



Managing Labour Hire Companies

Fair Work Australia views the employment of contract labour as a shared responsibility between farmers and their labour hire contractors. Farmers cannot claim ignorance in terms of visa status and earnings of people supplied by a labour hire company to their farm. The “accessorial liability” provisions in the Fair Work Act and the Immigration Act are broad, and the scope for the being found liable for a breach is wide and can potentially result in civil penalties. That aside, it is the interest of the cotton industry to award a fair days work with a fair day’s pay!

Use this checklist when working with labour hire companies to ensure your contracted staff are being treated fairly, being paid appropriately and the labour hire agency are demonstrating due diligence.

CHECK THEIR BUSINESS STATUS AND HISTORY/REPUTATION

- Do an ABN Search or ASIC search to establish bona fides
- Is the person you are dealing with the same person on those records?
- Have they been operating for long?
- Have they worked locally and can they provide “references”

DO THEY HAVE VALID WORKCOVER/INSURANCE?

- Ask to see certificates
- Check currency and value

ARE THEIR EMPLOYEES LEGALLY ENTITLED TO WORK IN AUSTRALIA

Ask to see visa checking records

DO THEY UNDERSTAND THEIR OBLIGATIONS UNDER THE AWARD RE WAGES AND TERMS AND CONDITIONS?

- Do they carry out an induction?
- Do they know and understand the national employment standards?
- Ask for examples of record keeping and pay slips?

ARE THEIR WORKERS SUITABLY TRAINED IN THE WORK, INCLUDING USE OF MACHINERY, AND ABLE TO FOLLOW INSTRUCTIONS?

- Is their training/experience adequate for the task?
- Are appropriate tickers and accreditations in place?
- Who supervises staff on a daily basis

- Undertake a joint WHS induction?

HOST EMPLOYERS ARE EXPECTED TO:

- Analyse the job requirements and address potential hazards
- Provide training and consultation on WHS matters
- Encourage participation of LHC workers on WHS matters
- Cooperate with the Labour Hire Agency in meeting WHS obligation

DEVELOP A WRITTEN AGREEMENT WITH THE LHC WHICH SETS KEY RESPONSIBILITIES FOR EACH PARTY