

# **Pacific Labour Mobility Consultation**

**Feedback on Discussion Paper**

July 2021

## About the Australian Fresh Produce Alliance

The Australian Fresh Produce Alliance (AFPA) is made up of Australia's key fresh produce growers and suppliers. The members include:

- Costa Group
- Perfection Fresh
- Montague
- One Harvest
- Pinata Farms
- Fresh Select
- Mackay's Banana Marketing
- Driscoll's
- 2PH Farms
- LaManna Premier Group
- Rugby Farming
- Freshmax
- Fresh Produce Group

These businesses represent:

- half the industry turnover of the Australian fresh produce (fruit and vegetables) sector - \$4.5 billion of the \$9.1 billion total
- a quarter of the volume of fresh produce grown in Australia - 1 million of the 3.9 million tonne total
- more than a third of fresh produce exports - \$410 million of the \$1.2 billion export total
- more than 1,000 growers through commercial arrangements, and
- more than 15,000 direct employees through peak harvest, and up to 25,000 employees in the grower network.

The key issues the AFPA is focusing on include:

- packaging and the role it plays in product shelf life and reducing food waste landfill,
- labour and the need for both a permanent and temporary supply of workers,
- market access to key export markets for Australian produce,
- product integrity both within and outside of the supply chain,
- pollination and research into alternative sources, and
- water security, including clear direction as to the allocation and trading of water rights.

The AFPA's aim therefore is to become the first-choice fresh produce group that retailers and government go to for discussion and outcomes on issues involving the growing and supply of fresh produce.

Products grown by AFPA Member companies include:

Apples	Blueberries	Cherries	Nectarines	Raspberries
Apricots	Broccoli	Fioretto	Onions	Salad leaf
Asparagus	Broccolini	Green Beans	Oranges	Spinach
Avocado	Brussel Sprouts	Herbs	Peaches	Strawberries
Baby Broccoli	Butternut	Lemons	Pears	Sweet Corn
Baby Corn	Pumpkin	Lettuce	Pineapples	Table grapes
Bananas	Cabbage	Mandarins	Plums	Tomatoes
Beetroot	Cauliflower	Mango	Potatoes	Water Cress
Blackberries	Celery	Mushrooms	Cucumber	Wombok



## Summary

The COVID-19 pandemic, changes to the visa framework and this review of Pacific Labour Mobility (PLM) are important factors in the context of considering the workforce composition of the horticulture sector with a 10-year horizon. The objective of the horticulture sector is to develop a productive, returning workforce. This means significantly reducing industry's reliance on WHMs. This presents a significant opportunity for industry to further invest and support Pacific Labour Mobility.

Moving forward, a harvest workforce composition that at its core is supported by Pacific Labour Mobility (SWP and PLS) should be industry's objective. This enables other workers: Australians and Permanent Residents, Seasonal Agriculture Worker visa holders, WHM and other temporary visa holders to undertake highly seasonal, short term or "peak" labour requirements. Utilising Pacific Labour Mobility within the core of the horticulture workforce will provide employers with certainty and help achieve the outcome of securing a productive and returning workforce.

Members of the AFPA are strongly supportive of the ongoing and sustainable growth of the PLS, and more broadly the effective expansion of Pacific circular labour mobility to Australia. Given the increasing importance of PLM to the fresh produce and horticulture industry, a structural alignment between the PLS and SWP would be recommended. At a high level, the SWP and PLS should both be administered via a single program manager (DFAT/PLF), across a single deed and registration process for AEs. There may be an option to consider a holistic 403 PLM visa category, whereby carrying conditions can be applied to the visa (e.g. can only work for 9 months before returning home), that would enable the operation of two streams within a single broader program.

Importantly, a greater alignment between the SWP and PLS in terms of operation will provide greater certainty to employers and SWP visa holders of ongoing employment. This certainty will be a critical element of industry's workforce planning but also create opportunities for training and skill development within the SWP, not only the PLS.

Management of risks within the PLS and SWP is key to the ongoing success to the programs. The AFPA is supportive of greater employer responsibility where there is appropriate employer support from relevant agencies.

There is considerable scope and opportunity with the SWP and PLS to consider an employer's history, policies, practices and other relevant certification schemes as key indicators for risk and management ability. While employers with demonstrable best practice under the program/s should not be exempt for any risk measures, this would provide insight to relevant agencies on where best to direct support and attention.

