

## Horticulture sector update

27 August 2020

The Fair Work Ombudsman has continued to monitor workplace compliance in the horticulture industry with inspectors assessing over 260 businesses connected with the harvesting of various crops last year and earlier this year.

Since the release of the [Harvest Trail Inquiry Report \(www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/november-2018/20181122-harvest-trail-inquiry-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/november-2018/20181122-harvest-trail-inquiry-media-release), the regulator has worked closely with key horticulture stakeholders, including representatives from Australia's major employer, union, and grower bodies and national supermarkets, to help build a culture of compliance in the sector.

Fair Work Inspectors have revisited businesses around the country that were found to be non-compliant during the Inquiry. Inspectors have also conducted investigations into employers operating in Queensland horticulture regions [Wide Bay \(http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/july-2019/20190711-bundaberg-audits-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/july-2019/20190711-bundaberg-audits-media-release) and [Moreton Bay \(http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/september-2019/20190919-moreton-bay-targeted-in-fwo-compliance-activity\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/september-2019/20190919-moreton-bay-targeted-in-fwo-compliance-activity), following concerns of breaches.

While investigations are continuing in some other regions, inspectors have recorded an improvement in the numbers of piece rate agreements being signed by workers, as well as improvements in record-keeping, especially among larger firms.

Fair Work Ombudsman Sandra Parker said that improving compliance in the horticulture industry remained an agency priority.

"The FWO's Horticulture Industry Reference Group met today for the sixth and final time and it has been an important source of intelligence for compliance activities as well as powerful avenue to advise and assist employers and workers across the nation's diverse horticulture and viticulture sector," Ms Parker said.

"There continues to be work to do to ensure that all horticulture employees are receiving their lawful wages and entitlements and I take this opportunity to thank all reference group stakeholders for their constructive engagement, looking forward to their ongoing commitment to ensuring compliance."

Inspectors examined 245 businesses that had been found to be non-compliant during the nation-wide Harvest Trail Inquiry. Of that number, 162 were no longer operating. Of the 83 businesses still operating in the sector and employing staff, inspectors found 38 businesses were non-compliant.

Inspectors issued 22 Compliance Notices, recovering \$64,134 for 279 employees. Seven infringement notices were issued for pay slip and time records breaches, with a total of \$13,020 in penalties.

In addition, the Fair Work Ombudsman has worked closely with the ATO's Phoenixing Taskforce in assessing whether any directors of the 162 entities no longer operating present a compliance risk.

Inspectors also investigated 14 labour hire providers and two growers in the Wide Bay and Moreton Bay regions. In Wide Bay, inspectors issued three Compliance Notices, with \$5,591 recovered for 39 employees. Inspectors also checked on Seasonal Worker Programme employers in the region, finding no breaches of workplace laws by these employers.

In Moreton Bay, two infringement notices for pay slip breaches (\$4,200 total penalties) and a letter of caution were issued. The Fair Work Ombudsman referred five labour hire providers to the Queensland Government's Labour Hire Licence Compliance Unit, with all five later having their licences revoked.

Prior to the COVID-19 pandemic, the FWO took its education message on the road with forums for stakeholders in leading horticulture areas Bundaberg, Lockyer Valley, Shepparton and Coffs Harbour.

"We know that drought and coronavirus have impacted many horticulture employers in recent times and we will continue to enforce laws in a proportionate manner through the pandemic. Any businesses with queries about their wages and record-keeping obligations should contact us," Ms Parker said.

The FWO's [Horticulture Showcase \(https://horticulture.fairwork.gov.au/\)](https://horticulture.fairwork.gov.au/) has self-audit tools, a piecework agreement builder and resources for migrant workers. Employers and employees can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on 13 13 94 for free advice and assistance about their rights and obligations in the workplace. A free interpreter service is available on 13 14 50.

FWO Horticulture Industry Reference Group Members: Victorian Farmers Federation, Recruitment, Consulting and Staffing Association of Australia & NZ, United Workers Union, NSW Farmers Association, National Farmers Federation, Growcom, Costa Group, Berries Australia, Australian Fresh Produce Alliance, AUSVEG, ACTU, Coles, Woolworths and Australian Workers Union.

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