

Being exploited and breaching your visa: the limited choices of the food delivery worker

Written by The Conversation

Some of the most vulnerable workers in the Australian labour market are squeezed between a rock and a hard place.

You can never do your homework, you are so tired and you just think about how to cook the next meal and sleeping, that is your life.

This international student, also works as a food delivery worker. He's a gig worker, which means he uses an app to source his work. One of the reasons he does this is because of his visa restrictions.

He's one of the 46 international students and working holiday worker visa holders we interviewed in our research, who were also working as food delivery workers.

The majority of these workers can't earn enough money to live without working extra hours. They can't work extra hours without breaching their visa.

So our research found some turn to gig work as it's seen as a way around the current system. However, this choice leaves them exposed to the whims of digital platform companies that regularly reduce the terms and conditions of food-delivery work. Whether or not they feel exploited is irrelevant, because they have few other options. One said:

The worst element is just the earnings...[If I could] get paid \$20 an hour or something, or - I'd be like, yeah, sweet...You can't earn anything more than that, so... we lose, the benefit.

Under the Australian migration framework there are varying work restrictions, for different visa categories. There's a cap on international students' ability to work for more than 20 hours a week [during the semester](#) . There's also a maximum amount of time (six months) that a working holiday maker can [work for one employer](#) .

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In March 2015 there were [413,123 student and 160,275 working holiday maker](#) visa holders in Australia.

Gig workers are characterised as contractors rather than employees, and are paid per delivery rather than per hour. Some of these workers think that gig work is a potential avenue around their visa restrictions, and are sometimes advised this is the case by the platform companies they work for. As one interviewee explained:

For students it seems that there isn't any restriction...I've contacted Uber also and they told me it doesn't matter because if you sit for three hours and you ended up doing only two deliveries it's not fair isn't it?

While the prospect of being able to work additional hours might be a positive, higher work hours doesn't necessarily mean better pay. This is because they are paid on a delivery rather than hourly basis.

Also these workers don't get paid when waiting for their next gig, although they are required to be online, and the length of their stints are recorded.

They are also responsible for their own tax obligations (which many don't understand and others ignore) and if they get injured on the job they are on their own, or the taxpayer foots the bill.

Some of the students in our study appeared to be working 40 plus hours a week. This is clearly detrimental to the intended purpose of their visit - to study or holiday. [Case law also suggests](#) the students may still be considered to be working excessive hours and be breaking their visa restrictions, although this is questionable.

The food-delivery workers we interviewed were acutely aware of the low-paid status of their work, but the apparent freedom of it was a significant attraction:

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I used to work in restaurants beforehand. But then it's like there's a boss sitting out over there, they don't pay you well. So it's better working with Uber because it's like you have your own vehicle, you're driving it. If not scooters, you can actually drive it using cycles and you're basically getting paid for just working out.

Exploitation and underpayment of international students and working-holiday makers is [widespread](#)

The recent publicity around these issues has spurred a

[parliamentary inquiry](#)

and subsequent

[federal legislation](#)

, currently before the parliament, to protect vulnerable workers.

Abuse of temporary migrant workers tends to be under reported because of the threat of exposing their visa breaches. Punitive measures, such as the potential risk of deportation for breaching visa conditions, [discourages these workers from reporting exploitative employer behaviour](#)

The workers we interviewed highlighted that better forms of employment were beyond their reach due to the restrictions attached to their visas:

It's fun when you get a call. There's an adrenaline rush and you go oh, but the pay is terrible so we want to find other jobs but it's hard because we can only work part-time on a student visa.

None of the proposed regulatory changes currently being considered by the government will have an impact on these gig workers, as they are not considered employees. The current regulatory approach of capping working hours is also clearly ineffective in light of our research.

One [potential way forward](#) would be to provide gig workers with additional rights and enforce existing laws. But recognising these workers as employees under the current migration framework might find more of these workers in breach of their visas, leading them back to square one.

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It seems the government so far has little appetite for regulating the gig economy. Meanwhile, the Australian gig economy, or at least the food delivery industry, appears to be growing off the back of vulnerable temporary migrant workers who have few better labour market alternatives.

The authors do not work for, consult, own shares in or receive funding from any company or organization that would benefit from this article, and have disclosed no relevant affiliations beyond the academic appointment above.

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