

Dear PALM Secretariat

Building a Stronger Pacific Family: reforming the PALM scheme

We refer to the discussion paper Building a Stronger Pacific Family: reforming the PALM scheme and wish to make comment on some of the questions posed.

Our company, Vernview Pty Ltd, has directly employed workers under the Seasonal Worker Program since 2013 and in the year prior, was a host farm using a labour hire firm to source workers from the Pacific. The program has been beneficial to our business as we have had difficulty in sourcing labour for our seasonal work. We have two apple orchards in Victoria and have peak seasonal needs from November to July each year. Initially we started with five workers and now employ sixteen workers under the scheme. The scheme has given us confidence to expand our business knowing if we are unable to source local labour we can recruit via the program.

Our company has been committed to the principles of the program and we have further engaged with the program in various consultations and as members of the Approved Employers of Australia Limited (AEA).

Our comments are as follows:

Expanding and improving the PALM scheme

Red Tape

1. Being an employer brings considerable responsibilities, and the program requires additional reporting. Some of the reporting is quite onerous and seems to add little value to integrity of the program. Reporting when a worker accesses health services crosses the line as far as privacy is concerned as just going to see a health professional requires reporting.

The deed and guidelines have mandated engagement – minimum of 30 hours and require an employer to report any welfare and well being concerns. Reporting should mirror the requirements of the deed and guidelines, and not require minor issues to be reported to the Department, but to be noted as part of records of the employer. Minor work cover issues – requiring simple first aid – cuts where work time loss is covered by workers compensation again should not have to be reported to the department as the employer is required to do reporting under occupational health and safety regulations.

Our overall view is reporting should be where there is a real risk of not being able to meet the requirements of the deed in terms of engagement hours, where top up funding of the worker is required under welfare and well being plans or in terms of serious injury or illness including mental health, misconduct or a worker returning to the Pacific due to personal reasons. Such an approach would minimise red tape and ensure serious matters are given appropriate attention by all parties as incident reports would relate to actual concerns not reporting for reporting sake.

Welfare and well-being is extremely hard to manage. Our experience is the Pacific workers are intensely private people and like most people are reticent to share private issues. As a result, and even with daily face to face contact, welfare issues can emerge as a crisis rather than allowing early intervention. Recent welfare issues were made worse during COVID because of long separations and inability to return home to deal with family issues. With travel now more readily available, this may resolve in due course.

2. Reporting should add value to and/or protect the worker. Previous iterations of the program required mid-term reporting. This in my view, gave a better indication of financial benefits/worker engagement, than the current arrival reports that are lodged by employers within 20 days of arrival or the reporting at the end of the recruitment. It would flag an issue, be more proactive and allow intervention if required. This is particularly important for newer approved employers. Arrival reporting should be minimised and not require employment data as it is often too soon to provide useful information. Alternatively, employers could be required to report if minimum hours requirements were jeopardised at any time during recruitment. End of engagement reporting is presumed for data collection purposes and does not add to worker welfare on a proactive basis.

3. The new IT platform to be rolled out suggests duplication of information will be a thing of the past and we look forward to its commencement. This should reduce the requirement to provide the same information already provided, which is extremely frustrating.
4. Data collected should be used to inform all stakeholders about the program's successes and problems. It needs to be reported to all stakeholders in a very timely manner to ensure continual improvement. Currently, little data is made available to protect the integrity of the scheme, allowing 'reporting' and allegations to be made by persons not having full knowledge of the program's benefits or indeed the issue at hand.
5. A decision tree should be made available to all approved employers and contract managers with appropriate contacts that assist the integrity of the program rather than just 'police' compliance.
6. The resources pages of the program need to more easily searchable rather than having to search each communication bulletin. These resources should assist compliance with the scheme and help employers readily problem solve issues which do not necessarily occur in office hours. All relevant resources/fact sheets should be in one area of the website and out of date information archived.

Family accompaniment

Our company only presently employs workers under the Seasonal Worker Program as we consider it is important for workers to remain engaged with the community in the Pacific, and it is for this reason we have not seriously looked at the Pacific Labour Scheme. We worry about dislocation of our workers in a nine-month period and longer terms as experienced under COVID conditions. Family accompaniment could see whole families disengaged from their communities and we hope there will be support for returning families to reintegrate back into Pacific communities at the end of engagements.

Family accompaniment according to the discussion paper will not be offered to SWP workers. This may have unintended consequences for Australian businesses choosing not to go the PLS pathway.