In utilising a risk-based approach, the inclusion of worker safeguards is vital. In terms of supporting AE's, clearly defined escalation provisions and relevant timelines will be key in ensuring effective risk management among employers. Ideally this will provide a clear guidance on when AE's must reengage with Government stakeholders to ensure appropriate risk management and where applicable management of worker welfare.

Looking forward, industry's increased engagement with PLM has seen a shift in workforce planning that has led the sector to focus increasingly on securing productive, reliable returning harvest labour; both the PLS and SWP offer this. It is likely that the horticulture sectors commitment to PLM will only increase over coming years as a number of more temporary workers (e.g. backpackers) in the sector will be replaced with SWP and PLS workers.

In order to plan for the increased interest and recruitment under PLM industry supports better alignment between the PLS and SWP programs.



## Industry Background

The fresh produce (fruit and vegetable) industry is both the fastest growing and one of the most labour-intensive sectors within Australian agriculture. The labour intensity in horticulture is so high due to low levels of available mechanisation compared to other agricultural sectors such as broad acre farming. While finding mechanisation opportunities is a priority for all fresh produce businesses, this solution will not be arrived at in the short term, therefore industry will continue to remain reliant on manual labour for the picking and packing of fruit and vegetables for Australians.

Labour is the largest cost unit in fresh produce businesses, accounting for up to 60 per cent of the total cost of production in some instances<sup>1</sup>. Sourcing labour in the fresh produce industry is also a significant challenge with the sector relying on temporary and seasonal migrant workers to harvest crops and competing with the rest of the economy for skilled, management workers. Historically, it has been difficult to attract and retain a local workforce in horticulture, this has been attributed to a number of factors surrounding the nature of the work and the nature of the location of fresh produce production. These factors have had a significant impact on the availability, quality, and retention of a highly productive workforce.

The two key factors are:

- A. Nature of the work
  - Often physical work outside in variable weather conditions
  - Work periods and location dependent on the products being harvested
- B. Nature of the locations
  - Remote – difficult to travel, low level of service and accommodation
  - Regional – competition from other industries, opportunities in capital cities
  - Metropolitan – competition from other industry sectors for capable and skilled people

## Composition of fresh produce workforce

The Australian Bureau of Statistics reports that Australian horticulture employs 72,800 people<sup>2</sup> across 11,490 individual businesses<sup>3</sup>. Employment in horticulture can be separated into three distinct functional areas:

1. Harvest Labour: harvesting, picking, packing, planting and maintenance (e.g. pruning) of horticultural crops
2. Technical Expertise: skilled and semi-skilled roles including supervisors, agronomists, food technologists and food safety specialists
3. Management & Administration: farm managers, sales and marketing, category management, human resources and finance and accounting.

The fresh produce workforce is defined by a significant requirement for production/harvest labour roles, relative to output.

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<sup>1</sup> Demand for farm workers, ABARES farm survey results 2018

<sup>2</sup> ABARES (2018), Agricultural commodity statistics 2018

<sup>3</sup> ABS (2019). Agricultural Commodities 2017-18 Cat no 7121.0



## Harvest Workforce Roles

In March 2020, the AFPA and AUSVEG collaborated with Ernst & Young (EY) to determine the number, location and timing requirements for harvest labour in horticulture. The analysis undertaken by EY outlined that there are between 50,000-71,000 short term roles in fresh produce throughout the year<sup>4</sup>.

This report demonstrates that these roles vary seasonally and by location. Figure 1 demonstrates the seasonal and geographical fluctuation of short-term roles. For example, production regions like Sunraysia see harvest labour requirements fluctuate from as high as 11,870 short term roles down to only 2,500 following peak season.

