the final strategy, which will be based on the priorities, scope and objectives of the Commission.

The report discusses links to initiatives and sectors that SPG is connected to, such as the Judicial Council for Diversity and Inclusion and the Migrant and Refugee Settlement Sector. The report authors have made best efforts to identify any such connections.

1. Introduction:

Informing the Fair Work Commission CALD Community Engagement Strategy

The Fair Work Commission (the Commission) sought to consult with culturally and linguistically diverse (CALD) communities across Australia to inform the development of their **CALD Community Engagement Strategy**.

The Commission is developing this strategy in recognition that people from CALD communities are less likely to approach the Commission and access services. This is despite the prevalence of workplace issues which CALD community members experience (both employees and employers), including those which the Commission help resolve, such as unfair dismissal, discrimination, bullying, sexual harassment, and disputes about an Award or agreement.¹ Enhancing engagement between the the Commission and CALD communities supports:

- the accessibility of the Commission to diverse populations;
- information dissemination;
- more effective services; and,
- improving access to justice for all people.

The Social Policy Group (SPG), a national, non-government, not-for-profit body, was commissioned to support the community consultations and complete the final community consultations report.

The objectives of the community consultations were to:

1. Gauge CALD community sentiment of the Commission (including knowledge, understanding and trust)
2. Better understand relevant engagement strategies – culturally sensitive and effective methodologies for engagement, including communication mechanisms and key messages
3. Inform the development of the *Fair Work Commission Community Engagement Strategy* with perspectives from CALD communities and stakeholders
4. Identify practical steps the Commission can take towards enhancing engagement with CALD communities

SPG designed and facilitated two national consultations with community leaders, representatives and stakeholders in February 2024 with 50 CALD community participants. SPG concurrently conducted four (4) 1-1 consultations with organisations who work directly with CALD community members.

The analysis and findings of this report are drawn from the insights contributed through the consultations. The report includes practical recommendations designed to inform the development of the *Fair Work Commission CALD Community Engagement Strategy*. These recommendations focus on effective, responsive and tailored strategies towards enhanced engagement with CALD communities.

1. An example of this is the Diversity Council Australia's (DCA) Racism at Work report which found that 43 percent of non-white employees responded that racism was common or very common in their workplaces – *Diversity Council Australia (2022), Racism at Work*. As discussed in this report, there is likely under-reporting of workplace issues that CALD community members experience due to a variety of factors. Of further note here is that while all consultation participants cited widespread workplace issues in CALD communities, there is a need for further research into this area, including prevalence and type.

2. Principles from community to inform the strategy

Community representatives and consulted organisations emphasised three key principles to help guide CALD community engagement.

2.1. Continued partnerships with CALD communities and relevant networks

Engagement is enhanced through ongoing partnerships and two-way communication. There was a real desire from CALD community leaders, representatives, and consulted organisations to improve engagement, in recognition of the importance of workplace issues for CALD communities. The community consultation process was intended to help build the Commission's community networks. The response from communities reinforced that beyond the consultation round, many of those involved in the consultation process were interested in acting as focal points of CALD community engagement, and were willing to help share information relevant to their communities, be involved in addressing barriers, and be part of a continued and ongoing process of engagement.

2.2. Addressing barriers and issues to engagement alongside information dissemination

Consulted stakeholders noted that there is often the temptation to equate a lack of CALD community engagement with a lack of information or knowledge about services – in turn responding with increasing the volume of information dissemination. While there are major gaps in knowledge, especially amongst specific CALD cohorts, the *Fair Work Commission CALD Engagement Strategy* can also

address the notion that many CALD community members know that they may be experiencing a workplace issue and also (at least partially) know about "Fair Work" but will not pursue resolution of their workplace issues because of a number of other barriers and challenges. These barriers include apprehension regarding the Commission's process, fears related to visa and income repercussions, and cultural practices around "not causing issues".

2.3. Clarifying the objectives: Increasing engagement

The consultations helped begin to clarify the goals and objectives of the *Fair Work Commission CALD Community Engagement Strategy*. It became clear during the consultation process that there was a level of awareness of "Fair Work" amongst some CALD community members, but not a clear understanding about the different roles and responsibilities of the different Fair Work agencies, the Fair Work Commission and Fair Work Ombudsman (FWO). Notably, this lack of differentiation between Fair Work Commission and FWO is also common in non-CALD communities. Instead of working to distinguish the two agencies, the consultation demonstrated that it would be more beneficial to support CALD community members to approach "Fair Work" more generally (or relevant third-party organisations), to be able more generally access justice through different means. Further sub-objectives which could support this general knowledge and confidence to approach services include addressing barriers to engagement; building trusting relationships; increasing the cultural-responsiveness of the Commission (including in both wider practices and communications); and continuing to adapt and tailor communications in partnership with CALD communities.

