

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2013-2014

Outcome 3 - Employment

Department of Employment Question No. EM0121_14

Senator Cameron asked on 21 November 2013, Hansard page 86

Question

Pacific Seasonal Workers Program - exploitation

Senator CAMERON: Could you provide me on notice—because I am just about out of time—details of any exploitation that has been reported to any government department in relation to the program. Can you also advise what industries the exploitation was in and what steps were taken to resolve those exploitative practices. Can you also advise me as to whether, in the areas that this program is in place, there is some means of increasing Indigenous employment integrated with this program. I know this is a Pacific, and maybe a wider, based program but I suppose one of the issues for this program moving forward will be the argument that the Indigenous population should get the opportunity to engage in more employment. I am raising that as a genuine issue, not as a political point-scoring issue, because I think it will become an issue for government and opposition as we go forward with this. Could you do that? Ms Wood: Yes, we can take that on notice.

Answer

There are many protections in place for seasonal workers who participate in the Seasonal Worker Program.

- Prospective employers' workplace relations and immigration integrity is checked as part of the application process to participate in the Seasonal Worker Program.
- Seasonal workers receive a pre-departure briefing delivered by participating countries' labour sending mechanisms. Australian Government departments provide materials to participating countries to assist with the provision of information about working and living in Australia. Seasonal workers also receive an on-arrival briefing delivered by employers once they arrive in Australia. The Fair Work Ombudsman, unions and community organisations may also participate in the on-arrival briefing.
- Seasonal workers, employers and community members are provided with the Seasonal Worker Program information line phone number, which they can call if they have questions or concerns about the work or living arrangements for seasonal workers.
- Employers must report to the Department of Employment on a range of matters relating to work and living arrangements for seasonal workers at least twice during seasonal workers' employment.
- Seasonal workers must be employed in accordance with Australian work standards and provided with pastoral care, which includes assisting workers to access the local community.

- Employers enter into agreements with government departments that establish a range of obligations regarding the work and living arrangements for seasonal workers. Non-compliance with these obligations may lead to the agreements being terminated.

During the first year of the Seasonal Worker Program (1 July 2012 – 30 June 2013), the Department of Education, Employment and Workplace Relations referred six matters relating to participants in the Seasonal Worker Program to the Fair Work Ombudsman. The referrals related to rates of pay, underpayment and deductions from the pay of seasonal workers' who were placed in the horticulture sector. The Fair Work Ombudsman has advised the Department of Employment that all matters referred to them during this time were voluntarily resolved by the employers.

The opportunities afforded to seasonal workers are short-term and for a period of between 14 weeks and six months. Due to the seasonal and temporary nature of the work, seasonal workers mainly compete with other temporary visa holders – such as Working Holiday Makers (backpackers) rather than local job seekers.

Before seeking access to seasonal workers under the Seasonal Worker Program, employers must first test the local labour market and offer vacant positions to any suitable local jobseekers first. Some employers participating in the Seasonal Worker Program have Indigenous employment plans or participate in other initiatives to boost Indigenous job seekers participation in the workforce.