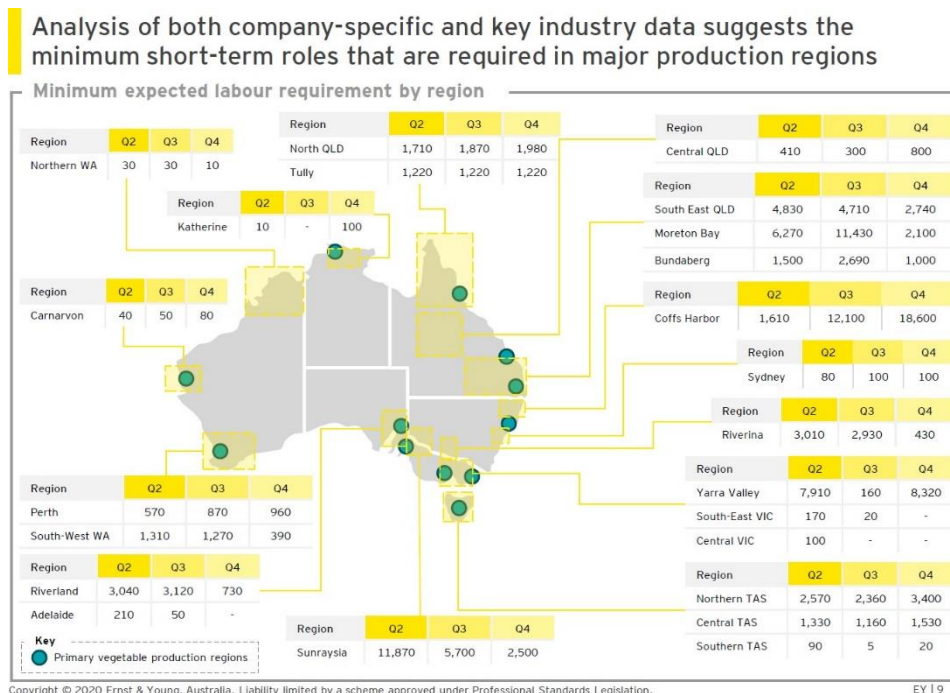


Figure 1: Location, timing and number of short-term roles in fresh produce in 2020

## Composition of fresh produce harvest workforce

The harvest workforce in fresh produce is dominated by temporary migrants/visa holders, specifically Working Holiday Makers and Seasonal Worker Program visa holders. This is predominantly due to the seasonal nature of work in fresh produce. Based on AFPA member data, ABS and ABARES statistics, the harvest workforce composition outlined in Figure 2 has been determined.

<b>TOTAL WORKFORCE</b>	80,000					
<b>HARVEST</b>	65,000					
<b>MANAGEMENT</b>	15,000					
<b>COMPOSITION</b>	52,000 Working Holiday Makers	8,000 Seasonal Worker Program	5,000 Australians & Permanent Residents	5,000 Australians & Permanent Residents	10,000 Owner Operators	

Figure 2: Composition of the fresh produce workforce by number and visa type



## Future of the horticulture workforce

As outlined in the discussion paper, the COVID-19 pandemic has had a significant effect on the current horticulture workforce composition. The significant reduction in the number of Working Holiday Makers to fewer than 40,000, coupled with the successful restart of Pacific Labour Mobility has further increased industry's engagement with the Pacific.

Separately, the Federal Government has included the removal of the "88-day requirement" for UK working holiday makers under the recently announced UK-FTA. Following this change, Minister for Agriculture David Littleproud also announced the Federal Government's intent to deliver a Seasonal Agriculture Worker visa, available to the UK and ASEAN nations.

The COVID-19 pandemic, changes to the visa framework and this review of Pacific Labour Mobility are important in the context of considering the workforce composition of the horticulture sector with a 10-year horizon. The objective of the horticulture sector is to develop a productive, returning workforce. This means significantly reducing industry's reliance on WHMs. This presents a significant opportunity for industry to further invest and support Pacific Labour Mobility.

Moving forward, a harvest workforce composition that at its core was supported by Pacific Labour Mobility (SWP and PLS) should be industry's objective. This enables other workers: Australians and Permanent Residents, Seasonal Agriculture Worker visa holders, WHM and other temporary visa holders to undertake highly seasonal, short term or "peak" labour requirements. Utilising Pacific Labour Mobility within the core of the horticulture workforce will provide employers with certainty and help achieve the outcome of securing a productive and returning workforce.

## Responses to Discussion Paper questions

### 1. How can we maximise the efficiency of Pacific labour mobility programs, and deliver good outcomes for employers and workers?

Restructuring Pacific labour mobility, to a single streamed program, will create a greater level of efficiency. This program should also be managed under the Department of Foreign Affairs and Trade, to better enable the program to fulfill and address aid objectives.

