



# Pork industry labour agreement

## About this document

This document provides information specific to requesting a pork industry labour agreement and should be read in conjunction with the information guide (*Labour Agreements: Information about requesting a labour agreement*).

## What is a pork industry labour agreement?

A pork industry labour agreement is the only pathway which allows pork industry employers to recruit overseas workers in the occupation of 'senior stockperson (piggery)'.

The pork industry labour agreement allows for the temporary and permanent entry of overseas senior stockpersons to work in the Australian pork industry. The terms and conditions of the pork industry labour agreement have already been established and are **non-negotiable**.

## Pork industry labour agreement: key settings

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| <b>Visa subclasses</b>  | Temporary Work (Skilled) visa (subclass 457)<br><br>Employer Nomination Scheme visa (subclass 186) - <i>where overseas workers have held a subclass 457 visa as a primary visa holder, for a minimum period of four years, in the occupation of senior stockperson (piggery)</i> . See below for further information.   |
| <b>English language</b> | <i>Temporary Work (Skilled) visa (subclass 457)</i><br><br>Visa applicants must: <ul style="list-style-type: none"><li>• have achieved an overall test score of at least five (5) in an International English Language Testing System (IELTS), with a score of at least 4.5 in each of the four test components; or</li><li>• have achieved an Occupational English Test (OET) score of at least 'B' in each of the four components; or</li><li>• have achieved a total score of at least 36 in a Test of English as a Foreign Language internet-based (TOEFL iBT), with a score of at least 3 for each of the test components of listening and reading, and a score of at least 12 for each of the test components of writing and speaking; or</li><li>• have achieved an overall test score of at least 36 in a Pearson Test of English (PTE) Academic, with a score of at least 30 in each of the four test components; or</li></ul> |

- have achieved an overall test score of 154 in a Cambridge English: Advanced (CAE) test conducted on or after 1 January 2015, with a score of at least 147 in each of the four test components; or
- be a current passport holder of a passport of any of the following countries:
  - Canada
  - New Zealand
  - The Republic of Ireland
  - The United Kingdom
  - The United States of America; or
- have completed at least five (5) cumulative years of full-time study in a secondary or higher education institution where instruction was conducted in English; or
- the visa holder will be paid a salary that is more than the English language requirement exempt amount (see <http://www.comlaw.gov.au/Details/F2015L00563> for more information on the English language requirement exempt amount).

*Employer Nomination Scheme visa (subclass 186):*

- a test score of at least five (5) in IELTS, in the three years immediately prior to lodging the visa application;
- a minimum test score in each of the four test components: four (4) for listening, four (4) for reading, 14 for writing and 14 for speaking, in a Test of English as a Foreign Language internet-based test (TOEFL iBT) test that has been undertaken in the three years immediately prior to lodging the visa application;
- a test score of at least 36 in each of the four test components (speaking, reading, listening and writing) in a Pearson Test of English (PTE) Academic that has been undertaken in the three years immediately prior to lodging the visa application;
- a test score of at least 154 in each of the four test components (speaking, reading, listening and writing) in a Cambridge English: Advanced (CAE) test that was undertaken on or after 1 January 2015 and prior to lodging the visa application;
- have completed at least five (5) years of full-time study in a secondary or higher education institution where instruction was conducted in English; or
- be a current passport holder of a passport of any of the following countries:
  - Canada
  - New Zealand
  - The Republic of Ireland
  - The United Kingdom
  - The United States of America; or
- the visa holder's earnings will be at least equivalent to the current Australian Tax Office top individual income tax rate.

## Occupation

Employers may only nominate the following occupation:

- 'senior stockperson (piggery)'. See below for occupation details.