3. Common barriers to engagement

There are a range of barriers which prevent CALD community members from accessing the Commission's services at higher rates. These barriers can often vary between CALD communities and within communities. For example, participants noted that community members from countries with conflict or corruption issues often lack trust in formal institutions. This may not be active distrust – but a preconception that government and the judiciary may not act in the interest of people who reach out to them. Conversely, other community members, for instance, Chinese community members, prefer and trust information and correspondence from 'official' social media accounts, with participants suggesting that the Commission have an official channel on WeChat or Xiaohongshu (Little Red Book), (outlined below in the section on channels and platforms). Understanding barriers is key to engaging with CALD communities to tailor engagement strategies and messages to better address their issues and concerns.

3.1. Apprehension regarding the Commission's processes

One of the major obstacles to CALD community members approaching the Commission is uncertainty and apprehensions around processes. This includes several (mis)conceptions regarding the Commission's process:

- That there would be high costs involved;
- that the Commission officials would physically enter a workplace;
- that CALD community members will not have sufficient evidence or documentation to approach the Commission;
- that people would have to spend multiple weeks in a court.

The latter is connected to a discomfort in approaching formal institutions and that if a CALD

community member has to go to formal settings such as tribunals or legal services, it means they have "done something wrong."

While preconceived understandings can be understood as singular ideas to tackle in engagement and communications (for example, addressing the issue of costs involved), this should also be understood as apprehension around the process as a whole: CALD community members can have multiple reservations, with the system and what will happen is intimidating in its entirety. CALD community members feel like they can "lose control" of matters once they approach the Commission and that they enter a process outside their understanding.

3.2. Fears on repercussions for visas

Many newly arrived CALD community members hold concerns about the impact of the Commission's proceedings on their visa status. For CALD community members that are less established and do not have permanent residency or citizenship, there is a fear that the Commission or their employers will report them to the Department of Home Affairs regarding their visas. This is particularly of concern for CALD community members working cash-in-hand or not working in accordance with restrictions, such as the maximum 48 hours per fortnight for student visa holders while their course of study or training is in session. Yet concerns over implications of involving "Fair Work" for visa status extend to many people experiencing issues in the workplace, with the worry that the process may lead to termination of employment and visa cancellations.

Fears about repercussions can be nuanced further: There appeared to be important differences between 'discomfort' about approaching the Commission and deeper-held fears regarding what



can happen when accessing government services. These can be well-founded fears that speaking out on issues can result in actual negative outcomes for people. Fears can also result from historical trauma. CALD community members who migrated from contexts of persecution or conflict may fear retribution based on approaching authorities or trying to resolve an issue. Trauma-rooted fears can be based on first-hand experience or tacit knowledge that pursuing justice has previously resulted in physical harm, danger to family, and the threat of death. While understanding these perspectives can shape the “key messages” outlined below, it is worth highlighting that trauma-informed practice and communications is crucial when engaging with many communities from a forced migration and refugee background.

3.3. Fears of repercussions for work and income

With cost-of-living pressures, CALD community members will often hold an attitude to “just put up with issues” rather than engage with “Fair Work”. The priority for many CALD community members is to continue earning an income to meet financial obligations – or “just surviving” as one community leader stated – rather than engaging in a potentially lengthy and unknown process with the Commission (as discussed above regarding apprehension about the ‘Fair Work’ process).

Further compounding this issue is that many CALD community members remit money to family abroad. Participants noted that this can lead people to feel that whatever sacrifices must be made regarding their jobs in Australia, they are worth it in

comparison to family losing critical income needed for survival. To paraphrase a participant: “We would prefer to suffer in Australia and keep our jobs.” Even after perceived unfair dismissal, the primary priority for people is to find another job as soon as possible, rather than expend the time and energy perceived to be needed to approach the Commission or relevant third-party organisations (such as CLCs) – especially within the 21 days time limit to apply.

3.4. Cultural practices regarding putting up with issues instead of seeking help

Sentiments and attitudes around “just put up with it”, “just find another job”, stoicism, and saving face are prevalent across many CALD community cultural practices. Consultation participants juxtaposed these attitudes to non-migrant community members who may have higher levels of understanding around workplace rights, responsibilities, resolution mechanisms, and differing cultural norms around seeking external help. Participants also noted that these perceptions are linked to migration histories, implicit in arriving in a new country and wanting to focus on making a living rather than “causing trouble”. “Fair Work” and formal workplace issue resolution processes also often do not exist in countries of origin or heritage.

Related to these cultural practices, but further compounded by perceived norms in Australian workplaces, is the notion of “do not be too sensitive about things” – especially related to perceived bullying or discrimination. A consulted organisation noted that CALD young people may feel they experience bullying or racial or religious

discrimination in their workplaces but are told that issues are “just jokes” and “not serious”. This also links to the issue of evidentiary support. CALD community members may not approach the Commission even if they perceive protracted or intense workplace issues because they think they do not have sufficient evidence or documentation.