Industry's increased engagement with PLM has seen a shift in workforce planning that has led the sector to focus increasingly on securing productive, reliable returning harvest labour; both the PLS and SWP offer this. It is likely that the horticulture sectors commitment to PLM will only increase over coming years as a number of WHM in the sector will be replaced with SWP and PLS workers.

In order to plan for the increased interest and recruitment under PLM, industry supports better alignment between the PLS and SWP programs. Industry is supportive of a "two-stream" offering.

### Two-stream offering

The seasonal nature of fresh produce harvest roles, coupled with often regional locations has been a key part of the difficulty in attracting and retaining a harvest workforce for the fresh produce sector. This is important consideration in the horticulture sectors use of PLM.



## Key Areas of a combined SWP and PLS

<b>Pacific Labour Mobility</b>	
Merged Areas of Activity Under SWP/PLS: <ul style="list-style-type: none"> <li>• 403 visa               <ul style="list-style-type: none"> <li>○ Offer visa streams with relevant conditions to facilitate a SWP or PLS program</li> </ul> </li> <li>• Single Approved Employer registration and audit process</li> <li>• Single Deed across both streams</li> <li>• Single administration/oversight – i.e., DFAT &amp; PLF</li> <li>• Pastoral care and welfare obligations to be managed primarily by AE</li> </ul>	
<b>Seasonal Worker Program</b>	<b>Pacific Labour Scheme</b>
<ul style="list-style-type: none"> <li>• Enable shorter visa length (6-9 months)</li> <li>• Allow AEs to move workers across multiple sites and jurisdictions during employment</li> <li>• Most suited for seasonal harvest work within horticulture</li> <li>• Encourage use for low-skilled positions</li> </ul>	<ul style="list-style-type: none"> <li>• Longer term visa arrangement (up to 3 years)</li> <li>• Retain focus on semi-skilled roles</li> <li>• Focus on enabling visa holders to remain in a single location (i.e., within single production facility)</li> <li>• More suitable to fixed ongoing employment</li> <li>• Encourage use for semi-skilled positions (e.g., supervisor roles)</li> </ul>

### Visa Length

Important to consider when implementing a two stream PLM program is the length of time for which a visa is granted. Based on industry's previous engagement in the SWP and PLS programs, the short-term nature of the SWP visa is suited to harvest work. The often physical and repetitive nature of harvest roles and in some instances the relocation required can be particularly demanding on a worker. The maximum 9-month length of the SWP stream would enable a worker to work for 9 months, before returning to their home country for 3 months. This ensures that workers are well rested and able to reengage with their family and community.

There may be an opportunity to further streamline the PLS and SWP via visa designation. That is enabling the SWP visa conditions (i.e., only working for 9 from 12 months in any year) by issuing a multi-year visa pathway (similar to PLS). Selecting the conditions applied to the current 403 visa designation, would enable the operation of separate schemes, but offer a more streamlined visa application process.

### Skills and Training

Under a two-stream program, the targeted skill level and therefore necessary training needs for horticulture could also be addressed.

Where a longer visa (i.e., 3 years, with multiple entries for the SWP) is granted, an AE and visa holder have a greater level of certainty around ongoing employment. This better enables and encourages an employer to undertake training and skill development, even within the SWP as it ensures a returning and ongoing relationship between AE and employee.



## 2. What range or types of employers should the schemes be seeking to serve?

The Pacific Labour Mobility Schemes should serve employers that are committed to their workers welfare and achieving the objective of the program. In practice, this would be employers that are appropriately resourced and have a demonstrated ability to comply with conditions associated with Pacific Labour Mobility.

In terms of horticulture's use of the program, there has been ongoing discussion about the ability for "small growers" to access the program. Moving forward, program standards must not be lowered to accommodate every employer, rather focus must be placed on capacity and capability building among employers to develop best practice to meet and exceed program standards.

Labour hire providers are also large employers under existing Pacific Labour Mobility schemes. While labour hire providers should continue to be able to access the scheme there must be a balance between the expansion of the program between labour hire and direct grower involvement. Ongoing participation by large labour hire firm will continue to be important for providing access to the program for small growers who do not have the resources, capability and expertise to become Approved Employers themselves.

## 3. What additional flexibility might be added to the programs? What are the potential risks associated with greater program flexibility?

It is the current view of many Approved Employers that greater flexibility to move workers between sponsors would be of significant benefit. The COVID-19 pandemic has demonstrated that it is possible to move workers between locations and Approved Employers.