Making seasonal/short term deployments more attractive for employers

The recent October 2022 budget announcements have changed aspects of the elections promises made in relation to upfront airfares. These costs are now to be underwritten by government under various conditions.

Other comments:

1. As smaller employers under the scheme, the upfront costs can be daunting, but would be proportionate to the costs of larger employers. The upfront costs are not just airfares but visas, other travel, local transportation, and accommodation. Recoupment of these costs can be extremely difficult where a worker decides, as it their right under Fair Work rules, not to authorise or withdraw authorisation of deductions of these costs. This is a burden on employers who have in good faith paid in advance for these services. It is an impediment to businesses directly being involved in the program.
2. Provision of accommodation is exceedingly difficult unless you own suitable accommodation. Many rural areas have limited rental accommodation, and short-term accommodation for peak harvest periods often coincides with other needs for short term accommodation such as holiday periods for tourists. Planning requirements are complex, and accommodation is not generally 'transferable' to other local business e.g., tenants must work in your business, farm workers accommodated must work on your farms. Available accommodation in these instances is expensive to provide and could be out of reach for this cohort of workers. Investment in short term accommodation and transportation is needed. Any investment will need to have a reasonable rate of return.
3. Human resources training is needed by a number of Australian businesses to allow smoother management of the programs and needs added co-ordination – a jobs board to assist in planning.

Regular education sessions for employers are organised for members of AEA. However, not all approved employers are members and there could be an information gap.

4. It is possible for small businesses to be part of the scheme. Job board co-ordination, regular information sessions and a commitment by the Department to facilitate interactions with employers rather than rely on information via email or via online portals would assist employers in managing the scheme. At present, there is little human interaction with some contract managers. This is not because of COVID, unfortunately some contract managers do not seem to interact with employers at all. This does not provide for a healthy or professional management of the program, leading to frustration and time delays.

Preparation and recruitment of workers

Our company has been engaged with the scheme for over 10 years. Given our experience and having read various reports about the scheme, including the recent Senate Estimates hearings, we believe that more preparation is required to allow employee participants to make informed decisions about their participation in the program. The current emphasis on pre-departure briefings is, in our view, too late and does little to prepare workers who have committed considerable time and monies to take part in the programs. We would like to see pre-contract education sessions being made available to participants, so they understand what the scheme and their contracts to participate in the scheme mean. It would seem from Senate Estimates that some workers were not well prepared before they came to Australia and the pressures on family welfare and from family, whilst they are in Australia is difficult for workers to manage. The latest information about Samoan worker experiences were highlighted recently in the Journal for Samoan Studies. We would like to see in addition to pre departure briefings, more information sessions for people as they enter the Work ready pools.

Relocating the Australian Agriculture Visa within the PALM Scheme

Portability

1. Transfer of workers should be agreed where possible offshore. This requires skills in workforce planning by the relevant employers. It enables the participant employee to have knowledge of their entire engagement and it should be included in their letter of offer.
2. Current contingency requirements of the programs 'allows' unplanned agreed transfers between employers. Contingency plans came into effect during COVID barring a few hiccups worked well particularly given the issues with State borders. Therefore, there does not need to be any adjustment to the current program.
3. The current deed and guidelines require that no costs of portability be transferred to Pacific workers e.g., transfers within recruitments or when contingency plans come into effect. There is no need to make any change, and this should be a mutual business agreement – marketplace model not needing intervention.
4. Workers need to be placed with approved employers who understand the requirements of the program to protect the integrity of the program. Labour hire approved employers already deal with host farms/engagements. We would not support workers going to other non-approved host employers as the existing framework allows for transfer of workers.
5. Workers transferred need to transfer temporary activity sponsors to ensure responsibility for workers transfers on change of employer.

Accreditation

1. Any industry accreditation scheme should result in less red tape. Accreditation schemes are used currently in various sectors both in Australia and globally.

2. Reporting on potential noncompliance with the deed would be required by the employer, but compliance activities should be reduced where clear third-party audits have been achieved.

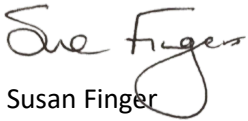
Geographic Coverage

Labour market testing, especially in current labour shortage environment, is the key to whether workers are required to be recruited under the program.

Agriculture should have a broad definition to ensure down the line processing is encompassed within the programs. Packing of product or getting product to a wholesale ready state is just as important as the initial growing of the product.

Accordingly, the geographic coverage could be considered irrelevant under the above scenarios.

Yours sincerely



Susan Finger

Director

Vernview Pty Ltd