

EMPLOYING MIGRANT WORKERS: FROM THE 457 VISA TO THE TEMPORARY SKILLS SHORTAGE (TSS) VISA SCHEME

RESEARCH REPORT

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ACKNOWLEDGEMENTS

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AHRI would like to thank Ariel Brott, Convenor of the AHRI's Victorian International HRM Network Committee, and Mira Yannicos, Victorian International HRM Network Committee member, for their input into this survey. Thanks is also extended to the then NSW International HRM Convenor, Alberto Fascetti, and the Department of Home Affairs, for their contributions to the survey questions.

AHRI further extends thanks to its Advisory Research Panel members for their input into this survey.

FOREWORD



When the Government decided to overhaul the former 457 Visa Scheme for employing skilled migrants and established the Temporary Skills Shortage Visa Scheme (TSS) early last year, we were mindful that many organisations use immigrants employed under the scheme to fill skill shortages, and so were

interested in seeing how the new visa has affected AHRI members.

Even though the TSS Visa Scheme has only been up and running for around a year, it is pleasing to note that a significant majority of respondents believe the system is necessary to fill skill shortages, and that the vast majority attempt to fill shortages with Australian residents before looking at overseas candidates.

It is also pleasing to note that a large majority report that their organisations benefit from the scheme in that it builds their talent capability, and that it contributes to the transfer of skills to other employees. In addition, respondents make clear not only that they attempt to find skills within Australia first, but that the scheme has not affected their capacity and willingness to employ Australians in other roles.

While the benefits of the scheme contribute in many ways to building the sustainability and productivity of Australian enterprises, respondents also make clear, especially in the qualitative commentary data, that the new TSS scheme has the potential for improvements that can make it work better, in particular with respect to time, complexity and cost of the process.

In what is a somewhat specialised area of HR, AHRI has been fortunate to draw on the knowledge and expertise of the Convenor of AHRI's Victorian International HR Network Forum, Ariel Brott, and his colleague Mira Yannicos, in crafting the survey questions, in addition to the insights of the AHRI Advisory Research Panel.

In commending Ariel Brott's Foreword that follows, I would like also to thank the Department of Home Affairs for its contribution to the framing of questions.

A handwritten signature in black ink, appearing to read 'Lyn Goodear', written in a cursive style.

Lyn Goodear, FAHRI GAICD
Chief Executive Officer
Australian HR Institute

FOREWORD



Those of us who deal with visa applications will forever remember 17 April 2017. The announcement of the repeal of the 457 program, and the reverberations felt for months thereafter, created substantial challenge and stress for lawyers and HR professionals alike.

AHRI conceived of this survey as a means of capturing what those challenges and stresses have meant for HR – not just for the purposes of looking back at what has been, but to help guide the contours of things to come. While AHRI members represent one of the largest - if not the largest - cohorts of TSS Visa stakeholders in Australia, historically this has not been reflected in the level of engagement we have seen from the Department of Home Affairs. So this survey also serves as an opportunity for AHRI members to have their voices heard beyond the membership itself.

I have spent much of the past two years conducting research into employer-sponsored visas. But when, with Mira Yannicos from Nevett Ford Lawyers, I first met with staff from AHRI's national office to design the initial questions that later became this survey, never could we have anticipated such a passionate chorus of insightful and expert responses. It's hard to pick just one but take, for example, this response to one of the survey questions:

"Stop using [immigration] as a tool to get votes, understand that our country is built on immigration and that's a good thing, not a bad thing"

The skilled migration program is often used as a 'political football' for point scoring between the major parties – migrants are impugned, variously, as unwilling to work or otherwise as stealing Aussie jobs. Yet a significant number of survey respondents confirmed that sponsoring foreign workers has acted as a job multiplier in respect of Australian workers.

I do not envy the Department of Home Affairs. Any time politicians make wide-ranging changes to immigration laws, it's the Department which bears the brunt of implementing those changes as well as fielding most of the complaints.

Now that the dust has settled, AHRI members have had some time to consider the impact. Some of the less favoured notes of that settling dust include: the difficulty of convincing top talent to move their families across the world for a period capped at 2-4 years; processing periods that do not take account of business needs; a labour market testing system so pedantic in its detail that only ads placed with a view to securing a migration outcome are likely to pass; and an outrageously expensive Skilling Australians Fund levy premised on the notion that the Government is a more efficient manager of training spend than employers.

The shift from the 457 to the TSS Visa was more than just a rebranding – it was one of the biggest changes we have seen in immigration law this last decade, and there have been a number over that time. While I do not anticipate seeing another similarly large raft of changes for some time yet, the TSS program will always remain the subject of public discourse and debate. The program remains, under whatever brand we label it, an essential tool for Australian businesses to source the skills they need to grow.

And more business growth means more Australian jobs, which is an excellent outcome for us all.



Ariel Brott
Victorian Convenor, AHRI International HR Network Forum
Partner, Global Mobility Immigration Lawyers

