



Photo: Working Holiday Makers in Australia

Source: AgriLabour Australia

Sustainable Agricultural Labour Contracting

August 2015

NATIONAL FARMERS' FEDERATION
PRODUCE MARKETING ASSOCIATION AN-Z

Guiding principles

Australian farmers are committed to sustainable labour contracting practices through adoption of measures to foster effective, low risk relationships with contractors and promote fairness at work.

Choosing a contractor

When choosing a contractor, it is important to ensure that they provide an Australian Business Number (ABN) together with evidence of dealings with the Australian Tax Office (for example, recent Company Tax Returns / PAYG withholding annual reports).

Contractors must have current insurance for their workers and their business activities and are expected to provide a Certificate of Currency for each relevant insurance each year. As a minimum, contractors must hold workers compensation insurance (including for 'deemed employees') and public liability insurance (minimum \$20 million).

Contractors must have up to date workplace and safety policies and provide personal protective equipment (PPE) for their workers unless there is written agreement for this to be provided on site. Farmers and contractors should adopt a joint approach to farm safety management.

Contract terms

A formal contract for services should be in place between the farmer and contractor. Contractors must not seek or receive payments from

individuals to secure work. Workers must be paid in accordance with the relevant modern award or enterprise agreement as a minimum.

Charges for travel, accommodation and/or any other benefits must be in accordance with the relevant award or agreement, or otherwise at fair market rates.

Contractors must clearly demonstrate how and when their workers are paid, and any transport or accommodation or incidental fees they will incur.

Employees must not be required to lodge deposits or identity papers with the contractor and must be free to leave employment in accordance with their visa and on reasonable notice.

Contracts should clearly identify who is responsible for checking that workers have valid work rights. Farm workplace policies and practices advised to the contractor must be provided to employees of the contractor.

Contract workers

Farmers also have a responsibility to make sure workers on their properties have the right to work in Australia and are treated well. This includes checking in with workers from time to time, asking how things are going, and making sure workers have a workplace contact for any concerns.

Contractors should provide details of languages spoken by contract workers, so that contact details for the Fair Work Ombudsman's worker helpline can be displayed in the relevant language at work.



National Farmers'
FEDERATION



Contracting Checklist

Choosing a contractor

- ABN provided
- Evidence of recent ATO dealings (e.g. Company Search)
- Insurance certificates of currency provided including:
 - Workers compensation (also covering 'deemed employees')
 - Public liability – min. \$20m
- Workplace and safety policies
- PPE (personal protective equipment) provided

Contract terms

- Formal contract for services in place
- No payments from workers to contractors to secure work
- Contractor payments to employees in accordance with relevant modern award / enterprise agreement
- Travel, accommodation and/or other benefits charged to workers only in accordance with the relevant award, agreement or if none, at no more than fair market rates
- Contractor provides detail about how and when workers are paid, incl. any deductions for transport, accommodation, or similar

- Workers are not required to lodge deposits or identity papers with the contractor.
- Workers must be free to leave employment in accordance with their visa and on reasonable notice.
- Clear statement on who will check that workers have valid work rights.
- Any farm workplace policies and practices provided to the contractor must be passed on to contract workers

Contract workers

- Worker has a legal right to work in Australia (check here: [VEVO](#))
- Check in with contract workers from time to time to see how things are going
- Make sure workers know who to contact if they have any concerns
- Find out which languages are spoken by contract workers, and display the Fair Work Ombudsman's worker helpline in those languages where they can be easily seen on site



Sustainable
Agricultural
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Contracting

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FOR MORE INFORMATION

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