

Fair Work inspectors to visit Yarra Valley

14 March 2014

The Fair Work Ombudsman will visit strawberry farms in Victoria's Yarra Valley this month to ensure pickers and other seasonal workers are receiving their full entitlements.

Fair Work inspectors will make the site visits to ensure employers in the region are paying correct hourly rates, loadings and penalties - as well as keeping proper employment records and issuing pay slips.

A decision to pro-actively monitor workplace compliance in the Yarra Valley follows auditing in Caboolture, Queensland, last year which found that more than 100 seasonal workers had been short-changed about \$32,000.

Fair Work Ombudsman Natalie James says the horticulture and strawberry-growing industry continues to generate complaints from seasonal workers, including overseas backpackers.

"Overseas workers can be vulnerable if they are not fully aware of their workplace rights under Australian laws, so it's important we are proactive in checking they are being paid their minimum lawful entitlements," Ms James said.

"We are also conscious that a number of contractors employing strawberry pickers operate in Queensland in winter and Victoria in summer and autumn.

"These visits will provide an opportunity for us to monitor employers who follow the harvest trail, particularly those we have seen before, to ensure their ongoing compliance."

Ms James says Fair Work inspectors will also encourage Yarra Valley seasonal workers to come forward with any queries or concerns they may have.

"Our Caboolture visits resulted in about 50 seasonal workers in that region coming forward with underpayment complaints, so making workers aware that they can turn to the Fair Work Ombudsman for assistance if they have concerns is an important part of this activity," she said.

Most of these complaints came from overseas workers employed by contractors and are still under investigation.

Ms James says checking that employers are complying with their obligation to have written agreements in place for any employees being paid piecework rates will be a key focus of the program.

"This is an important issue because in the absence of a piecework agreement, workers are required to be paid the minimum hourly rate that applies to their position under the Horticulture Award 2010," she said.

Common non-compliance issues in the seasonal harvest sector include:

- Underpayment of minimum hourly rates under the Horticulture Award 2010,
- Failure to keep time-and-wages records, particularly for casual employees,
- Failure to provide the Fair Work Information Statement to new employees, and
- Detailed pay-slips not being provided to employees within one day of pay day.

In cases of non-compliance, Fair Work inspectors will assist business owners to rectify issues and educate them about the range of free resources available at www.fairwork.gov.au/horticulture (www.fairwork.gov.au/pay/minimum-wages/piece-rates-and-commission-payments) they can use to ensure ongoing compliance.

If serious, deliberate or repeated contraventions are identified, inspectors will consider taking compliance action, including issuing fines of up to \$2550 for record-keeping and pay-slip breaches.

A significant number of strawberry growers operating in the Yarra Valley use the services of contractors to provide pickers and other seasonal workers.

Fair Work inspectors will remind growers using contractors, particularly lowest-cost providers, that they should ensure lower costs are attributable to efficiencies in the business and not due to the potential underpayment of workers.

Inspectors met with a representative of the Victorian Strawberry Industry Development Committee, a key industry stakeholder, last month to enlist its support to help promote compliance with workplace laws in the industry.

Over the next few years, the Fair Work Ombudsman will audit dozens of fruit and vegetable farms in various regions throughout Australia to ensure seasonal harvest workers are receiving their full lawful entitlements.

"We are committed to gaining significant amounts of intelligence about any practices that are creating non-compliance issues in this industry to help inform our future education and compliance activities," Ms James said.

The Fair Work Ombudsman encourages any employer or employee seeking free advice and information about workplace laws to call the call the Fair Work Infoline on 13 13 94 or 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) .

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 time-and-wages records and a range of fact sheets on workplace entitlements.

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

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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

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