

Results of Yarra Valley strawberry farm visits

10 November 2014

Strawberry growers in Victoria's Yarra Valley need to pay greater attention to their obligations under federal workplace laws, according to the Fair Work Ombudsman.

Unannounced visits to six farms found two employers had underpaid 22 workers almost \$6000, while four employers had record-keeping and pay slip contraventions.

Many strawberry growers in the Yarra Valley use the services of contractors to provide pickers and other seasonal workers, rather than employing them directly.

Fair Work inspectors found 11 employers, including six growers and five contractors, operating across the six farms they visited.

"During our visits we reminded all growers that the use of contractors, particularly low-cost providers, is not acceptable if the savings can be attributed to the underpayment of employees," says Fair Work Ombudsman Natalie James.

The largest underpayment was \$5746 for 20 pickers and packers employed by a labour-hire contractor at one farm.

Inspectors discovered that the grower was paying the contractor a fee-per-worker that equated to \$2 an hour less than the minimum wage rate.

"The labour fee paid by the grower was clearly insufficient to enable the contractor to pass on the correct wages and entitlements to employees," Ms James said.

"The grower and contractor were both issued with Letters of Caution, warning them against this behaviour in the future, and they will be monitored next season."

The employees were back-paid all money owed and inspectors determined that further action was not required because the businesses promptly rectified the matters.

Other issues identified during the farm visits included pay-slips not being issued within one day of wages being paid, piece rates being paid without written agreements in place and the Fair Work Information Statement not being provided to new workers.

Three employers were issued with Letters of Caution for record-keeping breaches, and one contractor remains under investigation for suspected employee underpayments.

Ms James says the results of the farm visits suggest that some employers are not paying enough attention to their obligations under federal workplace laws.

"A lack of awareness of workplace laws can easily result in inadvertent underpayments or record-keeping obligations being overlooked, as has occurred here," she said.

However, Ms James says it is pleasing that all businesses have agreed to rectify any breaches and accepted assistance from Fair Work inspectors to put processes in place to ensure ongoing compliance.

Ahead of their audits, inspectors delivered a free presentation to local employers about their obligations under the Horticulture Award 2010 and answered questions about the farm visits.

They also enlisted the support of the Victorian Strawberry Industry Development Committee, a key industry stakeholder, to help promote compliance with workplace laws in the industry.

A decision to proactively monitor workplace compliance in the Yarra Valley followed auditing in Caboolture, Queensland, last year which found that more than 150 pickers and packers had been underpaid over \$134,000.

Unlike at Caboolture, where most of the employees were overseas workers, inspectors found that all of the workers at the Yarra Valley farms they visited were Australian citizens.

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

"We want to ensure employers understand and meet their workplace obligations and we're also seeking information about industry

factors that influence compliance levels,” Ms James said.

During November, Fair Work inspectors will visit blueberry farms on the NSW Mid-North Coast to conduct further auditing after identifying almost \$10,000 in underpayments last season (see: [Mid-North Coast blueberry farms back in spotlight media release \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/november-2014/20141106-blueberry-campaign\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/november-2014/20141106-blueberry-campaign)).

Inspectors will be checking that those they met last season are now fully compliant and that any new entrants to the industry are fully aware of their obligations.

The Fair Work Ombudsman is currently running an online campaign to educate seasonal workers about their entitlements, with dedicated information on its Facebook page at www.facebook.com/fairwork.gov.au (<http://www.facebook.com/fairwork.gov.au>) .

Any employer or employee further seeking information about workplace laws is encouraged to get in touch with the Fair Work Ombudsman via the website www.fairwork.gov.au, Facebook page, or contact the Fair Work Infoline on 13 13 94.

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

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