

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2017 - 2018

Outcome 2 - Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ17-004066

Senator Cameron asked on 29 May 2017 on proof Hansard page 127

Seasonal Worker Programme - procedure following serious injury

Senator CAMERON: Is the protocol documented?

Ms Durbin: I probably could not put my hands on a document to say, 'Here are the procedures that we follow,' but we are confident that we cover off all the bases.

Ms Parker: We can write it out. We have been running the program since 2012. These things evolve, but there is a standard approach that we take and, unfortunately, we have had to take it a number of times.

Ms Durbin: I am happy to take it on notice, because I know from discussions with staff—for example, as we said, one of the first things that we do when we are notified of this is send staff up. In each of the situations, we send staff to check on the welfare of other workers who are in Australia, talk to the employer and make sure people are aware of what support is in place. As I said, often there are other family members there, so we are able to provide them with support. I am confident I can find documentation that will give you comfort that we take the issue very seriously.

Senator CAMERON: That is good. If you could take on notice the documentation for the protocol.

Ms Durbin: Certainly.

Answer

Under a Deed of Agreement with the Department of Employment, approved employers are required to:

- ensure that seasonal workers know how to contact 000 and connect to the emergency service required;
- assist seasonal workers to access medical and allied health services when required;
- ensure that all seasonal workers have and maintain adequate arrangements for health insurance during the period of their stay in Australia. The health insurance must cover in-patient and out-patient care and meet seasonal workers' visa obligations;
- monitor the progress, placement and well-being of all seasonal workers employed on a regular basis; and
- take any additional reasonable steps to ensure the welfare and well-being of seasonal workers.

Approved employers are also required to comply with, and ensure seasonal workers comply with, all work health and safety legislation and Approved Codes of Practice relating to work health and safety.

Before they can be issued a Temporary Work (International Relations) visa (subclass 403), applicants must provide evidence of an adequate health insurance policy to the Department of Immigration and Border Protection.

The Deed of Agreement requires approved employers to notify the Department of Employment of any work health and safety incidents involving a seasonal worker or the death or serious injury of a seasonal worker.

Once notified, Departmental officials do the following:

- Talk to the approved employer, emergency services authorities, local community supports, unions or pastoral care providers, co-workers or other witnesses as appropriate and gather any relevant documents so that the Department understands what actions are being taken to support the worker and by whom.
- Confirm no other workers are in jeopardy and their ongoing welfare is monitored, including engaging with the approved employer and community bodies to ensure these workers are provided with appropriate support and pastoral care.
- Ensure the approved employer has notified relevant bodies such as the police, work health and safety regulators, health authorities, the Department of Immigration and Border Protection, the local council, other community services and health insurance and superannuation companies, as appropriate.
- Check to ensure the approved employer has informed the relevant partner country and that the approved employer, partner country, or affected worker(s) have informed the family and community of the worker(s) as appropriate.
- Check that the approved employer have made arrangements for family to attend if appropriate.
- Ensure the approved employer is following any advice provided by relevant state and federal authorities.
- Talk to the Department of Foreign Affairs and Trade and the Department of Immigration and Border Protection to let them know what is happening.
- Conduct an onsite welfare check of the remaining worker(s) by visiting the site as soon as practicable to:
 - ensure remaining workers have any concerns addressed, help them understand their options for support including having time off work, local memorial arrangements or returning home if they feel they need to; and
 - verify information with the approved employer and check to see if they require further assistance.
- Monitor and maintain regular contact with the approved employer and other stakeholders including on:
 - progress with any injury or illness;
 - the action taken to care for the remaining worker(s);
 - repatriation or arrangements for the return the worker(s) to their home country; and
 - the findings from any police, coronial or work health and safety review and assessing if follow up action is required.