Greater flexibility to move workers between Approved Employers would enable more highly seasonal crops (i.e. those with a short harvest window) to access workers and would also mitigate risk for visa holders where a season may fall short, or a weather event destroys a crop that results in those workers no longer having work.

Any risks associated with greater movement of workers could be addressed with an effective risk-based approach considering the employers involved and the reason for movement request. Further, enabling greater movement could be addressed during recruitment, where two or more Approved Employers are able to outline the movement of workers over their total deployment.

## 4. Is there any specific streamlining of current arrangements you would like to suggest? Are there any associated risks to manage?

As outlined, streamlining of visa and program arrangements would enable more efficient operation of Pacific labour mobility. Key areas of streamlining would include:

- Single visa (403 visa)
  - Offer visa streams with relevant conditions to facilitate a SWP or PLS program
- Single Approved Employer registration and audit process
- Single Deed across both streams
- Single administration/oversight – i.e., DFAT & PLF
- Pastoral care and welfare obligations to be managed primarily by AEs

## 5. What stakeholders have an important role to play in delivering good outcomes, in particular in relation to worker welfare?

Management of risks within the PLS and SWP is key to the ongoing success to the programs. The AFPA is supportive of greater employer responsibility where there is appropriate employer support from relevant agencies.





There is considerable scope and opportunity with the SWP and PLS to consider an employer's history, policies, practices and other relevant certification schemes as key indicators for risk and management ability. While employers with demonstrable best practice under the program/s should not be exempt for any risk measures, this would provide insight to relevant agencies on where best to direct support and attention.

In utilising a risk-based approach, the inclusion of worker safeguards is vital. In terms of supporting AE's clearly defined escalation provisions and relevant timelines will be key in ensuring effective risk management among employers as this ideally will provide a clear guidance on when AE's must reengage with Government stakeholders to ensure appropriate risk management and where applicable management of worker welfare.

## **6. How can mutual benefits and people-to-people links between Australia and the Pacific island countries and Timor-Leste be further promoted?**

There have been a number of different conversations about building people to people links between Australia and Pacific Island countries and Timor Leste.

One of the key conversations has been about the possibility of expanding the support for the education of school children in the Pacific and Timor Leste with obvious benefits to those countries. This initiative must be led by the Federal Government as part of the overall approach to development assistance which recognises the challenge and opportunity for each country, and places that investment appropriately as part of the broader bilateral relationships for Australia. Australian industry has been supportive in discussions, but it is not appropriate for industry to drive an education agenda independent of the broader development assistance investment.

Australian horticulture companies invest in their local communities through contributions to charities, sporting clubs and groups, and other community organisations. This approach can be built on in terms of sporting and community links into the Pacific and Timor Leste. These interactions are often relationship based and develop over time as key individuals and communities spend more time together over years. The government could investigate opportunities for exchanges of sporting teams, community groups and other initiatives which support interactions. A long term approach is key for the success of these types of initiatives.

Training is a key area where people to people links can be developed. Government and industry will need to approach training with an open mind but the 'low hanging fruit' is likely to be training in practical skills such as driving, machinery tickets, food safety, OHS practices and basic horticulture operations.

## **7. Do you have any other comments?**

In terms of managing worker welfare, consideration should be given to engaging culturally appropriate liaison officers in Australia. Examples of where this has worked is the Solomon Islands' in-country representative. This would assist in better facilitating dialogue between AE's and workers, help more effectively address worker concerns and be an important point of contact for an AE to understand better any language or cultural barriers.

Additionally, better gender diversity within the program should also be considered. More balanced recruitment may also help address in country welfare challenges and provide greater support for workers when they are in Australia.



## Specific issues for consultation – Issues notes responses

### 1. Supply of appropriate workers by Pacific countries and Timor-Leste

**Q: What works well about the existing in-country arrangements, and what changes, improvements or flexibilities would you like to see, particularly as labour mobility grows? Please provide details.**

**Q. What role do you see Country Liaison Officers playing as the number of workers increases?**

In country arrangements and Country Liaison Officers are critical and currently underutilised. In terms of in-country arrangements, arrangements where an approved employer can more actively engage and understand a work ready pool produce better results. Examples of this are in Fiji where employers are able to understand information about pools of workers such as which community they are from, and which other workers are within the same community. This enables recruitment of workers in family/community groups that provides a greater level of support when they travel to Australia.