These attitudes can be compounded by intersectional aspects – though also appear to be universal across identity characteristics.² Further intersectional dynamics include the notions that:

- CALD young people face additional burdens with many holding their first or early work roles, perceived power imbalances between the young people and their workplaces, cultural tenets regarding the role of young people in relation to elders, and lack of knowledge around work rights.
- CALD women also face additional barriers, with potential gender norms on women speaking up regarding workplace issues and contacting authorities.
- Those on different visa categories will hold different attitudes and barriers, as outlined above.
- CALD community members engaged in different professional work may also have different attitudes regarding the Commission. Participants highlighted that it is people who are most in need of accessing services – such as those experiencing workplace issues in the gig economy, hospitality, or labour services, that are often the ones that face the highest barriers. It should be noted though that multiple CALD representatives and community leaders emphasised that many CALD community members working in professional services (examples given included accountants and social workers) are also reluctant to engage with the Commission given held attitudes.

3.5. Trust

Participants noted that CALD communities hold different levels or types of trust in the Commission. Most CALD community members do not actively distrust the Commission or perceive that there will be deliberate negative actions (though there may be a small number of CALD community members who do have these perceptions, often based on historical trauma and distrust in government and formal institutions). Instead, CALD community members might “distrust” that the Commission will do anything meaningful in regards to an issue if contacted. Participants noted that this can also be an attitude based on migration histories where government bodies and judicial systems in countries of origin will not “do anything” for people who attempt to access justice, and instead just result in financial costs. Rather than active mistrust, the consultations highlighted the lack of a trusting relationship – that CALD community members do not trust the process (outlined above) or that engaging with Commission will be worth it (in terms of invested time and effort).

3.6. Language barriers

A pronounced barrier for engagement between the Commission and CALD communities are language obstacles.

CALD community members with low English proficiency often hold concerns that they would not be able to communicate their issues clearly if they approach the Commission. Some participants noted that there can be a hesitancy to use the Translating and Interpreting Service (TIS National), due to perceived issues regarding accessibility. Participants noted that there was often a lack of interpreters in particular languages which added additional challenges to approaching the Commission (Karen being given as one example). Additional challenges include lack of briefings, poor acoustics and lack of visual cues (for phone interpreting), and the tendency to perceive interpreters as ‘translation machines’.³ Tackling interpreter issues should

2. Intersectionality is the ways in which different social aspects of a person’s identity overlap. Aspects include race, gender, socio-economic status, age, sexual orientation, and migration or visa status. An example is that a young woman from a CALD background in her first job will face different barriers – and respond to different engagement methods – than a high socio-economic, middle-aged man from a more established CALD community.

3. Jinhyun Cho, 2023. Interpreters as Translation Machines: Telephone Interpreting Challenges as Awareness Problems. *Qualitative Health Research* 2023. Vol. 33(12) 1037-1048.



include closer engagement with TIS National, as well as potential to integrate the *Recommended National Standards for Working with Interpreters in Courts and Tribunals* into the Commission's practices.⁴

Language barriers also prevent CALD community members from gaining effective information about the Commission. Participants cited challenges in navigating the Commission's website for people from non-English speaking backgrounds.

Many participants noted that there would be high demand for in-language information and communications regarding "Fair Work". Many communities see a need for further government service translations into additional languages (for instance, languages spoken by Myanmar minority ethnic groups). In the consultations, there was low awareness of existing 'Fair Work' in-language resources.

3.7. Knowledge gaps

Participants highlighted there are knowledge gaps in specific segments of CALD communities regarding:

- rights and responsibilities at work,
- resolution mechanisms,
- which organisations can be turned to, and,
- "Fair Work", the role of "Fair Work" and what it can do.

This is especially pronounced for CALD community members in certain professions (such as hospitality, cleaning services, or transport services) or from low socio-economic backgrounds.⁵ One factor in knowledge gaps is that there are often no equivalent or similar bodies in countries of origin. Another factor is language barriers (outlined in 'Language Barriers' above).

While these gaps exist, the consultations also emphasised other barriers and therefore that engagement should expand beyond just increasing information dissemination about "Fair Work". Participants noted that many CALD community members often knew that they were experiencing workplace issues – and that reasons for not approaching the Commission resulted from other factors outlined in this section including:

- apprehensions on the Commission's processes
- fears on visa repercussions
- cultural practices
- lack of trust regarding positive outcomes worth the perceived time and effort to approach the Commission).

Hence, along with targeting knowledge gaps, the Commission's engagement would also benefit from addressing different barriers to access to "Fair Work".

4. Judicial Council on Cultural Diversity, 2022. *Recommended National Standards for Working with Interpreters in Courts and Tribunals (Second Edition)*. March 2022. Please note a disclaimer that the Judicial Council on Cultural Diversity (now the Judicial Council on Diversity and Inclusion) receives secretarial support from the Social Policy Group.

5. Fair Work Commission, Closing Loopholes Acts. Accessed at: <https://www.fwc.gov.au/about-us/closing-loopholes-acts-whats-changing>

4. Key messages and communication considerations

The CALD community consultations considered what core messages would best resonate with CALD community members. This included consideration of the information that the Commission disseminates regarding its role, functions and activities. The consultations also discussed cultural-responsiveness of the Commission’s messaging and appropriate methods around engagement.

4.1. Addressing the barriers which prevent engagement

Communications addressing the barriers which preclude CALD community engagement with the Commission will support greater reach and access. This will mean that tailored messages accompany essential information about what “Fair Work” (FWO and the Commission) is and what it does, so that CALD community members who access the information can understand that the Commission’s services can indeed be for them.

