



"Providing the right Overseas Talent to Australia"

FREQUENTLY ASKED QUESTIONS	FLB ANSWER
<p>Is FLB Overseas a registered Migration Agent?</p>	<p>FLB Overseas (Australia) Pty Ltd (FLBA) is not an Australian registered Migration Agent. As such none of the Australian employees of FLBA are permitted by law to provide migration assistance. However FLB Overseas Employment Agency Inc. (FLBOEA) is a Philippines Company and as a non-Australian entity is permitted to offer migration services in its own right. Clients of FLBA who require assistance with Australian migration are therefore referred to FLBOEA who provide and charge independently for any service that they provide.</p>
<p>Does the job that is being filled qualify under the 457 visa program?</p>	<p>The Australian Government publishes (updated every 6 months) a Migration Occupations in Demand List (MODL). This list summarises the jobs that are currently in short supply in Australia. (Download current MODL from FAQ on <a href="http://www.flboverseas.com.au">www.flboverseas.com.au</a> ) However it important to understand that many of these job categories are quite broad and therefore quite flexible in their coverage. If the occupation required is not on the MODL then an application for a special inclusion can be made.</p>
<p>What experience is necessary to get a sponsored job in Australia?</p>	<ul style="list-style-type: none"> <li>• In general a University qualified applicant will require a MINIMUM of 1 year experience relevant to the nominated position.</li> <li>• If the tertiary qualification is less than a degree (i.e. diploma or certificate), then the MINIMUM experience required will be 3 years.</li> <li>• If an applicant does not have any tertiary qualifications, then a MINIMUM of 5 years experience (relevant to the nominated position) is required.</li> </ul>



<p>How long can sponsored workers stay in Australia on a 457 visa?</p>	<ul style="list-style-type: none"> <li>• The maximum period must be specified in the 457 visa application.</li> <li>• Up to a maximum of 4 years is permitted.</li> <li>• After 2 years a 457 visa holder can make application for a permanent visa if they wish to work in Australia for more than 4 years.</li> </ul>
<p>What happens to sponsored workers at the end of their contract or visa period?</p>	<ul style="list-style-type: none"> <li>• The sponsored employee must leave Australia at the end of their visa period.</li> <li>• The sponsoring employer is responsible for payment of the employee's return Airfare to the Philippines.</li> </ul>
<p>How can the sponsoring employer be sure that the sponsored employee has the job qualifications necessary for the position?</p>	<ul style="list-style-type: none"> <li>• All educational levels are verified by FLB.</li> <li>• Relevant on-the-job references and experience levels are verified by FLB.</li> <li>• Hands-on practical trade testing is conducted by FLB.</li> <li>• Assessment testing is conducted wherever possible.</li> </ul>
<p>What checks are made by FLB employment agency before workers come to Australia?</p>	<ul style="list-style-type: none"> <li>• Police checks are made on all candidates</li> <li>• Every candidate is given (and must pass) a complete medical check.</li> <li>• IELTS English testing is conducted on every candidate.</li> <li>• Behavioural and aptitude testing is available if requested by the potential employer.</li> </ul>
<p>How does FLB go about selecting people in the Philippines?</p>	<ul style="list-style-type: none"> <li>• The FLB selection process is established to the highest Australian standards.</li> <li>• FLB has an established database of available workers and tracks the performance and client feedback of all placed personnel.</li> <li>• Every candidate is personally interviewed by FLB and their identity verified.</li> <li>• The education levels of all candidates are verified directly with the educating institution.</li> <li>• Every candidate is personally reference checked for the past three (3) positions held.</li> </ul>



<p>What is the required level of English for a sponsored job?</p>	<ul style="list-style-type: none"> <li>• To work in any occupation in Australia a minimum level of English is required but this varies depending on the occupation.</li> <li>• The International English Language Testing System (IELTS) is used to assess your language capability. The minimum IELTS level for any employment is 5.0 (out of 10) but some occupations can require a level of 7 (i.e. nursing).</li> <li>• Filipinos in general speak good English as all their tertiary education is conducted in English.</li> <li>• All FLB Overseas candidates are certified to the required IELTS English level for any occupations to which they are being employed.</li> <li>• FLB in Manila also puts all successful candidates through Australian Colloquial Language training.</li> </ul>
<p>Can a sponsoring employer terminate the employment of a sponsored employee?</p>	<p>Yes, but there must be a valid work-related reason for the termination that falls under the terms of the signed employment contract. The employee must find alternative employment with another sponsor within 28 days and apply for a new visa within that same time-frame.</p>
<p>Can an employer cancel a sponsored employee's visa?</p>	<p>No, only the Department of Immigration and Citizenship can cancel a visa.</p>
<p>Can a sponsored employee leave one employer and get another job with another sponsoring company?</p>	<p>Yes, but this can be quite difficult as the employee must first get approval from the Department of Immigration and Citizenship and be issued with a new visa identifying the new sponsor as the employer.</p>
<p>Are there any special working conditions to which a sponsoring employer must comply?</p>	<p>No, when working in Australia, a 457 visa holder is entitled to the same working conditions as any permanent Australian citizen or resident.</p>



