

Fair Work inspectors to visit apple and pear orchards across NSW, Victoria and Western Australia

23 May 2014

The Fair Work Ombudsman will make site visits to dozens of apple and pear orchards across three States over the next few weeks as part of its ongoing focus on seasonal workers.

Fair Work inspectors are planning unannounced visits to properties in NSW, Victoria and Western Australia to speak with growers and labour hire contractors about their obligations under federal workplace laws.

Seasonal workers engaged to pick and pack the fruit will also be encouraged to ask any questions they have about their pay and conditions.

Site visits are planned for Harcourt, the Goulburn Valley and Gippsland in regional Victoria, Donnybrook and Manjimup in Western Australia's South-West and Batlow in NSW.

Fair Work Ombudsman Natalie James says the main purpose of the visits is to increase awareness among orchardists and labour hire contractors of workplace laws.

However, she says issues of non-compliance that may be identified will be addressed.

"We can tell a lot about an employer's level of compliance by talking to them and their workers, but we'll look at time-and-wages records if we need to get a clearer picture," Ms James said.

As part of the educative campaign, the Fair Work Ombudsman will conduct a free information session at the Donnybrook Library on Tuesday, May 27, at 7pm.

A session will also be held at the Batlow RSL Club on Friday, May 30, at 10.30 am.

The presentations will cover pay and conditions under the Horticulture Award 2010, including piece-rate agreements, and pay-slip and record-keeping obligations under the Fair Work Act.

An information session was held for Goulburn Valley employers earlier this month.

The Fair Work Ombudsman has enlisted the support of key stakeholders, including Apple and Pear Australia Limited, to help promote the presentations and orchard visits.

Ms James says the Agency continues to receive complaints from seasonal harvest workers that they are underpaid, and many are substantiated.

"Many fruit pickers are overseas workers who may be vulnerable if they're not fully aware of their entitlements or reluctant to complain, so it's important we are proactive about ensuring their rights are protected and that their employers are fully aware of the law," she said.

Common issues of non-compliance in the apple and pear industry include:

- Underpayment of minimum hourly rates under the Horticulture Award 2010,
- Failure to make written piece-work agreements with employees on piece-rates,
- Failing to provide piece-rate employees with a copy of their agreement,
- 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 within one day of pay day.

As part of the campaign, inspectors will inform employers about the range of free tools and resources available at www.fair-work.gov.au/horticulture (www.fairwork.gov.au/pay/minimum-wages/piece-rates-and-commission-payments) that have been designed to assist them more easily comply with workplace laws.

The website includes detailed information and advice about the Horticulture Award 2010, classifications and categories of workers, hours of work, breaks and piece-rates.

Other free resources available for download include templates for time-and-wages sheets, piece-rate agreements, pay-slips and copies of the Fair Work Information Statement.

Ms James says Fair Work inspectors will return to orchards during next year's harvest to check that employers are meeting their workplace obligations on an ongoing basis.

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

"This knowledge will help us to better target our education and campaign activities, particularly in relation to the overseas workers employed in this sector."

Ms James says the preference is always to work with businesses and help them put effective policies and procedures in place to achieve compliance.

"A big part of our role is to work with businesses to ensure they have the information they need to comply with workplace laws," she said.

"We are serious about our job of building knowledgeable and fairer workplaces and don't insist there is only one way to achieve compliance – education is equally as important as deterrents.

"We're always looking for new and innovative ways to help businesses understand and meet their obligations, and acquire the knowledge they need to not only get it right, but work at best practice."

Employers and workers seeking information can visit the website or call the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

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

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