- **Clarifying the process:** Clearer messaging about the Commission’s processes can assist CALD community members to understand what happens at the Commission and make the process less intimidating. If CALD community members better understand, step-by-step, what will happen when engaging with the Commission, this can create reassurance. This includes addressing preconceived notions such as those around costs involved; that people will be involved in lengthy proceedings with lawyers; and what evidence or documentation is needed.
- **Addressing fears related to visas and loss of income:** Messaging that addresses fears around visa cancellations if the Commission is engaged could prove beneficial to reassure CALD community members on temporary visas (noting that there may still be fears around repercussions for visas from employers).

Messages that address CALD community member concerns around loss of work and income would also be beneficial.

- **Language barriers and knowledge gaps:** Continued and expanded sharing of messages in-language would help address knowledge gaps but also importantly create a sense that the Commission’s services are for everyone, including CALD community members.
- **Identify cultural practices:** Addressing cultural practices head-on — while maintaining cultural-sensitivity — could help tackle underlying issues of why CALD community members often do not engage with the Commission. This means directly discussing how CALD communities might hold cultural practices against approaching the Commission. For instance, in social media communications, webinars, or workshops, the Commission could show CALD community members “just putting up with it”, or “not wanting to cause any problems”, while highlighting the positive impacts of dispute resolution. Further examples include what role the Commission or engaging in formal processes can play in resolving workplace issues and the benefits of seeking formal supports (for example, in relation to unfair dismissals).

Communications can also directly address intersectional factors, such as discussing or showing young CALD people in their first jobs not wanting to seek formal support or approach the Commission because of a combination of both their CALD background and their age; or CALD women experiencing workplace issues who experience compounded marginalisation because of their CALD status and because women often have different cultural expectations around “speaking up” or connecting to formal



supports. These intersectional aspects are important in terms of engagement and communication so that diversity *within* CALD communities is also addressed. Intersectionality is important in shaping the Commission's engagement with different groups: How the Commission engages with senior Afghan business owners will be different to young Chinese care workers, and potentially different for communications with South Sudanese men and South Sudanese women. An intersectional lens will also support development of communications content, for example, if an Indian woman sees diverse representation in terms of both CALD as well as gender in communications, the communications may have more impact with her.

4.2. Partner or relevant third-party organisations

Messages to support connection to relevant partner or third-party organisations and services, such as the Workplace Advisory Service, could help

overall engagement and access to justice. CALD community members who may still be hesitant to contact "Fair Work" are more inclined to reach out to other organisations such as CLCs, unions, workers centres, and settlement service providers.

If CALD community members have increased knowledge and support related to workplace issues, rights and responsibilities, and resolution options, then this can increase overall uptake of formal supports.

Access to justice can be supported through strategic partnerships with CLCs and other relevant third-party organisations, who may assist in the resolution of disputes prior to hearings (for example, at conciliation or pre-hearing).

This can also be important because of the role of the Commission as a tribunal and regulator. Consulted organisations noted that CALD community members seeking workplace issue resolution are often looking for individualised legal advice or representation, rather than the impartial tribunal. Clarifying the role of the Commission and the process (outlined above in addressing barriers) is important but can be complemented by increased messaging regarding available support by third party organisations.

Practically, the Commission can better highlight in their communications available support services and relevant third-party organisations that can assist CALD users. For example, potential changes to the 'Legal advice from the Workplace Advice Service' webpage and associated communications could help clarify processes for CALD community members.⁶ This includes noting those that cannot use the outlined free legal advice service (those that have a lawyer or paid agent, member of union, or have enquiries or issues outside of the Commission's jurisdiction) still have other avenues of recourse that can help an interested party. Furthermore, information about *where* people can turn to aside from the Commission if they are seeking further information, support, or representation could help. Clear guidance, in-language, for people from CALD communities about the different ways they can address their issues and of 'Fair Work' processes would support overall engagement and access to justice.

6. Fair Work Commission. Legal advice from the Workplace Advice Service. Accessed at: <https://www.fwc.gov.au/apply-or-lodge/legal-help-and-representation/legal-advice-workplace-advice-service>

4.3. A welcoming and safe space

CALD community representatives and leaders emphasised that one of the major considerations for the Commission's communications should be around making "Fair Work" safe, accessible, and welcoming. Participants noted that CALD community members can often find formal institutions such as the Commission intimidating – from young people who feel that if they enter legal systems that they have done something wrong, to people who worry about the formality of the legal system. Practically, a guiding notion could be to tailor messages in accordance with the principle that *"Fair Work" is a welcoming space and our services are for you.*

Consulted organisations noted that interactive videos and animations that the Commission has recently produced and disseminated are well-designed and reflective of good instincts regarding accessibility for CALD community members. Plain

language and in-language information, diversity reflected in the messaging and information, and regular, ongoing communications tailored towards CALD communities would all support engagement and accessibility.

