

WORKPLACE JUSTICE VISA FACT SHEET



Learn more about the
Workplace Justice Visa

migrantworkers.org.au

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.

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)



**Queensland
Migrant WorkWise**

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