KEY FINDINGS AT A GLANCE

- More than three quarters of respondents to the survey (76 per cent) indicate their organisation employs skilled migrants through an employer sponsored visa.
- More than eight out of 10 respondents (84 per cent) believe a skilled migrant scheme is required in Australia.
- More than nine out of ten respondents (93 per cent) report that their organisation made an attempt to fill the positions with Australian residents first.
- The main skill vacancy areas that respondent organisations look to fill with skilled migrants are professional (56 per cent), technical (46 per cent), managerial (25 per cent), trade (13 per cent) and sales (9 per cent).
- The main regions from which skilled migrants are employed by respondent organisations are Asia (27 per cent), UK and Ireland (24 per cent), Europe (14 per cent), USA (9 per cent), India (7 per cent), and Africa (6 per cent).
- Difficulties reported by respondents during the visa process of employing skilled migrants include time delays (18 per cent), complexity (16 per cent), cost (13 per cent), and frequency of legislative changes (10 per cent).
- Use of sponsored temporary skilled migrants over the past 12 months has remained constant for 40 per cent of respondents, decreased for 26 per cent, and increased for 16 per cent.
- Respondent organisations' use of providers to assist in sourcing skilled employees is made up of migration agents (35 per cent) and immigration lawyers (20 per cent). Nearly half (41 per cent) seek no assistance.
- Three quarters of respondents (75 per cent) report that their organisation has benefited from employing skilled migrants.
- Nearly three quarters of respondents (73 per cent) report that sponsoring foreign workers has not affected their organisation's capacity to recruit Australians in other roles, with 14 per cent reporting it has increased their capacity to recruit Australians in other roles.
- Three quarters (76 per cent) report that employing skilled migrants has increased their organisation's talent capabilities, with 16 per cent reporting it has made no difference.
- Nearly three quarters (72 per cent) report that skilled migrants have transferred their skills to other employees, with 14 per cent reporting it has not done that.
- A fifth (21 per cent) of respondents indicate that the Skilling Australians Fund (SAF) Levy will see their organisation less likely to invest in training Australian employees.
- Thirty-eight percent of respondents believe changes to the TSS Visa skill categories do not reflect the jobs of the future, 18 per cent believe they do, and 44 per cent are unsure.
- Almost half (44 per cent) of respondents believe the TSS Visa program should provide exemptions or lower requirements for regional employers.

DEMOGRAPHICS

This survey was distributed to the member database of the Australian HR Institute (AHRI) during October to December 2018. It attracted a total of 383 respondents. Respondents were treated anonymously.

The majority of respondents live in a metropolitan area (80 per cent), with 16 per cent from regional areas and 4 per cent from remote or rural areas, as indicated in Figure 1.

FIGURE 1: LOCATION (383 RESPONSES)

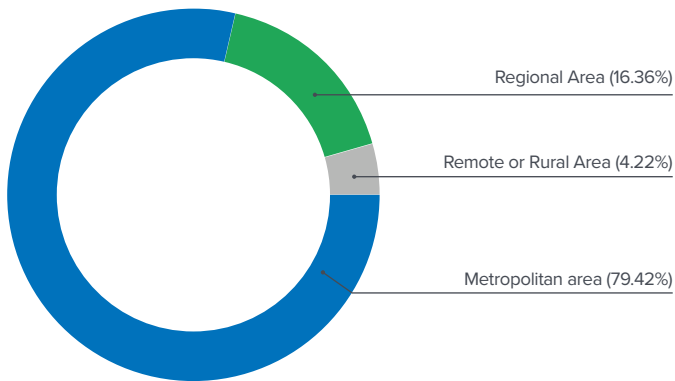
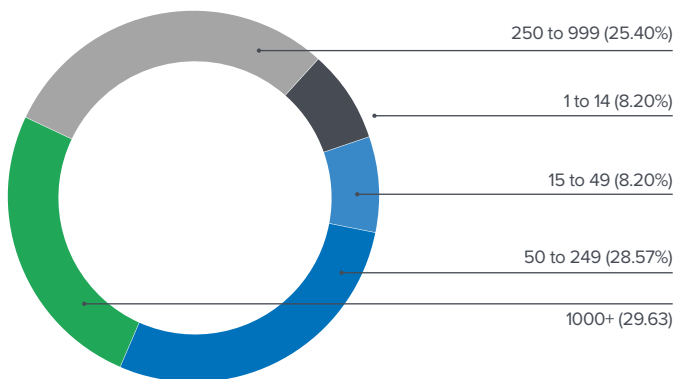


Figure 2 shows that the largest groups of respondents work in organisations with between 50 – 249 employees (29 per cent), and those with more than 1000 employees (30 per cent). A quarter (25 per cent) work in organisations with between 250 – 999 employees, and a smaller proportion are sole proprietors or small organisations (16 per cent).

FIGURE 2: SIZE OF ORGANISATION (378 RESPONSES)



The majority of respondents (51 per cent) work in the private sector, more than a fifth (23 per cent) work in the public sector, 19 per cent work in the not-for-profit sector, and 7 per cent work in other sectors, as shown in Figure 3.

FIGURE 3: ORGANISATION SECTOR (379 RESPONSES)

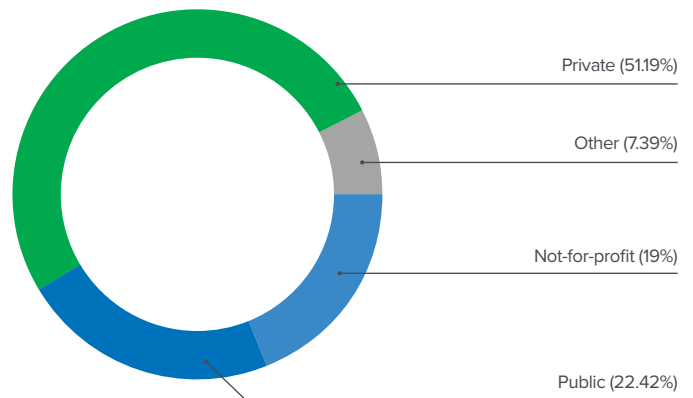
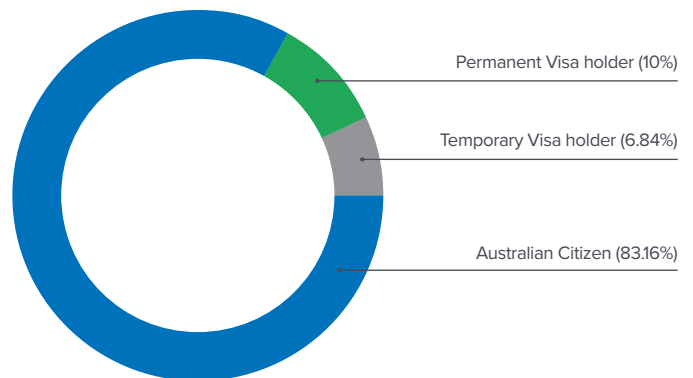


Figure 4 shows the majority (83 per cent) of respondents are Australian citizens, 10 per cent are Permanent Visa holders, and the remaining 7 per cent are Temporary Visa holders.