*Senior stockperson (piggery) tasks:*

- Supervise the site and facilities in terms of the required human resources, physical resources, safety requirements, consumables, documentation and measurement devices;
- Provide overall maintenance and compliance of the Company Quality Assurance program for the site ensuring that all relevant documentation is kept current;
- Supervise data collection and recording so information is accurate to aid stock and inventory control;
- Undertake specific tasks assigned by management to ensure that environmental, quality and safety goals are met;
- Implement preventable maintenance programs to reduce planned and unplanned down time;
- Supervise trial sheds, collect and record data in accordance with trial protocols;
- Selection of breeding stock and/or pigs for sale;
- Supervision and participation of daily inspection of livestock, such that the animals are appropriately fed, watered, environmental parameters are fulfilled. The senior stockperson (piggery) in this case would work with and supervise a less experienced stockperson;
- Supervision and participation of daily inspection of livestock, ensuring compromised animals are individually assessed, identified, treated and record in accordance with the Company Herd Health Plan and the industries Model Code of Practice;
- Euthanise sick or injured stock in a humane manner and in accordance with the Model Code of Practice for Animal Welfare – Pigs 3rd edition;
- Conduct post mortem examinations of deceased stock and report findings;
- Collect boar semen at an artificial insemination laboratory;
- Undertake processing duties within the artificial insemination laboratory;
- Supervision and participation in the mating of animals via individually supervised mating or through Artificial Insemination;
- Supervision of the birthing process, including the ability to physically conduct unsupervised internal assessments of females during parturition to minimise this incidence of still births;
- Participate in company/industry training sessions and workshops as required;
- Perform any other duty as required by the Unit Manager.

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|   | <p><b>Note:</b> There is currently no ANZSCO code for the occupation of 'senior stockperson (piggery)'. For administration purposes only, employers should use code 070299 in lieu of an ANZSCO code when nominating this position.</p>   |
| <p><b>Skills, qualifications and experience</b></p> | <p>Overseas workers must have minimum skills, qualifications and experience for the nominated occupation, as follows:</p> <ul style="list-style-type: none"> <li>at least an AQF Certificate III in Agriculture (Pig Production); or equivalent qualifications as assessed by a registered training organisation; and demonstrate at least three (3) years of recent and relevant work experience in a medium to large size commercial piggery; or</li> <li>have at least five (5) years' recent and relevant work experience.</li> </ul>   |
| <p><b>Salary</b></p>                                | <p>The <b>base rate of pay</b> must be equal to or greater than the Temporary Skilled Migration Income Threshold (TSMIT).</p> <p>For the purpose of calculating TSMIT, the base rate of pay may be varied to include up to a maximum of six hours <b>guaranteed</b> overtime (to a maximum 44 hour week). The approved sponsor must provide evidence at the time of nomination that the hours are guaranteed.</p> <p>The terms and conditions of employment for overseas workers must be no less favourable than the terms and conditions of employment that are, or would be, provided to an Australian worker performing the same duties at the same location. Where an Australian employee is undertaking the same role, evidence of salary and guaranteed overtime arrangements must be provided with your request.</p> <p>All additional hours worked in excess of 44 hours over the week <b>must be remunerated</b> in accordance with the provisions of the relevant industrial instrument applicable to Australian and overseas workers in the pork industry.</p> |

## How do I request a pork industry labour agreement?

You may request a pork industry labour agreement once you have determined that you meet the requirements and have completed stakeholder consultation - refer to the labour agreement information guide (*Labour Agreements: Information about requesting a labour agreement*) for details.

The department requires that you make your request by completing the *Labour Agreement Business Case Proforma* at Attachment A of the information guide.

If you have any questions about a labour agreement, please contact the department at: [labour.agreement.section@border.gov.au](mailto:labour.agreement.section@border.gov.au)

## Transition to permanent residence

Overseas workers may transition to a permanent visa only after they have held a subclass 457 visa, as a primary visa holder, in the occupation of 'senior stockperson (piggery)' for a minimum period of four (4) years in the following circumstances:

- nominations can only be made by a pork industry employer that is a signatory to a pork industry labour agreement; and
- employers may only nominate overseas workers in the occupation of 'senior stockperson (piggery)'; and
- overseas workers must have the experience, qualifications and English language proficiency required under a pork industry labour agreement; and
- overseas workers must be under 50 years of age at the time of nomination and visa application lodgement.

Employers will be required to continue to demonstrate ongoing labour market need, rather than simply transitioning temporary visa holders to permanent residence. Employers will also be expected to have met all sponsorship obligations, including training and recruitment obligations, throughout their current and previous labour agreement.

As such, employers should avoid "promising" a pathway to permanent residence when recruiting overseas workers. The department may review the number of nominations annually.