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<p>Can a Filipino sponsored employee work under a standard Australian employment contract?</p>	<p>Yes, but the contract must include the mandatory conditions specified by the Philippines Overseas Employment Agency agreement. These are provided to the employer by FLB and are simply incorporated within the Australian employment contract.</p>
<p>Can a sponsored employee bring their family dependants to Australia?</p>	<p>Yes, but only if the employer also agrees to sponsor them. FLB strongly advises sponsored employees NOT to bring dependants to Australia. However after 2 years on a 457 visa, a sponsored employee can apply for a permanent visa, and once granted, is no longer subject to the employer's sponsorship.</p>
<p>Who pays for the medical costs if a sponsored employee gets sick?</p>	<p>The sponsoring employer is responsible for covering the sponsored employee's public-level medical and hospital expenses. This is normally done via Health Insurance at a cost of approximately \$900 per year.</p>
<p>What responsibility does the employer have in providing accommodation for the sponsored employee?</p>	<p>The only requirement of the employer is to provide assistance in locating suitable accommodation. The employee is free to live wherever they like. If the employer offers suitable accommodation then the employee is entitled to refuse this and find their own.</p>
<p>What happens about accommodation when the sponsored employee first arrives?</p>	<p>As stated in the previous question, the employer has a responsibility to find suitable accommodation for the sponsored employee and this includes from the date that they arrive in their town/city of employment. Payment for this accommodation is the responsibility of the employee; however it is normal practice for the employer to make the advanced payments required and to deduct these advances from subsequent salary paid to the employee.</p>



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<p>What is the minimum salary that a sponsored employee can be paid?</p>	<p>The current Minimum Salary Level (MSL) is \$43,440 (excluding superannuation) for metro areas and \$39,100 in Regional areas. For ICT professionals these minimums are \$59,480 and \$53,530 respectively. This applies to a 38 hour week but the minimum is still payable even if the employee works less than 38 hours. If an Australian Industrial Agreement covers the job then the employee must be paid the greater of the MSL or AIA salary.          FROM 1<sup>st</sup> JULY 2009:          The above rates are increased as follows:          \$43,440 increases to \$45 220          \$39,100 increases to \$40,705          \$59,480 increases to \$61.920          \$53,530 increases to \$55,725          An increase of 4.1% must also be applied to all existing 457 Visa holders employed prior to 1<sup>st</sup> July 2009.</p>
<p>What amounts can a sponsoring employer deduct from a sponsored employee's salary?</p>	<p>Standard Income Tax is the only deduction that can be made by the employer without the employee's agreement. Even if the employee does agree to additional deductions, the resultant net amount cannot be lower than the Minimum Salary Level (as above).</p>
<p>What obligations does the employer have to a sponsored employee with respect to workplace relations?</p>	<p>Every employer (by law) must provide every employee with a "Workplace Relations" Factsheet within 7 days of them commencing work.</p>
<p>What obligations does the sponsoring employer have with respect to taxation?</p>	<p>The only obligations that the employers has with respect to Taxation is (a) to withhold the correct amounts of tax and remit this tax to the Australian Tax Office, and (b) to issue an annual payment summary to the employee of "gross payments" and "total tax withheld".</p>



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<p>What superannuation obligations does the sponsoring employer have?</p>	<p>The sponsoring employer must pay the minimum superannuation contribution (currently 9%) in addition to the Minimum Salary Level. A sponsored employee can claim their accumulated superannuation when they leave Australia.</p>
<p>Are there any special workplace safety obligation put on a sponsoring employer?</p>	<p>No, all standard workplace safety conditions and training are required by sponsored employees.</p>
<p>Can a sponsored employee join a union?</p>	<p>Yes, but no one can mandate their joining.</p>
<p>What character checks are done on sponsored employees?</p>	<p>All sponsored employee must be of "good character" to obtain a 457 visa. Police checks are conducted by FLB as part of the visa application process.</p>
<p>Does the sponsoring employer have an obligation to give a sponsored employee an advance against salary when the sponsored employee first arrives in Australia?</p>	<p>No, however FLB recommends and negotiates an appropriate arrangement depending on the financial circumstances of each sponsored employee. Any advanced payments made by the employer can be deducted from the salary of the employee.</p>