More broadly, engagement will be supported through continual enhancement of wider practices, including cultural-responsiveness in the tribunal, trauma-informed services, and induction, training, and support for CALD customer care.



5. Channels and platforms

The Commission's communication should reflect the diversity of channels that CALD communities use. A multi-channel approach is necessary. Based on consultations, this section aims to provide a practical summary of channels and platforms which the Commission could integrate into their strategy to engage with CALD communities. This includes assessing where CALD community members *currently* turn to with workplace issues, existing channels, and optimal spaces to engage, presenting opportunities for the Commission to "meet people where they are".

5.1. Social media

CALD community representatives and leaders cited social media and digital platforms as important sites of engagement, given this is where many community members turn to when seeking information or to raise workplace issues.

Chinese community leaders and representatives highlighted that the Chinese community use *Xiaohongshu (Little Red Book)* and *WeChat* specifically to discuss workplace issues. This includes community members "naming and shaming" workplaces that are perceived to infringe on workplace rights so that other Chinese community members who see the information can avoid those employers. Consultation participants highlighted that the community would be receptive to information from "Fair Work" being shared, especially if it was from an official account/channel which would give the information credence and reliability.

Facebook groups are also used as channels to communicate about workplace issues. For example, community members from Central American countries and South American countries are active on a number of open and closed Facebook groups where they might turn to for help regarding workplace issues (for example, *Colombianos en Sydney* or *Argentinos en Melbourne*). Facebook groups are used by other CALD communities,

including migrants on Working Holiday Visas from Japan, European countries, and Latin American countries. The information and response are of mixed quality, with people sometimes providing helpful information while at other times information might reinforce barriers to accessing services – "just get another job" or "this happens to everyone in their first job in Australia, you just have to put up with it".

5.2. Community networks

The plurality of CALD community leaders and representatives consulted emphasised that the best way to engage with CALD community members was *through* communities themselves. This includes through community networks, community leaders, religious institutions, faith leaders, community events, and community initiatives.

CALD community members will often discuss workplace issues with family, friends, and their immediate community. This often happens at the sites outlined above. An organisation that specialises in engaging with migrant workers noted that this may often not be a formal "complaint" but rather sharing, venting or warning others. The organisation found it important to intervene in these community locations, given this was one of the few spaces that people would discuss workplace issues.

Further similar examples included Pacific Island community representatives noting that for some Pacific people, one of the key sites to discuss workplace issues are at churches. With some Pacific people working in agriculture and potentially experiencing isolation and disconnection, church services proved one of the few ways for people to come together and discuss important issues, share information, and identify responses.

Several consultation participants expressed the notion that "face-to-face" engagement was optimal for their community members, including in partnership with community groups, organisations, and associations.

Direct community networks are aligned to community organising, community development, and community capacity building approaches. Direct community engagement is being employed by some consulted organisations to engage directly with CALD communities (including the Migrant Workers Centre and WEstjustice).

While the Commission would have to assess the appropriateness of various forms of direct community network engagement (which can be more resource intensive and may not be appropriate for a tribunal and regulator), the approach and communications channels involved could be explored and leveraged to improve the Commission's CALD community engagement.

This includes building or utilising networks of community leaders and community representatives to help share relevant information directly to communities. The initial network of people consulted for this report is a first example of key stakeholders who are in strong positions to be able to work with the Commission to disseminate relevant information to wider networks of CALD community members.

Information can be disseminated through spaces where people will access it (such as through religious institutions; community associations; TAFE; professionals' networks; and social media).

The Commission could also assess where it could partner with relevant community initiatives and provide support, inputs, presentations, or information as part of these programs. One example is the Workers' Rights Education and Supports Program (WRESP) initiative in Queensland,⁷ as well as other migrant and refugee settlement community capacity building (CCB) initiatives across Australia.

The consultations demonstrated a real appetite from participants for further engagement and desire to share important information with CALD community members. The consultations also revealed that there is a diversity of perspectives on which method is optimal – some participants cited that in-person engagement is best, while other participants noted specific communities and community members preferred online engagement (such as webinars).

7. Multicultural Australia and QPASTT, two organisations who support the WRESP, were consulted for this report.



5.3. Migrant and Refugee Settlement Sector

Many CALD community members maintain close links with the migrant and refugee settlement sector.⁸ This includes:

- The Humanitarian Settlement Program (HSP)
- The Settlement Engagement and Transition Support (SETS) Program
- The Adult Migrant English Program (AMEP)
- A range of other community associations and organisations, including refugee-led organisations, which provide settlement supports.

Settlement programs interact with tens of thousands of CALD community members each year. This includes CALD community members experiencing employment issues who may often approach settlement providers – including case managers, bicultural staff and social workers – with these issues and how to resolve them.

The Commission could explore further links with the migrant and refugee settlement sector and see how information can be disseminated through – and in partnership with – settlement providers and related-organisations.

5.4. Media – including in-language media

CALD community members access information through in-language media. This includes video (television and online) and audio (radio and podcasts), which is also often disseminated through social media platforms. One example includes the SBS Settlement Guide and associated in-language resources for CALD communities. The SBS Settlement Guide includes relevant information in a large range of languages⁹ including information regarding employment and work.

