

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2015 - 2016

Agency - Fair Work Ombudsman

Department of Employment Question No. EMSQ15-000182

Senator Cameron asked on 02 June 2015 on proof Hansard page 57

Question

FWO - Work plan

Senator CAMERON: Is there a work plan for that systematic approach? If it is systematic, I would assume you have a work plan.

Mr Campbell: Yes, there is.

Senator CAMERON: So what is that work plan?

Mr Campbell: The work plan sets out the objective of the harvest trail strategic enforcement activity and how we are going to go about it.

Senator CAMERON: Could you table that work plan?

Mr Campbell: Yes. I am sure we could put it on notice for you.

Senator CAMERON: I would be interested to see how it is done.

Answer

Please find attached at Appendix A, a copy of the Fair Work Ombudsman's internal strategic plan for the Harvest Trail inquiry.

Harvest Trail Project – A Strategic Compliance Initiative

Objective:

The overarching objective of the Harvest Trail project is to enhance deterrence at the sub-sector and geographic level by tailoring a series of education and compliance activities in the seasonal fruit and vegetable harvests. The aim is to ensure workers in fruit and vegetable picking jobs receive their correct minimum employment entitlements. This is a strategic Fair Work Ombudsman intervention designed and delivered by the Regional Services Team.

Key Strategic Goals:

The project will be conducted in a series of phases over a three year period.

Year 1: Through a series of initial education and compliance activities in a variety of seasonal crop sectors, the FWO will acquire a better understanding of the sub-sector and the key drivers of deterrence. The FWO will begin mapping the business relationships and clarifying the boundaries of employment and contractor responsibility. The FWO will explore:

- a) Who are the employers ultimately responsible for establishing working conditions?
- b) How much latitude does the employer of record have to change workplace conditions on behalf of its workforce?
- c) How useful is the traditional employer – by – employer compliance approach in a sub-sector characterised by transient labour, hire companies, manning agents, third parties?
- d) Who are the strong buyers sourcing products in competitive supply chains?
- e) Which small workplaces are linked to large, branded national organisations?
- f) Who are the central production coordinators managing large contracting networks?
- g) Which small workplaces and contractors are linked together by common purchasers?

Year 2: The FWO will conduct a series of strategic compliance and enforcement interventions to influence the supply and management of labour, reinforcing both specific and general deterrence messages

Year 3: The FWO will secure a number of sustainable monitoring arrangements (Proactive Compliance Deeds, Enforceable Undertakings) with various sub-sector entities and brands.

Ombudsman style inquiry report:

At the conclusion of the three year period, a report will be prepared (to be published) detailing how the sub-sector operates, the drivers of non-compliance, the interventions of the FWO, the strategies employed to influence behavioural change at the ‘top of industry’ level, new monitoring arrangements and associated recommendations.

Success will be defined not only by the use of innovative educational and compliance tools over the three year period but whether the FWO has increased its understanding of how industry structures and practices relate to the creation of vulnerable work. The aim is to promote policies for the sub-sector that will produce ‘entire industry’ or system-wide compliance (as opposed to the traditional employer – by – employer compliance approach).

At various stages of the project, media statements will be issued reflecting progress and challenges.

The final report will be a benchmark report for the sub-sector and a useful reflection on what monitoring arrangements are required in the future.