FIGURE 4: RESIDENCY STATUS (380 RESPONSES)



DEMOGRAPHICS

More than three quarters (76 per cent) of respondents indicate that their organisation employs skilled migrants through employer-sponsored visas, with 20 per cent indicating they do not, and 4 per cent are unsure, as shown in figure 5.

FIGURE 5: EMPLOYER-SPONSORED VISAS (379 RESPONSES)

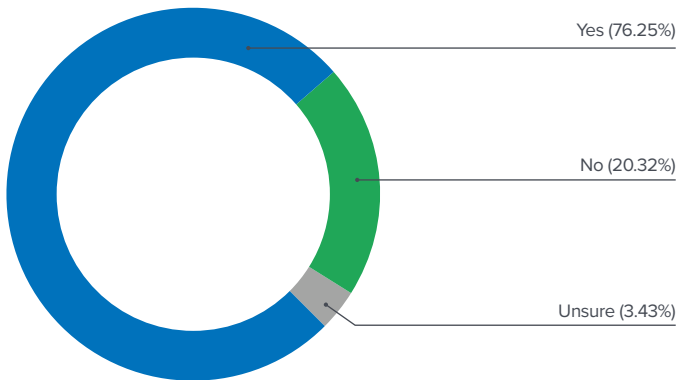


Figure 6 shows responses to the question ‘How many employees in your organisation are on an employer-sponsored visa?’ The majority (32 per cent) indicated between 1 – 5, 15 per cent employ 10 – 30, 14 per cent 50 or more, 9 per cent 6 – 10, 6 per cent employ between 30 – 50, and a quarter (24 per cent) indicate employing no one on an employer-sponsored visa.

FIGURE 6: NUMBER OF EMPLOYEES ON EMPLOYER-SPONSORED VISAS (378 RESPONSES)

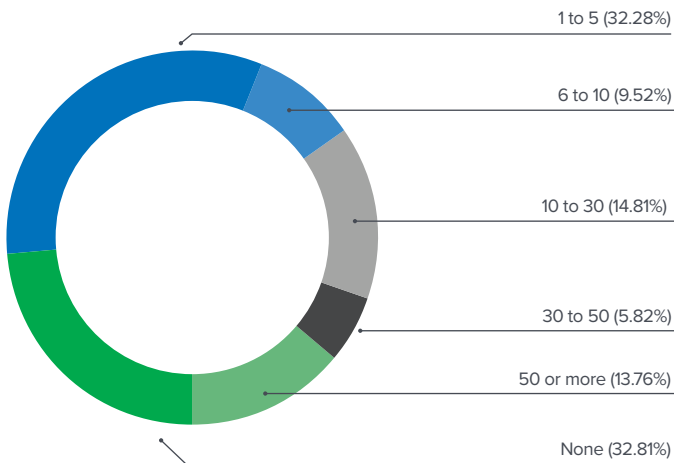


Table 1 shows a wide spread of industry sectors among respondents, with the largest groups being Professional, Scientific and Technical Services (16 per cent), Health Care and Social Assistance (12 per cent), and Education and Training (12 per cent).

TABLE 1: INDUSTRY SECTOR (380 RESPONSES)

Answer	Percent
Health Care and Social Assistance	15.79%
Education and Training	12.37%
Professional, Scientific and Technical Services	12.11%
Public Administration and Safety	6.32%
Financial and Insurance Services	5.79%
Manufacturing	4.74%
Transport, Postal and Warehousing	4.47%
Construction	4.21%
Administration and Support Services	3.95%
Electricity, Gas, Water and Waste Services	3.68%
Agriculture, Forestry and Fishing	3.42%
Information Media and Telecommunications	2.63%
Arts and Recreation Services	2.37%
Retail Trade	1.32%
Accommodation and Food Services	1.32%
Mining	1.05%
Wholesale Trade	0.79%
Rental, Hiring and Retails Estate Services	0.53%
Other Services	13.16%

DEMOGRAPHICS

Almost a third (30 per cent) of survey respondents identify as HR Managers, with 21 per cent identifying as a HR Director (State, National or Global), 13 per cent as HR Advisors and 8 per cent as HR Consultants, as seen in table 2.

TABLE 2: JOB FUNCTION (380 RESPONSES)

Answer	Percent
HR Manager (Mid level)	30.26%
HR Advisor	13.16%
HR Director (National)	10.53%
HR Consultant	8.16%
HR Director (State)	7.63%
HR Administrator	6.32%
HR Director (Global)	2.89%
CEO	1.84%
HR Account Manager	1.58%
Line Manager	1.58%
Contractor / Freelancer	1.05%
Other	14.74%

DETAILED FINDINGS

EMPLOYING MIGRANT WORKERS

Table 3 shows almost three quarters (72 per cent) of respondents indicate there is a skill shortage within their organisation, with 20 per cent indicating there is not, and 8 per cent unsure.

TABLE 3: ARE THERE SKILL SHORTAGES IN YOUR ORGANISATION? (232 RESPONSES)

ANSWER	PERCENT
YES	71.83%
NO	19.81%
UNSURE	8.36%

Respondents were invited to share what skill shortages their organisation is experiencing. Sample comments from the 232 participants who provided insights are set out below: “

“Child protection, youth justice”

“Shortage of GPs”

“Tech & digital specialists”

“Medical officers”

“UX designers, underwriters, actuaries”

“FinTech specialists”

“Ship building, cybertechnology, defence supply”

“Medical registrars, surgical registrars, O&G medical practitioners, mental health practitioners”

“Project management, maintenance planning, electrical trade, plant engineer”

“Naval architects”

“Quantity surveyors building surveyors”

“Audiologists”

“We struggle to recruit staff from some of the more digitally important scientific disciplines”

“Academic research and teaching”

“Engineering, CIT and health practitioners”

“Many and varied in IT - data analytics, dynamics, AI, etc.”