A current challenge is that AE's are provided very limited information about in-country dynamics. Not being provided with accurate information on in-country dynamics can create challenges in Australia, where these are not known by employers and therefore cannot be appropriately managed.

Country Liaison Officers would be well placed to provide some of this information and detail and engagement with AE's including answering questions and working with AE's to best guide recruitment.

### 2. Industries and locations

**Q: Do you consider the current industry sectors and locations appropriate? What changes, improvements or flexibilities would you like to see and why? Please provide details.**

Under the two streams of PLM, the current industry sectors are appropriate. The SWP stream should remain focused on a shorter-term visa and therefore an agricultural or seasonal employment opportunity is most appropriate. With regards to PLS, and specifically locations, there may be an opportunity to expand locations and eligible postcodes. This is particularly relevant when considering food manufacturing opportunities, many of which may not be co-located with primary production.

### 3. Approved Employer program participation

**Q: What works well about the current arrangements and what changes, improvements or flexibilities would you like to be made to the current system? Please provide details**

The current requirement to be an approved employer is a vital part of Pacific Labour Mobility. With regard to caps placed on AE's in the SWP, caps should remain for first year/initial recruitment. Further consideration must be given to employers that have demonstrable employment records. Those with good employment records should be able to increase their recruitments in subsequent years of program participation as required.

Considering employers track records should also apply across different subsidiary companies, whereby it is demonstrated that the recruitment is being undertaken and managed by the same operation or "parent company". Additionally, limits on recruitment caps encourage otherwise capable 'direct' employers to utilise a labour hire firm rather than recruit directly. This practice places the host employer at arm's length from worker welfare; where an AE has proven themselves as a capable employer in the program they should be empowered to recruit and employ directly.



#### 4. Employer Sponsorship arrangements

**Q: What works well about the current sponsorship arrangements and what changes, improvements or flexibilities would benefit the programs? Please provide details.**

It is the current view of many Approved Employers (sponsors) that greater flexibility to move workers between sponsors would be of significant benefit. The COVID-19 pandemic has demonstrated that it is possible to move workers between locations and Approved Employers.

Greater flexibility to move workers between Approved Employers would enable more highly seasonal crops (i.e. those with a short harvest window) to access workers and would also mitigate risk for visa holders where a season may fall short, or a weather event destroys a crop that results in those workers no longer having work.

#### 5. Length of time in Australia

**Q: What works well about the current visa arrangements, and what changes, improvements or flexibilities would benefit the programs? Please provide details.**

Based on industry's previous engagement in the SWP and PLS programs, the short-term nature of the SWP visa is suited to harvest work. The often physical and repetitive nature of harvest roles and in some instances the relocation required can be particularly demanding on a worker. The maximum 9-month length of the SWP stream would enable a worker to work for 9 months, before returning to their home country for 3 months. This ensures that workers are well rested and able to reengage with their family and community.

In terms of production horticulture work, many roles are not full-time ongoing position which would make a 12 month or longer visa unworkable for the sector.

For other agriculture sectors and broader economy sectors such as aged care and meat processing, a 12 month or 3 year PLS visa may be more appropriate but a 9 month SWP visa stream is most appropriate for the majority of horticulture.

#### 6. Travel to and from Australia

**Q: What works well about the current international travel arrangements under either or both programs and what changes, improvements or flexibilities would benefit the programs? Please provide details.**

Travel arrangements to and from Australia prior to COVID-19 were working well.

#### 7. Accommodation

**Q: What works well about the current accommodation arrangements under either or both programs, and what improvements or flexibilities would you like made to the current model(s)? Please provide details.**

The lack of accommodation in regional and rural areas is a challenge for the horticulture sector. Industry workforce analysis indicates that there are 7 regions nationally with a peak workforce demand of >10,000 roles. These regions (Cairns, Wide Bay, Coffs Harbour-Grafton, Murray, North West Victoria, Shepparton and South East South Australia). Industry would support engagement on accommodation challenges in these regions.

The lack of accommodation makes accommodation approvals challenging. In some instances, the best available accommodation is being presented for approval, there needs to be an ability for accommodation approvals to understand accommodation shortages and adapt accordingly.

