

Growers warned about unscrupulous contractors

14 April 2015

The Fair Work Ombudsman is warning fruit and vegetable growers in and around Stanthorpe, in Queensland, to be wary of contractors offering cheap labour.

Fair Work inspectors are currently reviewing allegations that some labour-hire contractors in regional Queensland are underpaying their seasonal workers.

Many of those allegedly being short-changed are young backpackers in Australia on 417 working holiday visas.

Acting Fair Work Ombudsman Michael Campbell says growers using contractors to source their seasonal labour requirements need to be aware of risks associated with low-cost operators.

“Contracting out labour for a very low price may result in employees missing out on basic rights like minimum wages, penalties, loadings, overtime, allowances and leave,” he said.

Fair Work inspectors will deliver a free presentation to assist Stanthorpe growers to understand their obligations under federal workplace laws.

The presentation will form part of the Fair Work Ombudsman’s three-year Harvest Trail project.

It will be held at 6pm on Wednesday, April 22, at the Applethorpe Research Facility, on New England Highway. Growers do not need to register in advance.

Mr Campbell says alarm bells should be ringing if contractors offer to provide labour for less than \$21.08 an hour, which is the minimum casual rate under the Horticulture Award.

He says that under the Fair Work Act, growers can be held liable if they knowingly enter into arrangements with unscrupulous contractors that lead to pickers and packers being short-changed their minimum lawful entitlements.

The Fair Work Ombudsman recommends that growers have a written contract with labour-hire contractors they use, outlining what is expected of the contractor, in particular that they will employ staff in line with Australian workplace laws.

In March, the Fair Work Ombudsman delivered a similar presentation to about 30 growers in the Lockyer Valley, many of whom use contractors to source pickers and packers.

Mr Campbell says that choosing the contractor who offers the lowest price without looking more closely and asking questions about how they can offer such low prices can damage a business’ reputation and the reputation of a whole growing region.

“It’s also not fair that growers and labour-hire providers doing the right thing are placed at a competitive disadvantage by the behaviour of unscrupulous operators,” he said.

The Fair Work Ombudsman has a free check-list to help growers ask the right questions of third party contractors available at www.fairwork.gov.au/harvesttrail (www.fairwork.gov.au/harvesttrail) .

The Fair Work Ombudsman’s Overseas Workers’ Team will this week meet with key stakeholders in the Sunshine Coast and Wide Bay regions as part of a separate year-long inquiry into allegations that some 417 backpackers are being exploited.

Employers and employees seeking information and advice can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

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