“Software engineers - C++; agile project managers, agile product managers”

“Skilled academics - requiring overseas sponsorship on some positions”

“BI, data analytics, AML specialists”

“Pilots and LAME (engineers) - aviation industry”

“We have a genuine shortage in the surveying industry. We are finding it harder to source and recruit staff”

“Clinical research associates, biostatisticians, statistical programmers”

“Civil construction industry - shortage of qualified surveyors, drainage (pipe layers) and plant operators”

“Senior engineering, project management, supply chain and commercial resources”

DETAILED FINDINGS

EMPLOYING MIGRANT WORKERS

When asked if respondents believe a skilled migration scheme is required in Australia, the majority (84 per cent) indicate yes, with 16 per cent indicating no or unsure as shown in table 4.

TABLE 4: DO YOU BELIEVE A SKILLED MIGRATION SCHEME IS REQUIRED IN AUSTRALIA? (312 RESPONSES)

ANSWER	PERCENT
YES	84.42%
NO	7.48%
UNSURE	8.10%

Table 5 shows that 93 per cent of respondents indicate an attempt was made to fill positions with Australian residents before seeking migrant workers, with 3 per cent indicating they did not, and 4 per cent unsure.

TABLE 5: WAS AN ATTEMPT MADE TO FILL THE POSITION(S) WITH AUSTRALIAN RESIDENTS FIRST? (322 RESPONSES)

ANSWER	PERCENT
YES	92.86%
NO	3.11%
UNSURE	4.04%

Table 6 shows the main skill categories respondents are looking to fill in their organisation are professional skills (56 per cent) and technical skills (46 per cent), with a quarter (25 per cent) indicating managerial skills, and 13 per cent indicating trade skills.

TABLE 6: IF YOUR ORGANISATION EMPLOYS SKILLED MIGRANTS, WHAT ARE THE MAIN SKILL CATEGORIES THEY FILL? SELECT AS MANY THAT APPLY. (307 RESPONSES)

ANSWER	PERCENT
PROFESSIONAL	55.70%
TECHNICAL	46.25%
MANAGERIAL	24.76%
TRADE	13.36%
COMMUNITY SERVICES & PERSONAL SERVICES WORKERS	6.51%
CLERICAL & ADMINISTRATIVE WORKERS	5.21%
MACHINE OPERATORS & DRIVERS	2.93%
SEMI-SKILLED WORKERS	2.93%
LABOURERS	2.61%
OTHER	15.31%

DETAILED FINDINGS

EMPLOYING MIGRANT WORKERS

Respondents who indicated 'other' in table 6 were invited to share what skill categories migrants fill. Sample comments from the 47 participants are set out below:

<i>“Nursing & medical”</i>	<i>“Research and teaching”</i>
<i>“Marine”</i>	<i>“Academics”</i>
<i>“Engineering (aircraft maintenance)”</i>	<i>“University lecturer”</i>
<i>“Software developers”</i>	<i>“Academic leadership, research, and technicians”</i>

As indicated in table 7, the main countries from which respondent organisations are employing skilled migrants are Asia (27 per cent), the UK and Ireland (24 per cent), and Europe (14 per cent). A smaller group of skilled migrants are from the United States (9 per cent), India (7 per cent), and Africa (6 per cent).

TABLE 7: IF YOUR ORGANISATION EMPLOYS SKILLED MIGRANTS, WHAT ARE THEIR COUNTRY / COUNTRIES OF ORIGIN? (289 RESPONSES)

ANSWER	PERCENT
ASIA	26.99%
UK & IRELAND	23.65%
EUROPE	14.14%
USA	8.87%
INDIA	7.20%
AFRICA	6.04%
SOUTH AMERICA	4.50%
MIDDLE EAST	3.47%
CANADA	2.70%
RUSSIA	0.64%

DETAILED FINDINGS

EMPLOYING MIGRANT WORKERS

When asked if respondent organisations face any difficulties during the process of employing skilled migrants, the majority indicate time (18 per cent), delays with the visa application process (17 per cent), the complexity of the visa application process (16 per cent) and cost (13 per cent) to be barriers, as seen in table 8. The frequency of legislative changes is another notable difficulty with 10 per cent indicating it is a hurdle.

TABLE 8: HAS YOUR ORGANISATION FACED ANY CHALLENGES DURING THE PROCESS OF EMPLOYING SKILLED MIGRANTS? (298 RESPONSES)

ANSWER	PERCENT
TIME	18.12%
DELAYS WITH THE VISA APPLICATION PROCESS	16.78%
COMPLEXITY OF VISA APPLICATION PROCESS	16.44%
COST	13.09%
FREQUENCY OF LEGISLATIVE CHANGES	9.73%
DIFFICULTY IN SOURCING SKILLED MIGRANT TALENT	4.70%
LACK OF GUIDANCE DURING VISA APPLICATION PROCESS	2.68%
OTHER	18.46%

Respondents who indicate 'other' in table 8 invited to share what other challenges they face during the employment process of skilled migrants. Sample comments from the 55 participants selecting 'other' are set out below:

<p><i>"All of the above - it is a horrendous process"</i></p> <p><i>"Inability to offer PR through visa process"</i></p> <p><i>"Lack of guidance; complexity; cost; min salary to be offered"</i></p> <p><i>"Not used/attempted due to level of complexity"</i></p> <p><i>"Our organisation has faced all of the challenges listed."</i></p> <p><i>"Time, delays, denials with crazy rationale and little ability to challenge. It's a nightmare. We are a US tech company and employees moved across countries and it takes around 6 months, it's costly and there is no guarantee that it will be accepted."</i></p>	<p><i>"All of the above, the new process is labour / admin intensive and not warranted, it's overkill"</i></p> <p><i>"Time, unexplained delays with the visa application process, frequency of legislative changes, complexity of visa application process. Absolute lack of communication from the department regarding visa processing. We are an accredited sponsor and as such have a 2-week guaranteed visa processing time - the department of home affairs is not abiding by this and we are not provided any explanation"</i></p>
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DETAILED FINDINGS

EMPLOYING MIGRANT WORKERS

Table 9 shows that 16 per cent of respondent organisations have increased their use of temporary sponsored employees in the past 12 months, with 40 per cent indicating use has remained constant, and a quarter (26 per cent) decreasing their use.

