

# Employer responsibilities when employing migrant workers

Everyone working in Australia has basic rights and protections in the workplace, including minimum pay and conditions, regardless of their visa status.

No employment contract can take away these rights, regardless of what the worker has agreed to.

The Fair Work Ombudsman is an independent statutory body that monitors, investigates and enforces compliance with Australian workplace laws for every worker in Australia, including migrant workers, regardless of visa status.

The Australian Border Force is an independent statutory body that carries out employer compliance activities and has powers under the Migration Act to issue infringements, compliance notices and enforceable undertakings.

Any business in Australia can help a worker stand up for their rights. Reporting workplace exploitation early means a worker can get the support they need as soon as possible, and it helps to create a level playing field for all businesses in Australia.



Learn more about [workplace rights in Australia](#).

## Hiring visa holders? Employers have legal duties.

An employer, labour hire firm, or recruiter that engages workers who are not Australian citizens or permanent residents should understand their visa conditions, and help ensure they're followed.



Failing to do so can lead to serious penalties for an individual employer or business.

## Why this matters

Australia's immigration system sets specific rules on what migrant workers can and can't do when working.

Some visas:

- Limit who a person can work for
- Cap the number of hours they can work
- Restrict industries or locations
- Are linked to training, study, or sponsorship obligations

Employers and labour hire intermediaries should know these conditions and ensure their workplace supports compliance.

## Employers' legal responsibilities

When hiring directly or supplying labour to others, a business is responsible for:

### 1 Understanding each worker's visa conditions

The business must:

- Know what type of visa the person holds
- Understand any work restrictions, such as hours or location
- Be aware of visa expiry dates

Employers are responsible for conducting VEVO checks on migrant workers not only at the time of hiring, but also on a regular basis throughout employment. The Department of Home Affairs records when an employer is registered with VEVO and can review whether checks have been carried out at reasonable times.



Businesses can use the [Visa Entitlement Verification system \(VEVO\)](#) to confirm up-to-date visa details.

## 2

### Supporting workers to comply

This means:

- Rostering hours appropriately if a visa limits working hours (e.g. student visas)
- Never pressure workers to breach their conditions
- Respecting limitations—never asking a worker to perform work their visa prohibits

### Consequences for non-compliance

If a worker breaches their visa conditions and an employer has failed to take reasonable steps to prevent it, the business could face civil penalties and other consequences.

Coercing a worker to breach their visa conditions is now a criminal offence.

Note: Labour hire firms and host employers are both liable. A business cannot pass the responsibility to someone else.

### Where to get help



VEVO for Organisations:  
[immi.homeaffairs.gov.au/VEVO](https://immi.homeaffairs.gov.au/VEVO)



myVEVO app for visa holders:  
[immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online](https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online)



Fair Work Ombudsman:  
[www.fairwork.gov.au](https://www.fairwork.gov.au)

