



**uniting
church**
in Australia,
Synod of NSW & ACT

Employment of Foreign Workers with a right to work in Australia

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Table of Contents

| | |
|-------------------------------|---|
| 1. Policy | 3 |
| 2. Further Information | 3 |
| 3. See Additional Policy..... | 4 |

1. Policy

Employers within the Uniting Church may only employ foreign workers conditional upon both the employer and the foreign worker complying with prevailing immigration legislation.

All foreign workers must hold a current visa which provides the holder the right to work in Australia issued by the Department of Immigration and Border Protection (“DIBP”), and provide documentary evidence of this visa when applying for employment with Uniting Church employers.

Employers must ensure that all prospective employees have the legal right to work in Australia before making any offer of employment to them.

Any contract of employment issued by an employer to a foreign worker must include provisions relating to their legal right to work in Australia.

These provisions will include, but not be limited to, the need for the foreign worker to continue to hold a legal right to work in Australia; and to comply with the specific conditions of their visa, at all times.

Where an employer employs a foreign worker, the employer must ensure that the foreign worker is employed in strict accordance with any conditions on their visa, including but not limited to, remuneration and hours of work per week.

Employers employing foreign workers must maintain records relating to an employee’s legal right to work in Australia, at all times during the employment relationship. These details will include:

- commencement and expiry dates of the entitlement to work in Australia;
- visa subclass number;
- restrictions to employment such as remuneration and hours of work

A copy of the evidence of work rights must be made and be retained on the prospective employee’s personnel file in the event the person is successful for the role. Any conditions attached to a visa should be noted and diarized appropriately, including the visa expiry date.

Employers must undertake continuous monitoring of an employee’s legal right to work in Australia. This monitoring will include:

- adherence to restrictions on hours of work per week; and
- adherence to DIBP remuneration requirements; and
- three (3) monthly checking through DIBP’s VEVO system to ensure the employee’s legal right to work in Australia remains valid.
<http://www.immi.gov.au/Services/Pages/vevo/vevo-overview.aspx>

If a foreign worker does not hold a current visa which provides the holder the right to work in Australia or their legal right to work in Australia has been revoked, they cannot be employed by any Uniting Church organisation.

Where the legal right to work has been revoked, their employment must be terminated in accordance with prevailing industrial legislation.

2. Further Information

For further information please contact Employment & Industrial Relations, Risk and Compliance Uniting Resources on 8267 4365 or e-mail vickir@nsw.uca.org.au

3. See Additional Policy Documents

Sponsorship of Foreign Workers Visa Subclass 457 Category

Annexure A Employer Obligations Visa Subclass 457

Sponsorship of Foreign Religious Workers Visa Subclass 401 Category