TABLE 9: IN THE PAST 12 MONTHS, MY ORGANISATION'S USE OF TEMPORARY SPONSORED EMPLOYEES HAS (319 RESPONSES):

ANSWER	PERCENT
REMAINED CONSTANT	39.81%
DECREASED	25.71%
INCREASED	15.67%
N/A	18.81%

More than half (55 per cent) of the respondents indicate they utilise an immigration provider to assist in sourcing skilled migrants either via an agent (35 per cent) or a lawyer (20 per cent), with 41 per cent indicating they do not use an immigration provider, as shown in table 10.

TABLE 10: DOES YOUR ORGANISATION UTILISE IMMIGRATION PROVIDERS TO ASSIST IN SOURCING SKILLED MIGRANT WORKERS? (318 RESPONSES)

ANSWER	PERCENT
NO	40.88%
MIGRATION AGENT	35.22%
IMMIGRATION LAWYER	19.81%
UNSURE	2.52%
OTHER	1.57%

Three quarters (75 per cent) of respondents believe their organisation has benefited from employing skilled migrants, with 16 per cent unsure, and 9 per cent indicating no benefits as seen in table 11.

TABLE 11: DO YOU BELIEVE YOUR ORGANISATION HAS BENEFITED FROM EMPLOYING SKILLED MIGRANTS? (314 RESPONSES)

ANSWER	PERCENT
YES	75.48%
NO	8.92%
UNSURE	15.61%

DETAILED FINDINGS

EMPLOYING MIGRANT WORKERS

Respondents were invited to share how their organisation has benefited from employing skilled migrants. Sample comments from the 237 participants are set out below:

"Ability to resource projects effectively and service our clients"

"Able to fill jobs that would otherwise not be filled. Skilled workers inspire and pass skills along to unskilled Australians"

"Able to provide employees from our overseas companies with an international experience - both professional and personal - this assists with employee engagement and retention globally"

"Access to highly sought-after talent"

"Access to necessary skills which are not available in Australia"

"We recruit at a graduate level and then invest in training - if we don't have anyone role ready for promotion locally we need to look to our overseas offices to bring in skilled senior staff members"

"Assisted will skill shortage whilst company is in growth"

"Achieving international standards, addressing skill gaps, global perspective"

"Australia simply does not have a large enough pool of candidates in specific scientific disciplines."

"Bring a broader experience in a niche sector and an international view"

"Cognitive diversity"

"Created a more enriched and culturally diverse working environment"

"Diverse talent brings diverse ideas, something our clients are always asking for."

"Diversity is key in our culture"

"Ensure that we can compete with global universities on an even playing field"

"Filled a skills gap caused by growth and a very competitive labour market"

"Filling skills gaps, contributes to diversity of employee mix (cultural, innovation / collaboration)"

"Helped us fill positions within regional areas"

"If it was not for skilled migrants, the processing plant would have shut down"

"If not for the overseas-trained clinical staff, the community would not have a high standard of health care."

"Increased industry and technical knowledge"

"Less turnover, higher productivity, loyalty, lots of them are now managing teams within the business"

"Our speed to respond to tech challenges cannot currently be met by the local market."

"Sharing knowledge and expertise"

"Skills of experts who bring an international/global reputation, achievement levels and perspective to enhance skills of locals"

"Technical expertise"

"They have a skill base that is often missing in the Australian market especially surrounding experience with digital media."

"Transfer knowledge and mentoring others around their technology expertise"

"Upskilling of local talent, being part of global skill sharing, and building capability and experience"

"We have been able to maintain a high level of quality expertise"

"We finally got the experience we needed"

"We require employees with specific qualifications. We would not have been able to mobilise our workforce without some employees from overseas due to skill shortages for these disciplines within Australia"

"We've been able to source individuals with talent not yet developed in Australia"

DETAILED FINDINGS

EMPLOYING MIGRANT WORKERS

Table 12 shows that almost three quarters (73 per cent) of respondents believe sponsoring foreign workers has not affected their organisation's capacity to recruit Australians in other roles, with 14 per cent believing it has increased their capacity, and 4 per cent believing it has decreased their capacity to recruit Australians in other roles.

TABLE 12: DO YOU BELIEVE SPONSORING FOREIGN WORKERS HAS (313 RESPONSES):

ANSWER	PERCENT
INCREASED YOUR ORGANISATION'S CAPACITY TO RECRUIT AUSTRALIANS IN OTHER ROLES	14.06%
DECREASED YOUR ORGANISATION'S CAPACITY TO RECRUIT AUSTRALIANS IN OTHER ROLES	4.47%
NOT AFFECTED YOUR ORGANISATION'S CAPACITY TO RECRUIT AUSTRALIANS IN OTHER ROLES	72.84%
UNSURE	8.63%

The majority (76 per cent) of respondents believe employing individuals on skilled migrant visa's has increased their organisation's talent capabilities, with 16 per cent indicating no difference, and 3 per cent indicating a decrease as shown in table 13.

TABLE 13: DO YOU BELIEVE EMPLOYING INDIVIDUALS ON SKILLED MIGRATION VISAS HAS INCREASED OR DECREASED YOUR ORGANISATION'S TALENT CAPABILITIES? (287 RESPONSES)

ANSWER	PERCENT
INCREASED	75.80%
DECREASED	3.20%
NO DIFFERENCE	15.66%
UNSURE	5.34%

Table 14 shows that 72 per cent of respondents indicate skilled migrants are transferring their skills to other employees in their organisation, with 14 per cent indicating they are not, while the same proportion are unsure.

