

WORKPLACE JUSTICE VISA FACT SHEET

The **Workplace Justice visa (subclass 408)** allows eligible temporary visa holders who've experienced workplace exploitation to remain in Australia for 6-12 months to pursue legal action.



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Migrant Work Rights Hub Tasmania

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WHO IS ELIGIBLE?

The applicant must:

- Be in Australia
- Hold a temporary visa with work rights (other than a Bridging, Criminal Justice or Enforcement visa) that expires in 28 days or less, or
- Have held one that expired within the past 28 days.
- Have a **workplace exploitation matter** certified by an approved certifying organisation
- Meet standard health and character requirements
- Have sufficient funds and health insurance

WHAT IS A WORKPLACE EXPLOITATION MATTER?

Common examples include:



Wage theft or underpayment



Forced to pay for a job or accommodation



Unsafe or dangerous work conditions



Sexual harassment or discrimination



Threats about visa cancellation



Unpaid trials or training



Being misclassified as a contractor

HOW TO SUPPORT SOMEONE

1

Refer to an immigration lawyer, migration agent, or CLC for migration advice

2

If eligible, refer them to an accredited **certifying organisation** for certification

Certifying organisations include:

| | |
|--|--|
| Fair Work Ombudsman | Shop, Distributive and Allied Employees' Association |
| Australian Rail, Tram and Bus Industry Union | Unions Tasmania |
| Australian Workers' Union | The Association of Professional Engineers, Scientists and Managers |
| Australasian Meat Industry Employees' Union | UnionsACT |
| Electrical Trades Union of Australia | Transport Workers' Union of Australia |
| Human Rights Law Centre | Unions NSW |
| Migrant Workers Centre | UnionsWA |
| Redfern Legal Centre | United Workers Union |
| SA Unions | WEstjustice |

3

Assist with gathering documents (proof of exploitation, visa history, etc.)

4

Support their visa application via ImmiAccount - select Subclass 408 (Workplace Justice)

Learn more about the Workplace Justice Visa

[UNIONSTAS.COM.AU/KNOW-YOUR-RIGHTS](https://unionstas.com.au/KNOW-YOUR-RIGHTS)