More broadly, there is a lack of consistency around accommodation approvals. Many AE's have indicated that they have had accommodation approved by a contract manager and then declined by a different contract



manager. The lack of consistent applications of standards can be a cause of significant frustration for employers.

Further, the length of accommodation approval processes has also been noted as a key area of improvement with approvals often taking 8 or more weeks. A possible solution would be to adopt more technology such as digital property inspections (e.g. video calls with an employer taking a contract manager through relevant accommodation) or considering the employers history within the program, the type, nature and location of the accommodation and other risk based elements that may assist in lowering processing times.

It is also noteworthy that changes to the workers within approved accommodation causes the accommodation to become unapproved. This halts any other processes like recruitment plans. AEs should be able to move workers from one approved accommodation to another approved accommodation (while updating accommodation plans). As long as the total number of people the accommodation has been approved for is not exceeded, a change in workforce composition should not cause accommodation to be unapproved.

## **8. Transport for workers within Australia – to work, shopping and for recreation**

***Q: What works well about the current transport arrangements under either or both programs, and what changes, improvements or flexibilities would benefit the programs? Please provide details.***

***Q: What measures might help to improve road safety for Pacific workers?***

A challenge within the program is to manage worker transport in a way that both meets the programs expectations of an employer's responsibility for worker welfare, while encouraging and enabling the workers to be independent during their time in country.

A real challenge is enabling workers to become licenced while they are in Australia. Training and skill development programs targeted at upskilling workers driving skills would be a beneficial training and skills development piece that would be beneficial to workers regardless of industry and employer.

Currently, many AE's in horticulture are designating drivers within worker cohorts. These drivers assist other workers in their group to commute to and from work but are also key in enabling workers to travel to supermarkets and other community activities. While it may not be appropriate, or possible, to expect every worker to have their own licence or transport, there is an element of independence that this provides that is beneficial to the workers in country experience.

Moving forward, a restructuring of the seasonal worker program, to enable workers to be issued a 3-year visa, working 9 months per year, would better enable these workers to return year on year to the same employer. Should this happen, there would be greater opportunities for an AE to invest in more robust driving programs to assist workers to either obtain a learners permit and subsequent licence, or obtain a full Australian drivers licence.

## **9. Welfare of workers**

***Q: What works well about the current welfare arrangements under each or both programs and changes, improvements would you like to see?***

***Q. How can approved employers be better supported and equipped with the skills to provide effective welfare support to workers?***

***Q. Other than the approved employers and PLF, which other stakeholders contribute to worker welfare and how can these stakeholders best be supported to help workers?***

***Q. The current welfare model delivered by the PLF for PLS workers is too intensive to take to scale. How can welfare support be maintained and improved as the PLF reduces its role in direct welfare case management?***

***Worker skills and training***



***Q: What works well about the current arrangements for skills training, and what changes, improvements or flexibilities would you like to see? Please provide details.***

***Q: What role should worker training and skills development play in the programs? Are formal qualifications valuable? Would improved worker skills and qualifications impact wages?***

The AFPA are supportive of AEs taking a greater role in managing worker welfare. This transition, however, must be appropriately balanced with support for the AEs; ensuring that there are clear escalation policies and guidelines and support for time sensitive or high care welfare cases and issues.

The introduction of third parties into the management of worker welfare needs to be reconsidered. Where the use of a third party has been effective in the management of worker welfare has been in the use of in country officers. A commonly cited example is the Solomon Islands, whereby a liaison officer in Australia is funded to provide support to workers from the Solomon Islands in Australia. Moving forward, the most effective support mechanism for welfare management beyond employer would be a network of in country resources from source countries that are able to provide AE's and workers with support.

These in-country officers would be able to provide support to workers and much needed advice, information and insight to AE's. Better developing an in country network of key support people that are agnostic to any organisation (other than the source country) should be considered to support program growth.

Redirecting the resources of the PLF to supporting in-country community members from the Pacific and Timor Leste would address the scale challenge associated with program expansion. This coupled with AE's taking a greater role in managing worker welfare, will help to support the growth of Pacific Labour Mobility.