TABLE 14: ARE SKILLED MIGRANTS TRANSFERRING THEIR SKILLS TO OTHER EMPLOYEES IN YOUR ORGANISATION? (217 RESPONSES)

ANSWER	PERCENT
YES	71.89%
NO	13.82%
UNSURE	14.29%

DETAILED FINDINGS

EMPLOYING MIGRANT WORKERS

Respondents were invited to share the ways that skilled migrants are passing their skills on to other employees. Sample comments from the 254 participants are set out below:

“Assisting local employees by adding a different perspective in the way in which work is being undertaken, in addition to passing on their skills acquired internationally, and transferring information and knowledge”

“Mentoring apprentices, skill set exchange with other qualified technicians in the workshop”

“Different cooking styles and knowledge”

“Sharing ways to approach problem-solving. Sharing superior EXCEL and other computer skills”

“Our staff have increased their understanding of diversity, able to consider all the cultures they deal with in my department”

“We provide Australian personnel in 'shadow' roles for each of the skilled migrants to ensure Australians are trained on these specialist roles”

“Training students, training other scientists, more collaborations, resulting in better research”

“Clients in global industries obtain best practice skills often not locally available”

“Training entry level staff on systems”

“European mechanical expertise”

Respondents were asked, “If your organisation has not employed skilled migrant workers, what are the reasons for this?” Sample comments from the 127 participants are set out below:

“The position can be filled in Australia”

“The change to visa conditions means there is no longer an avenue to PR which makes the visa less appealing to migrants who are looking for a permanent arrangement for them and their families”

“Lack of English – written, spoken, listening”

“Uncertainty as to how long their expertise is required”

“Had bad experience”

“Cost and ongoing employment opportunity is not stable”

“We get the people we need from the broader Australian workforce”

“Wish they would focus on Australians first”

“They can't speak English”

“Time and cost”

DETAILED FINDINGS

THE TSS VISA

Respondents were asked “Has the transition from 457 to TSS Visas made it more or less likely for your organisation to employ skilled migrants?” Sample comments from the 272 participants are set out below:

“Less likely. The age limit also limits us. The knowledge holders are 45 years and older”

“Outlook to date is the transition is looking likely there will be less employed skilled migrants, which will have an adverse impact on the business”

“Less likely very time consuming and not a clear pathway to PR anymore”

“Less likely with significant effect”

“It has made the process a little more difficult, but it will not reduce our employment of skilled migrants, if we are unable to recruit Australian workers”

“It's more difficult to bring in O/S staff. Locally we want to avoid hiring expats but we have a lot of pressure from our overseas parent company to hire expats”

“It has made it MUCH harder”

“It has made it more difficult, but the need has not changed”

“No difference”

“Not sure, but the constant changes just to gain votes are ineffective and frustrating as we miss out on valuable experience”

“The transition has made everything more complex and difficult from an application point of view”

“About the same”

“Less likely because there is so much more work that needs to go into proving LMT and our finance teams are pushing back on the added costs”

“A nightmare! 28 days to advertise a role before we can hire leaves everyone in limbo land”

“We are facing challenges as less attractive package with less possibility to turn to permanent resident visa from TSS. Talent intend to move to low tax developed country such as Singapore or Hong Kong”

“Less likely. Some of the salary requirements for market testing are way above Australian market salaries and the visas (short term) are only for 2 years with no pathway to permanent residency so we know we will lose talent after this period”

“Less likely - the process is complex, drawn out as the government regularly change legislation that impacts our ability to bring in talent quickly”

“It is less likely, the increased costs and caveats and ever changing skills list make it increasingly hard for us to sponsor. The majority of our sponsored employees come from the UK, some are only eligible for a 2 year visa and this isn't an attractive prospect, people want to have the option to be able to stay longer or permanently”

“The TSS is a horrendous process”

“No change. Just wish our 457 applications didn't get stuck in the middle of all this political drama!”

“No impact - we seek to find the best person for the job and if they are from an overseas location we'll do all we can to employ them”

“The same - however much more complicated for both the organisation and applicant”

“Less likely because it is harder to transfer to permanent residents so they will be less interested”

“Less likely. How do we ask someone to relocate from overseas for a fixed period and then return to their country of origin?”

DETAILED FINDINGS

THE TSS VISA

The Department of Home Affairs requires applications for TSS Visas to undertake Labour Market Testing (LMT) prior to securing skilled migrant talent. Does this process assist your organisation in sourcing talent with the necessary skills? Sample comments from participants are set out below:

“Ensures thorough process is undertaken”

“Not at all. It just validated the existence of the shortage we already know is there”

“It’s a terrible, tick box exercise that has resulted in nothing but a time wasting exercise to fill the role. Increase in the amount of recruiters calling constantly. The types of roles we fill, we know the market well, and a 457 was a great intermediary to fill a gap in skills”

“Not in the slightest. More work is required to undertake LMT and when recruiting for one position within a small business it means time and focus is taken away from other tasks, and costs money which we don’t readily have for something which is not a guaranteed outcome”

“No, it is more of a hinderance, we already complete LMT whilst recruiting for a role”

“We do this anyway so it’s not a problem”

“The LMT requirements, particularly in the case of hard to fill vacancies are not helpful as they impose additional timeframes to processes”

“No! Wastes time of the org, the process and for those applying. We have a very active internal talent acquisition team who know the market”

“It does not assist. It only delays our sourcing trained clinicians to serve in our hospitals”

“Has its upsides/downsides. Too early to make an educated decision”

“We always do labour market testing but the timelines are now too tight. So, no the new regulations are a hindrance. Also, the burden of supplying evidence has created additional administrative load”

“Not really, it hinders the process as we look for the best in the field across the world”

Table 15 shows that 21 per cent of respondents are less likely to invest in training Australian employees as an outcome of the new Skilling Australians Fund (SAF) Levy accompanying the TSS Visa, more than two thirds (70 per cent) indicate this would have no effect, and 9 per cent indicate this would see their organisation more likely to invest in training Australian employees.

