

Spotlight on Queensland fruit & vegetable farms

23 June 2014

A team of Fair Work Ombudsman inspectors will fly into Bundaberg today to ensure seasonal workers on local fruit and vegetable farms are being paid their correct wages and entitlements.

Six inspectors from the Fair Work Ombudsman's Regional Services Team will make unannounced site visits to local properties in response to persistent complaints and concerns about non-compliance with federal workplace laws.

Farmers and labour-hire contractors will be asked to open their books, allowing inspectors to view records, with a particular emphasis on minimum pay rates, loadings and penalties. Record keeping and payslip obligations will also be monitored.

In addition to field visits, inspectors will run an information booth at the Federal Backpackers Hostel on Bourbong Street from 4.30pm to 6pm tomorrow (Tuesday, June 24).

Fruit and vegetable pickers with questions about their pay, conditions or workplace entitlements are encouraged to speak to Fair Work inspectors for free information and advice.

Fair Work Ombudsman Natalie James says it is important that employers in Bundaberg understand their workplace obligations.

She says key stakeholders have been enlisted to assist the Agency promote the need for compliance and a "level playing field" for all employers.

These include the Bundaberg Fruit and Vegetable Growers Association, Growcom and Bundaberg and District Chamber of Commerce.

Ms James says Bundaberg relies heavily on labour from working holiday makers, many of whom undertake seasonal harvest work to help qualify for a second-year visa.

"We have recently received information that suggests some of these workers may be being underpaid, so we intend to investigate and ensure that employers understand and are complying with their workplace obligations," she said.

The first preference of Fair Work inspectors will be to work co-operatively with employers to assist them to correct any issues by agreement and put processes in place to ensure future compliance.

However, they will consider enforcement measures in cases of serious non-compliance, such as issuing Infringement Notices (on-the-spot fines) of up to \$2550.

In the event of a matter being so serious it warrants legal action, penalties of up to \$51,000 per breach are applicable to companies and \$10,200 to individuals.

Ms James says checking that employers are complying with their obligation to have written agreements in place for workers paid piece-work rates will also be a key focus of the program.

"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 Horticulture Award 2010," she said.

Over the next few years the Fair Work Ombudsman will visit dozens of fruit and vegetable farms throughout Australia as part of its focus on the entitlements of seasonal harvest workers.

"We want to ensure employers understand and meet their workplace obligations and we are also seeking information about industry factors that influence compliance levels," she said.

Ms James says complaints to the Fair Work Ombudsman from fruit and vegetable pickers in the region have identified a number of common issues, including:

- Employees being unaware of who their legal employer is because they do not receive pay slips and are paid cash by a third party who may not be their employer,
- Employers underpaying the minimum hourly rate under the Horticulture Award 2010,
- Employers failing to keep time and wages records, particularly for casual employees,
- Employers failing to give new employees a copy of the Fair Work Information statement, and

- Employers making unlawful deductions to employees' wages.

A decision to pro-actively monitor workplace compliance in Bundaberg follows auditing in Caboolture, South-East Queensland, last year which found that more than 150 seasonal workers had been short-changed about \$133,000.

Fair Work inspectors also recently visited the Granite Belt region of the State to check that seasonal harvest workers at apple and pear orchards were being paid correctly.

“The knowledge we gain from these activities will help us to better direct our education and campaign activities, particularly in relation to the overseas workers employed in this sector,” Ms James said.

The Fair Work Ombudsman recently established an Overseas Workers' Team (OWT) in recognition that overseas workers can be vulnerable to exploitation, or require specialist assistance.

Overseas workers are often not fully aware of their workplace rights under Australian laws – and youth, language and cultural barriers can also create difficulties for them.

Complaints to the Fair Work Ombudsman from overseas workers come most frequently from South Korean, Chinese, Vietnamese and Japanese workers.

Any employer or employee seeking information or advice about workplace laws is encouraged to use the free tools and resources available at www.fairwork.gov.au/horticulture (www.fairwork.gov.au/pay/minimum-wages/piece-rates-and-commission-payments), or contact the Fair Work Infoline on 13 13 94.

Online tools include PayCheck Plus and an Award Finder to assist business owners and employees determine the correct award and minimum wages for their industry, templates for pay slips and piece-rate agreements and a range of fact sheets on workplace entitlements.

A free interpreter service is also available on 13 14 50 and information on the website is translated into 27 languages at www.fairwork.gov.au/languages (www.fairwork.gov.au/language-help/default).

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Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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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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