One example is a video in Mandarin regarding ‘Workers’ rights and visa protection’ (13 April 2022) which included an interview with the (former) Fair Work Ombudsman.¹⁰



Multiple media platforms, including SBS, can be an additional avenue to get information to CALD community members in-language. It can also tie into social media and community network channels of communication.

5.5. Workplaces and Employers

Workplaces and employers are themselves sites of worker engagement around workplace rights. Of note here are existing relationships the Commission has built with workplace stakeholders. Furthermore, participants noted that specific workplaces may have workforces predominantly or largely comprised of CALD community members. These could be potential sites or channels of engagement for the Commission and CALD communities.

In addition to this, some participants noted the importance of engaging with CALD community members who are employers. Participants noted that there can be an information gap and that further engagement to support – and in addition to – the Fair Work Information Statement disseminated by the FWO, would help CALD community members who are employers. This includes consideration of additional communications, fact sheets, and resources for CALD employers or employers who employ CALD workforces.

8. Disclaimer note: The Social Policy Group (Migration Council Australia) is a national migrant and refugee settlement sector peak body.

9. SBS, Australia Explained – In your language: <https://www.sbs.com.au/language/english/en/australia-explained-language-list>

10. SBS, ‘Workers’ rights and visa protection’ (13 April 2022) [Video]. <https://www.sbs.com.au/language/chinese/zh-hans/video/workers-rights-and-visa-protections/tgf9wvkbh>

5.6. Professionals and other services: Teachers, health workers, accountants

CALD community members will often approach professionals and other services that they trust and engage with regularly regarding workplace issues.

This includes:

- **Accountants** – CALD community members may approach accountants to discuss issues in their work. While this may often be regarding pay issues (FWO), it could also relate to issues around casual to permanent status, award or agreement disputes, and general protections.
- **Healthcare providers** – Especially the case if someone is injured at work. A consulted organisation noted that while this may sometimes be relevant to Occupation Health and Safety administrators (e.g. SafeWork SA; WorkSafe QLD; etc.), disputes related to return to work could be related to the “Fair Work” jurisdiction. This includes doctors involved in issuing certification of fitness to work.
- **Teachers** – Young people in education settings or newly-arrived migrants in the Adult Migrant Education Program (AMEP) may often turn to their teachers or educators if they are experiencing a workplace issue. A consulted CLC noted that they see many young people raising workplace issues first with their teachers who then refer the young people onto them.
- **Lawyers** – People experiencing workplace issues may directly approach lawyers and legal centres. (Of relevance here is the report section outlining potentially strengthening pathways and information for partner or relevant third-party organisations. See 4.2. *Partner or relevant third-party organisations under 4. Key Messages and Considerations, above*).

6. Monitoring, feedback and iteration

The CALD community consultation process highlighted that an optimal engagement strategy would be responsive and adaptive over time. This is in recognition that CALD communities are dynamic, with changes in communications channels but also in the barriers and issues CALD people are experiencing. This will then inform the key messages the Commission is communicating and other considerations on community engagement. The Commission is also evolving, with new strategic priorities.

6.1. Community reference group(s)

Community reference group(s) have potential to inform the Commission's engagement strategy and communications over time. Such a reference group could draw on CALD community representatives, leaders and members. The Commission could also aim to include CALD community members with lived experience of engaging with the Commission, including both CALD employers and CALD employees. Benefits of the reference group would be continual engagement and feedback rather than point-in-time engagement. A reference group would provide relevant feedback on the Commission's projects and products. It would also offer an opportunity for regular check-ins between CALD communities and the Commission.

Key considerations for such a reference group include group membership balance to avoid any potential engagement issues. This includes dynamics related to reference group composition,

so that certain communities do not feel excluded (amongst CALD communities) and similarly for representatives, leaders or members of CALD communities (within CALD communities). Reference group membership should take into account intersectionality and diversity, including gender, age, disability, class, location (states and territories; regional and urban), and other relevant characteristics for engagement with the Commission.

If a community reference group is constituted, it should also not completely be in lieu of wider consultations or deeper engagement and feedback. Practically, many communities may not be represented on such a reference group. Even where communities are represented, the representative may not always be able to speak to different segments of the community.

6.2. Additional reference points for engagement

Organisations that participated in the consultation, along with community representatives and leaders, expressed interest in continuing or expanding links with the Commission related to their *CALD Community Engagement strategy*. A participant noted that more direct engagement between the Commission and CLCs who interact with the Commission on behalf of CALD community members would be beneficial to both parties.



Appendix 1. Overview of the community consultations

SPG, in partnership with the Commission, designed and facilitated two national consultations with community leaders, representatives and stakeholders in February 2024.

Consultations with 50 CALD community leaders and representatives

The community stakeholder consultations brought together 46 community leaders and community representatives in two national, online focus group discussions. An additional 4 community leaders/representatives were consulted 1-1, with a total number of 50 community leaders and representatives consulted. The community stakeholders were drawn from a diverse range of CALD communities. Consultation participants were reimbursed in acknowledgement of their given time and expertise.