TABLE 15: THE INTRODUCTION OF THE TSS VISA IS ACCOMPANIED BY A NEW SKILLING AUSTRALIANS FUND (SAF) LEVY TO BE PAID AT NOMINATION STAGE (\$1,200-\$1,800 PER PERSON, PER YEAR). HOW WILL THE SAF LEVY IMPACT YOUR ORGANISATION’S INVESTMENT IN TRAINING? (277 RESPONSES)

ANSWER	PERCENT
LESS LIKELY TO INVEST IN TRAINING AUSTRALIAN EMPLOYEES	21.30%
MORE LIKELY TO INVEST IN TRAINING AUSTRALIAN EMPLOYEES	9.03%
NO EFFECT	69.68%

DETAILED FINDINGS

THE TSS VISA

The TSS Visa requires of a minimum of two years work experience. What effect will this have on your organisation in accessing graduate talent? Sample comments from the 259 participants are set out below:

“Wouldn't use TSS for a graduate”

“Talent comes from experience so there is no real effect, other than someone has the experience and knowledge we seek, or don't seek. That is dependent on the requirements of the role and position”

“We require graduates to be Australian or NZ citizens or have permanent residency”

“The issue isn't for graduate talent. The issue is when we are instructed to take on an expat who doesn't meet the criteria. This one is tough to get our senior managers to understand”

“No effect as it's personnel with extensive experience that we would be looking at employing”

“No effect and I would question how anyone would be considered highly skilled talent with less than 2 years experience”

“Not a huge effect. Graduate talent is usually easy to find locally”

When asked if the changes in the TSS Visa skilled categories reflect jobs of the future, 38 per cent of respondents indicated no, 44 per cent are unsure, and 18 per cent indicated yes as seen in table 16.

TABLE 16: DO YOU BELIEVE CHANGES IN THE TSS VISA SKILL CATEGORIES REFLECT JOBS OF THE FUTURE? (283 REPOSSES)

ANSWER	PERCENT
YES	17.67%
NO	38.52%
UNSURE	43.82%

DETAILED FINDINGS

THE TSS VISA

Respondents were asked which occupations need to be added to the Short-Term Skilled Occupations List (STSOL)
Sample comments from the 173 participants are set out below:

“Medical”

“We would bring in trades and engineering if the criteria were relaxed”

“All aspects of hospitality”

“HR services, info tech”

“eCommerce, Marketing, Creative”

“It is which one needs to be removed which is finance/accounting”

“None. Some need to be removed”

“We cannot fill some positions because they don't fit the description”

“More IT / HR / consulting services to attract talent to support the digital transformation”

“Engineers”

“Harvest worker, supervisors of teams of farm labourers, warehouse managers during harvest, biosecurity managers, crop mappers, mechanics, mobile plant operators, truck drivers”

“Chefs”

“University researcher”

“Electricians; Fixed Plant Fitters; Metallurgists; Boilermakers”

“Human resources manager”

“More marketing roles added back in, more skilled managerial and training roles, and more digital technology roles”

“Cardiac techs”

“HR and marketing”

Respondents were asked which occupations need to be added to the Medium and Long-Term Strategic Skills List (MLTSSL)
Sample comments from the 187 participants are set out below:

“Diesel Technicians - Trucks and Cars”

“Medical, Dentistry”

“Technical Underwriter”

“Our expats are not CEOs. Usually they are business managers classed as Sales & Marketing Executive or Client Services Manager, so they only get STSOL. 2+2 years is not long enough to make an impact”

“Teachers”

“Sales manager, exec, product managers, product designers”

“Diversity Management”

“HR Advisor, Recruitment Consultant, HR Manager”

“Cook Chef Tradies Electricians”

“We have so many hybrid roles and much of the experience is based on the projects and experiential knowledge of individuals. The list is too restrictive and archaic a construct”

“Hospitality workers”

“Supply chain roles, Shipbuilding - from trades to technical professionals”

“Sales representative”

“Building Inspectors”

“Agronomists. Irrigation technicians. Production horticulture farmers. Plant and animal Scientists. Environmental Scientists”

DETAILED FINDINGS

THE TSS VISA

Respondents were asked if there are any occupations that should be removed from the Short-Term (STSOL) or Medium and Long-Term Strategic Skills List (MLTSSL). Sample comments from the 146 participants are set out below:

<i>“Accounting, IT”</i>	<i>“Unsure”</i>
<i>“Not a clue. I would need to look at census data and other metrics”</i>	<i>“Most - there are plenty of under-utilised Australians willing to work for us”</i>
<i>“Not that I can think of”</i>	<i>“Human Resources Manager, Recruiting, Remuneration & Benefits”</i>
<i>“STSOL HR Managers, Sales and Marketing’ Manager Corporate Services, Manager Supply & Distribution, Manager Customer Service, Manager Newspaper or Periodical Editor, Recruitment Consultant”</i>	<i>“Unable to comment”</i>

Respondents were asked if they think the government should change anything about the TSS Visa program to better support Australian employers to fill skill shortages, while prioritising Australian workers.

In response, almost half (48 per cent) indicated allowing internal training expenditure as an alternative to the SAF levy, 39 per cent indicated extending the visa beyond 2 years for the short-term skilled occupation list and reducing the SAF levy funds, and 36 per cent indicated reducing sponsorship and nomination fees, and abolishing Labour Market Testing minimum advertisement periods. Around a third (34 per cent) indicated increasing the range of occupations, with 29 per cent indicating making adjustments to the sponsorship process and extending the visa beyond 4 years for the long-term strategic skills list as shown in table 17.

TABLE 17: IS THERE ANYTHING YOU THINK THE GOVERNMENT SHOULD CHANGE ABOUT THE TSS VISA PROGRAM TO BETTER SUPPORT AUSTRALIAN EMPLOYERS TO FILL SKILL SHORTAGES WHILE PRIORITISING AUSTRALIAN WORKERS? (261 RESPONSES)

ANSWER	PERCENT
ALLOW INTERNAL TRAINING EXPENDITURE AS AN ALTERNATIVE TO THE SAF LEVY	47.89%
EXTEND VISA BEYOND 2 YEARS FOR THE SHORT-TERM SKILLED OCCUPATION LIST	39.46%
REDUCE NEW SKILLING AUSTRALIANS FUND (SAF) LEVY FEES	39.08%
REDUCE SPONSORSHIP AND NOMINATION FEES	36.78%
ABOLISH LABOUR MARKET TESTING MINIMUM ADVERTISED PERIOD	35.63%
INCREASE RANGE OF OCCUPATIONS	33.72%
ADJUSTMENTS TO SPONSORSHIP PROCESS	28.74%
EXTEND VISA BEYOND 4 YEARS FOR THE LONG-TERM STRATEGIC SKILLS LIST	28.74%
ADJUSTMENTS TO SPONSORSHIP OBLIGATIONS	16.09%
ADJUSTMENTS TO THE ENGLISH LANGUAGE REQUIREMENT	11.88%
REDUCE MINIMUM SALARY LEVEL (CURRENTLY \$53,900 + SUPERANNUATION)	8.81%

DETAILED FINDINGS

THE TSS VISA

Respondents were invited to provide further comments on potential changes that the government should make about the TSS Visa program. Sample comments from the 46 participants are set out below:

“Allow a pathway to PR for Short Term List”

“Allow both schemes 2 and 4 year to have the right to apply for PR once completing the minimum of 2 years.”