## **10. Assurance and compliance**

***Q: What works well about the current assurance and compliance arrangements, and what changes or flexibilities would you like to be made to the current model(s)? Please provide details.***

***Q: What, if any, additional measures are needed to support employers to understand and comply with workplace and other laws?***

***Q: What, if any, additional information could be provided to workers to ensure they understand their entitlements?***

***Q: Is there now potential to use industry-based assurance processes within the SWP and PLS?***

The AFPA is supportive of Approved Employers undertaking more responsibility for worker welfare. Key to allowing Approved Employers to take a greater role in welfare, assurance and compliance is ensuring that there are clear escalation protocols for employers to follow and appropriate support for relevant agencies at the point of any escalation.

In terms of assurance and compliance, there is an opportunity to integrate a better risk based approach using a number of factors such as track record with the program, and industry assurance schemes. In horticulture the most common industry schemes are SEDEX, Global GAP GRASP and Fair Farms. Further, considering rewarding employers who are undertaking best practice and presenting low risk should be prioritised.

## **11. Program administration and stakeholder engagement**

***Q. What works well about the current arrangements for program administration and stakeholder engagement for the SWP and/or PLS, and what changes, improvements or flexibilities would benefit the programs?***

AE's first and most common point of contact, in regard to program administration is their contract manager. Contract Managers often provide information about program requirements and advice on how employers



should address any issues that arise. It is important that Contract Managers are empowered to provide this advice with better access to expertise via contacts at relevant agencies such as Fair Work and WorkSafe.

Regular communiques are an effective tool to engage with all approved employers with relevant updates and the two way communication between AE's and program administrators should continue to be encouraged.

## **12. Reducing red tape**

***Q. What further changes would you like to see to reduce red tape and/or streamline administration and add flexibility? Please provide details.***

Program red tape could best be reduced by using a risk-based approach to regulation. Employers that have a positive track record and are undertaking best practice should receive lighter touch regulation. This could be modelled on the Trusted Trade program or similar.

## **13. Application process to become an Approved Employer**

***Q: What do you think works well about the application process, and what changes, improvements or flexibilities would benefit the program?***

***Q. Are there existing industry accreditation schemes that could provide additional assurance or flexibility when employer eligibility is being assessed for the SWP or PLS? Please provide details.***

The existing application to become an Approved Employer is appropriate. There is however overlap between this application and existing industry schemes and sponsorship requirements (e.g. registering as a sponsor under the Horticulture Industry Labour Agreement). There may be an opportunity to review the audits and criteria of these programs to better streamline the Approved Employer application process.

Business structure in horticulture, particularly among medium and large businesses present significant challenges in effectively accessing Pacific Labour Mobility and becoming an approved employer. Many companies are structured in a way that sees a “parent company” manage a number of other trading businesses, these are typically the farming operations where labour is utilised. The relationships between these companies is critical as often it is the parent company that provides finances and overall human resources support and workforce management, and is the key contact for program administration.

Where this structure is present, it may be more appropriate to either address the parent company and farming operations as a single “group application” or alternatively, these entities could be considered similarly to labour hire providers in their application. This would address the issues this model poses around financial viability reviews as well as enable medium and large direct employers (i.e. not labour hire providers) to become more directly involved in Pacific Labour Mobility.

More broadly, it is vital that standards to become an Approved Employer remain high and robust to protect the integrity of the program.

## **14. Recognition of performance and sharing best practice.**

***Q: How do you think the knowledge of experienced approved employers and best practice could be captured and shared with newer employers? What is the role of industry in this process?***

***Q. Do you think that an approved employer rating system would be beneficial? How might it operate and are there any risks? Please provide details.***

***Q. Do you think there are any mechanisms for recognising good performance that could be incorporated in the processes for approval and monitoring of approved employers? How might it operate and are there any risks? Please provide details.***



Recognising past performance and sharing best practice will be critical to the expansion and further development of PLM. A method by which to recognise past performance is to acknowledge employers that apply best practice and have a demonstrable track record within the program should be able to engage with lighter touch regulation and access greater numbers of workers. This could be similar to the Trusted Trader program.

In terms of sharing information from experienced approved employers, there may be an opportunity to utilise a group like the Approved Employers Association to host a forum that encourages employers to share their experiences and knowledge. AE's indicate that this information sharing is currently occurring informally, through existing networks, but formalising this knowledge exchange would be beneficial for both industry and government.

There is also an opportunity to capture better information from workers, particularly after their first deployment in Australia. Understanding from workers, what the most challenging part about moving to Australia was will help employers better address challenges faced by workers. This information would also help resources in country better prepare workers before deployment.