The consultations were designed to be culturally-responsive and trauma-informed. The informed consent process involved transparency over the community consultation process, the participants, confidentiality protocols, voluntary participation, an outline of risks and benefits, and the option for free and confidential mental health support for participants.

SPG, on behalf of the Commission, will share the final *Community Consultations Report and the Fair Work Commission CALD Community Engagement Strategy* to disseminate the outcomes of the process and for the purposes of further engagement.

Consultations with organisations working with CALD communities

SPG concurrently conducted 1-1 consultations with staff from organisations who work directly with migrant workers.

- Migrant Workers Centre – An organisation working with migrant workers across Victoria.
- WESTjustice – A CLC providing free legal help to people in the Western suburbs of Melbourne.
- Multicultural Youth Advocacy Network (MYAN) – A national peak body representing the rights and interest of young people from refugee and migrant backgrounds.
- Multicultural Australia and the Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT) – Two not-for-profit settlement service providers in Queensland who partner on the Workers' Rights Education and Supports Program (WRESP).

Limitations

The scope of the CALD community consultations meant:

- Not all CALD communities were represented in the research.
- There were also limitations to representation within CALD communities present given the limited number of participants. (SPG did endeavour for a mix of gender, location in Australia, and background).
- As the scope and design of the community consultations was predominantly targeted at CALD community leaders and representatives to provide perspectives from their communities, this precluded more granular perspectives directly from certain categories of people (including from different sectors or industries, different types of professions, and employers). These categories were included insofar as community leaders and representatives discussed a cross-section of CALD community members.

- Notably, many CALD community leaders and representative consultation participants gave perspective of community members as employees, since many people within their communities would be working as employees rather than employers. There were a smaller number of participants who were employers themselves and/or spoke to the issues and engagement considerations from employer-perspectives.

- The topics of engagement and of workplace issues are diverse and complex. Constraints meant that participant perspectives were high-level.

The topic areas of CALD community engagement as well as the issues discussed (workplace issues in CALD communities) would benefit from further research.

Consultation participant communities

1	Pacific (Niue)
2	Pacific (Cook Islands)
3	Middle East (Somali)
4	Middle East (Iraqi)
5	Middle East (Syrian)
6	Middle East
7	Middle East
8	Middle East (Afghan)
9	Middle East (Egyptian)
10	African
11	African (South Sudanese)
12	Asian (Chin)
13	African (Sudanese)
14	African (Professionals)
15	African (Burundi)
16	N/A (Academia)
17	Middle East (Syrian)

18	Central Asian (Afghan)
19	Central Asian (Iranian)
20	Asian (Bhutanese)
21	Asian (Karen)
22	Asian (Indian)
23	Asian (Japanese)
24	Asian (Indian)
25	Asian (Chinese)
26	Asian (Chinese)
27	Asian (Chinese)
28	Asian (Chinese)
29	Asian (Indian)
30	Asian (Myanmar)
31	Asian (Filipino)
32	Asian (Indian)
33	Asian (Indian)
34	Asian (Chinese)

35	Asian (Chinese)
36	Asian (Chinese)
37	Asian (Chinese)
38	Asian (Chinese)
39	Asian (Pakistani)
40	Asian (Myanmar)
41	Asian (Nepalese)
42	Asian (Indian)
43	Asian (Filipino)
44	Asian (Chinese)
45	Asian (Chinese)
46	Asian (Chin)
47	Latin American
48	European (Ukrainian)
49	European (Ukrainian)
50	CALD Employer

A note on community leaders and representatives

The design of the consultations was based on community leaders and representatives who could speak to perspectives and understandings within specific CALD communities in Australia. Not all CALD communities have defined “community leaders”. The definition of CALD communities also varies: Some participants represented pan-regional identities (examples include African professionals, Pacific Islander, Arabic-speaking, Muslim); others a sub-national or minority community (for example, Chin). Best efforts were made to include a variety of states and territories across Australia, a mix of genders, and a mix of backgrounds to recognise the diversity both *across* but also *within* CALD communities. The list of participant communities outlined shows a breadth of different community representatives, but also that there are gaps, with more CALD communities across Australia who could contribute to understandings around engagement and the topics discussed in the consultations.



Appendix 2. Methods of Engagement with Multicultural Communities

Included below are examples of methods of engagement with multicultural communities. Using one of these methods does not exclude the usage of another one. Often engagement strategies consist of several methods based on the objectives and areas where engagement is necessary. What methods are used should predominantly depend on what the target community prefers.

Further, resources such as budget and time will influence what engagement method is pursued.

1. Passive Engagement Methods

Passive engagement methods focus on information sharing and awareness raising through channels that people engage with in their own time and without active involvement from the organisation. It is generally one-way engagement where consumers of information do not have an opportunity to ask further questions or engage with the creator of the information. Often it involves the dissemination of resources or information that people access or get exposed to via different platforms. Examples include:

1. Social Media Resources such as reels, tiles and stories.
2. Advertisement or information section on Ethnic Broadcasting
3. Advertisement in Community newspapers
4. Sharing resources with community organisations and local non-profits to on-share with clients and community members.
5. Publishing in-language information on your website
6. Newsletters

While resources are consumed in the target audience's own time, there is opportunity to increase effectiveness of this method by implementing co-design methods. During co-design community members can advise on what imagery or method would work best for their community.

