

Fair Work Ombudsman focus on Caboolture strawberry farms

13 August 2013

The Fair Work Ombudsman is monitoring strawberry farms around Caboolture after receiving a number of complaints about underpayments to foreign workers.

Fair Work Inspectors were in the district last week and visited nine farms to check that employers were meeting their obligations under workplace law.

Fair Work Ombudsman, Natalie James, said the visits identified a number of issues.

"Some employers paying workers piece-rates had no written agreement with employees, as required by law," Ms James said.

"This is a really important issue. In the absence of a piece-work agreement, workers are required to be paid hourly rates of pay according to the Modern Award, which for an adult casual is \$20.40 per hour.

"We also found a number of employers not maintaining appropriate records and not providing workers with pay slips - or pay slips not including all the required information.

"Providing pay slips is a legal requirement on employers. It's designed to allow employees to satisfy themselves that they've received all their entitlements."

Ms James said Inspectors discussed issues with individual employers and provided them with information and tools and resources to ensure they can meet their obligations. Our Inspectors also provided information to employees.

"Fair Work Inspectors will be returning to the district next month and where compliance is not satisfactory, further action may be taken," Ms James said.

"This can range from issuing one-the-spot fines for breaches of workplace law, right up to legal action in the federal courts, where significant penalties of up to \$51,000 per breach apply.

"The Fair Work Ombudsman is particularly concerned for vulnerable workers, including young and/or foreign workers, who may not be fully aware of their entitlements.

"The district relies heavily on the labour provided by foreign workers at this time of year, particularly working holiday makers, many of whom are undertaking seasonal harvest work to secure a second working holiday maker visa.

"Many workers were reluctant to speak to us during our visits. However, we have since received further information from some workers about potential underpayments and also copies of a piece-work agreement from one employer which requires workers to provide one week's notice of termination or have one week's wages withheld - neither of these requirements is lawful."

"The Fair Work Ombudsman's role is to help both employers and employees. Our visits have helped employers understand their obligations and meet them. I would hope to see a significant improvement in compliance with workplace laws when Inspectors return over the coming weeks."

Employers and employees can contact the Fair Work Ombudsman on 13 13 94 or, if a translator is required, on 13 14 50 or visit fairwork.gov.au/horticulture where there is information specifically on seasonal harvest work.

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Media inquiries:

Tom McPherson, Media & Stakeholder Relations
0439 835 855
media@fwo.gov.au

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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