“Allow for limited intracompany transfer for identified talent/ skilled programs such as Graduate or Management training”

“Change the length of graduate visas so students with an Australian qualification can apply “

“Fast track process for those who have a pre-nominated business sponsorship; remove the inclusion of salary for the LMT it is ridiculous”

“Incentives need to apply to rural and regional sponsorships which advantage them over metropolitan”

“Allow STSOL intra-company transfers a pathway to permanent residency.”

“Better English skills testing, more rigorous scrutiny regarding the local recruitment process before employing skilled migrants – I don’t believe Australia has a skill shortage - more a training and learning shortage”

“The changes made from 457 to TSS in my opinion were driven by political reasons rather than factual reasons.”

“Increase current salary minimum”

“Bipartisan review. It’s not helping Australian society in the long run. It’s the method of choice for unscrupulous employers who are inadequately policed if at all.”

“Just simplify the process, set rules and then stick with them instead of changing every 5 minutes”

“Provide exemptions for state or federal funded hospitals to the SAF fees. It is ridiculous for us to put money into another fund that we don’t get in the first place.”

“Skilled Migration should be used for skilled occupations where considerable work experience is needed to perform the role. Where a business is paying in excess of 150K for an employee, it should be a given that we are bringing in a skilled productive member of society that will be contributing for a considerable period to the Australian landscape. Also, for the highly skilled professionals that we bring in, they are often over 45-50 years old, and but still have a 15-20 years of service in front of them, yet we cannot pursue PR for them any longer - this is an issue also for highly skilled migrants”

“Stop using it as a tool to get votes, understand that our country is built on immigration and that’s a good thing, not a bad thing.”

“We still need the people and there are not enough trained ones on shore. The new TSS is just the same service at elevated prices. A grab for cash from the government.”

How might the TSS Visa program become more streamlined and simplified? Sample comments from the 171 participants are set out below:

“Reduce labour market testing timeframe”

“Would appreciate immigration to provide updates on visa application progress”

“It is extremely complicated in getting Sponsorship approval, visa nomination and visa application. The same information is asked over and over again”

“If it did not try to screen foreigners out”

“We are an accredited sponsor so the process is fairly smooth”

“Less ridiculous evidence needed. ASK the employer a question before rejecting the application”

“Become more humane and realistic and not focus on 'white migrants' from developed countries”

“More transparency and faster processing times”

DETAILED FINDINGS

THE TSS VISA

“With the changes to the LMT requirement, proof of advertising and results needs to have been within 3 months. This needs to be extended as it often takes far longer than this to source a suitable candidate for the TSS Visa program; by the time a candidate is found it is often outside the 3 months advertising window and then advertising needs to recommence and be active for a month. By this time you can lose the candidate and the whole process starts again”

“Clearly defined process and eligibility requirements”

“Abolish training levy if an organisation can demonstrate a high \$\$ amount of internal training. The application process with all the labour market testing is incredibly onerous and does not add any value to the application”

“Shorten visa application period”

“If a person has been working in an English speaking company but not from one of the recognised countries, then no need to for them to do the English test”

“Go back to the 457 process”

“Get rid of the SAF fee and labour market testing for medical officers”

“Stop changing it all the time. Enable to hire and pay while waiting for approval. We accept the risk of not gaining approval but the loss of talent while waiting is ridiculous. Enabling visa holders to travel while applications are in process is critical to not put their application at risk. To process visa applications over the end of year break”

“Too early to tell”

“Whoever designed it does not understand the need for speed in getting individuals here and working quickly. The whole thing needs to change. And the levy is a pure revenue raiser for the government and unnecessarily punishes firms financially”

“Follow the example of Canada”

“More empathy to why we are lodging the application. They are very rude and do not offer any assistance in trying to help. They could also have an employer hotline or email contact - we had one application refused but there is no email address to see if we actually get the training fund reimbursed”

“Less delays in processing time. Being able to contact the Department of Immigration on case status”

“Straight forward process. The questionnaire should include all questions and have an upload function so that all documentation is asked for before submission”

“It would help if the department staff knew how to process these visas and labour market testing as we have had a number rejected through inconsistent processes by the department”

“Remove the rules around recruitment process time frame as at times it can take several weeks for a selection committee to meet and interview candidates, particularly as many candidates may need to travel from o/seas for their interview. The time adds additional stress on the administration side of the process. I believe a 4-month time frame is very tight to within the education sector. Why 4 months? Where did this time frame come from?”

“Collaborate with users and understand true skills shortages and how employing overseas workers can actually in the long term positively affect the Australian labour market”

“Give accredited sponsors a direct contact person in the TSS sponsor like we use to have. Sometimes we have specific questions that are not answered or clear on the website. I do not have the resources to wait on the phone for over an hour in the hope that I connect with someone in the Department who can answer the question correctly”

DETAILED FINDINGS

THE TSS VISA

Table 18 shows that 44 per cent of respondents believe the TSS Visa program should provide exemptions of lower requirements for regional employers, with 14 per cent indicating no, and 42 per cent indicating they are unsure.

TABLE 18: DO YOU BELIEVE THE TSS VISA PROGRAM SHOULD PROVIDE EXEMPTIONS OR LOWER REQUIREMENTS FOR REGIONAL EMPLOYERS? (280 RESPONSES)

ANSWER	PERCENT
YES	44.29%
NO	13.93%
UNSURE	41.79%



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