2. Active Engagement Methods

Active engagement methods focus on engaging with community directly and often involve an opportunity for two-way communication. While these methods can be used to disseminate or share information, they also allow the organisation to gather a better understanding of concerns or questions among the target audience.

Active engagement methods are often much more resource intensive. Examples include:

1. Public or Town Hall Meetings.

Local councils often have multicultural workgroups which can be utilised to organise a public and town hall meeting.

2. Conferences and Events

While this is a community engagement method, it is recommended that for multicultural communities, non-ethnic specific and non-community organisations look at collaborating or being present at pre-existing community events.

3. Focus Groups, Consultations, Workshops and Round Tables

Focus groups, workshops and round tables are focused towards gathering insights to inform engagement methods used and the design of resources. As they are often organised on a one-off basis, they don't allow the establishment of close relations with community but can be useful in tailoring resources to the needs of community.

4. Advisory Groups and Panels

Similar to focus groups, advisory groups and panels can provide valuable insights into the needs of community. Further, as they are often organised on a continuous basis, they can create trust with community, improving engagement with target communities overall.

5. Public Submissions

Allowing public submissions on topics that impact target communities most and considering recommendations made, opens up a communication channel. However, it should be taken into consideration that there often is limited capacity of community-led and ethno-specific organisations to write formal submissions. This method is therefore not as accessible.

6. Education and Information Sessions

Education and information sessions are beneficial as they allow community members to ask questions and learn more about a topic in an interactive way. If targeting multicultural communities, delivering the session in-language or in partnership with community-led organisations can increase its reach and impact.

Active engagement methods have different levels of the direct involvement of community members in the activities and planning of the activities. An organisation can involve community members to create more culturally responsive ways to implement and deliver these activities at any stage during the planning process.

A method that is currently gaining more interest and is being increasingly implemented in public health campaigns is the community connector method.

a. Community Connector Method

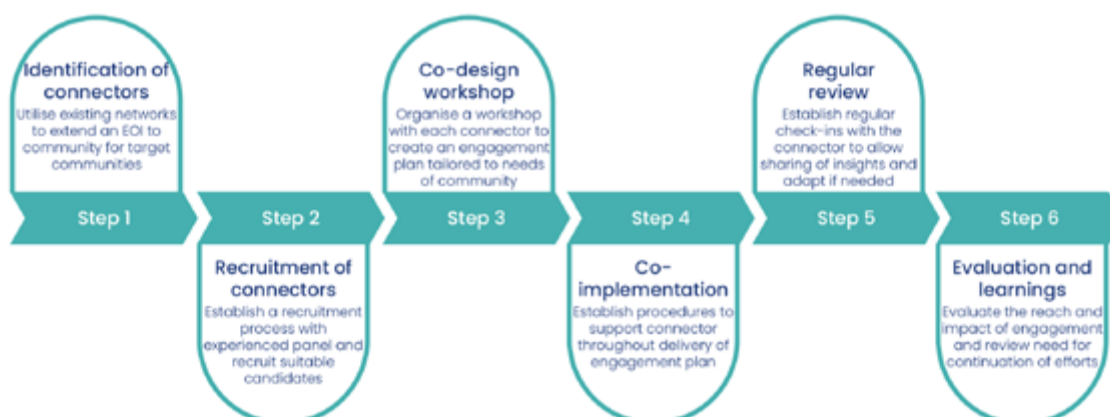
The Community Connector method is an active engagement method that focuses on the involvement of members of community in engagement. It leverages pre-existing trust relationships and networks of community members to create positive and effective engagement.

This method allows for co-design and co-delivery of engagement activities such as information sessions, flyers, etc. Further, through the recruitment of community connectors, the recruiting organisations establishes an ongoing information sharing relationship which allows for insights about community to be shared on a continuous basis.

Within this method, other methods of engagement will be implemented based on the insights of the connector. For example, their engagement with community might include sharing of pre-created resources in WhatsApp Groups or speaking on community radio. However, it allows for more active engagement methods such as information sessions, forums, working groups and one-on-one conversations.

There are several ways a community connector model can be integrated into the engagement strategy of an organisation or government institution. The government institution can choose to manage the network of community connectors internally, or the management of the network can be outsourced to an external organisation.

To implement the method, the organisation would follow the below outlined steps:



About

The Social Policy Group

The Social Policy Group (SPG) is a national, non-government, not-for-profit body with specialist expertise in social policy and program design with a focus on population diversity, social and community cohesion, gender equality, community participation and inclusion, systems' responsiveness, and community outreach and engagement.



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Fair Work Commission

The Fair Work Commission (the Commission) is Australia's workplace relations tribunal and registered organisations regulator. The Commission makes awards, approves enterprise agreements and helps resolve issues at work.



Fair Work
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