



Guidance: Requirements for Labour Hire Providers in Woolworths Australian Horticulture Supply Chain

Safeguarding responsible employment practices by labour hire providers (LHPs) is a key component of Woolworths' responsible sourcing commitments.

Each business involved in Woolworths' fruit and vegetable supply chain that engages LHPs are required to conduct proactive due diligence to ensure that *any* LHP used in their operations meets our:

- [Responsible Sourcing Standards](#); and
- [Responsible Sourcing Standards Addendum: Requirements for Labour Providers in our Australian Horticulture Supply Chain](#)¹ (the Addendum)

This Guidance has been developed as a resource for businesses in scope of the Addendum to provide further clarity on how to comply with the Addendum requirements, and the reasons behind them. This Guidance also provides helpful resources and industry contacts.

The Guidance is to be read in conjunction with Woolworths' Addendum, which outlines the requirements expected of businesses engaging LHPs. For a practical tool to guide your business on how to implement the Addendum requirements, please refer to the [LHP Checklist](#). The LHP Checklist breaks down the Addendum requirements into simplified questions, as well as providing some tips for best practice.

A Note on Accessorial Liability

Suppliers have legal obligations to engage LHPs that comply with all applicable legal and regulatory requirements. If the LHP your business is engaging with is found in breach of the law, your business may also be found responsible for their wrongdoing. This is known as accessorial liability. More information about accessorial liability in the context of the Fair Work Act can be found on the FWO's [website](#)².

Disclaimer: This Guidance is provided as a resource tool and should be used in conjunction with your other due diligence processes to ensure labour hire providers your business engages with comply with all relevant legal and regulatory requirements.

¹ Woolworths Responsible Sourcing Standards, LHP Addendum, LHP Checklist can be found in the 'Helpful Resources' section on Woolworths Groups 'Respecting Human Rights' webpage: <https://www.woolworthsgroup.com.au/au/en/sustainability/People/ethical---mutual-beneficial-partnerships.html#accordion-e1092fce14-item-176ea9270b>

² FWO resource on Accessorial Liability: <https://www.fairwork.gov.au/about-us/compliance-and-enforcement/litigation/accessorial-liability>

Addendum Requirements

Requirement Section	Clause	Requirement	Guidance
Compliance with relevant regulatory and legal requirements	1 1a	The labour hire provider must be an identifiable and legal business entity This includes labour hire providers overseas that may help your business or your labour hire provider recruit workers directly	The LHP must have a registered business number (e.g. ABN - Australian business number) in order to legally operate as a business. The business address must also be a valid location. If the ABN check reveals that the entity was registered very recently, or under a different operation name, enquire further with the LHP.
	2	The labour hire provider must possess all: <ul style="list-style-type: none"> • licences • accreditations • permits • registrations and • insurances (workers compensation and public liability) <p>required by applicable law</p>	Requirements for LHPs vary across countries and between states and territories. Below is a list of links to the Australian state and territory government web pages that outline LHP requirements. <ul style="list-style-type: none"> • Work Safe ACT³ • SafeWork NSW⁴ • NT WorkSafe⁵ • Labour Hire Licensing QLD⁶ • South Australia⁷ • Work Safe TAS⁸ • Labour Hire Authority VIC⁹ • Work Cover WA¹⁰ <p>The business name, ABN and address of the LHP must match that of their licences,</p>

³ Work Safe ACT: <https://www.worksafe.act.gov.au/licensing-and-registration/labour-hire-licensing>

⁴ Safe Work NSW: <https://www.safework.nsw.gov.au/legal-obligations/contractors-and-labour-hire>

⁵ NT WorkSafe: <https://worksafe.nt.gov.au/laws-and-compliance>

⁶ Labour Hire Licensing QLD: <https://www.labourhire.qld.gov.au/>

⁷ SA Labour Hire Licensing: <https://www.sa.gov.au/topics/business-and-trade/licensing/labour-hire>

⁸ Work Safe TAS: <https://worksafe.tas.gov.au/topics/Health-and-Safety/managing-safety/managing-people-in-your-workplace/labour-hire-workers>

⁹ Labour Hire Authority VIC: <https://labourhireauthority.vic.gov.au/>

¹⁰ Work Cover WA: <https://www.workcover.wa.gov.au/employers/understanding-your-rights-obligations/>

			<p>accreditations, permits, registrations or insurances (where applicable). Insurances your LHP may require: workers compensation, public liability.</p> <p>Where possible, review the operational integrity of the LHP’s business by reviewing its history. Some state licences provide a search function to review the incident history for the LHP. If there were previous incidents, enquire with the LHP what they were, and what has been put in place to prevent the incident from reoccurring.</p> <p>Important: your LHP contact & LHP Directors Where possible, check that the name and contact of the Nominated Officers and Executive Officers listed in state licence matches with your contact for the LHP. If not, enquire with your LHP contact if they hold their own licence to be able to represent the LHP.</p> <p>The directors of the LHP business (Nominated Officer / Executive Officer) should have a Director Identification Number¹¹. This is not yet publicly searchable but any company director should be able to produce this. It is a requirement to have a Director ID if you are a director of a company. The ID is a unique identifier to help prevent the use of false or fraudulent director identities.</p> <p>If the director names or the Director IDs are the same on record from a different LHP, this could indicate the LHP has participated in illegal phoenixing activity and should be further investigated. For more information on illegal phoenixing, visit the Australian Securities and Investments Commission webpage on illegal phoenixing¹².</p>
	2a	The labour hire provider licences, accreditations, permits, registrations and insurances must remain active and valid for the duration of service provided	<p>The status of a LHP’s, licence, accreditation, permit, registration or insurance may change over time (i.e. expire, be cancelled, suspended or refused renewal).</p> <p>It is important that your business records expiry dates, and periodically review to verify that these documents remain active and valid, meeting all terms and conditions. This should occur prior to peak season (e.g. before harvest) to give your business time in case you need to find an alternate LHP.</p>

¹¹ Director Identification Number: <https://www.abrs.gov.au/director-identification-number>

¹² Australian Securities and Investments Commission, information on illegal phoenixing: <https://asic.gov.au/for-business/small-business/closing-a-small-business/illegal-phoenix-activity/>

	<p>3 3a</p>	<p>All workers from overseas must have the legal right to work in Australia (both at the time of their engagement and throughout their employment)</p>	<p>To validate a workers right to work in Australia use either:</p> <ul style="list-style-type: none"> • VEVO Check¹³; or • Confirmation through documentary proof provided by the worker, e.g. copy of valid passport, visa. <p>Important: a driving licence is not a valid document for right-to-work check For PALM workers: workers on a 403 visa is a PALM worker, and needs to be employed by an Approved Employer, who should be the LHP. To verify, check the workers' Visa Grant matches with the LHP business name.</p> <p>These checks may be conducted by the LHP, but it is recommended that your business either: conduct sample checks (i.e. randomly select a few LHP workers and request their right-to-work check - see guidance in Clause 10); or have a system in place for ongoing right-to-work monitoring, which includes LHP workers.</p> <p>Important: Your business and your LHP should sight original identity documents at recruitment. Copies of workers' identity documents may be held, but not any original documents.</p>
	<p>4</p>	<p>Accommodation, whether provided by your business or your labour hire provider must meet all legal requirements, and the business must obtain all relevant government licences and approvals for each building</p>	<p>Contact your local council to check regulations and requirements related to buildings and accommodation for your region. Common building standards include:</p> <ul style="list-style-type: none"> • Building codes • Health, safety and hygiene • Fire safety regulatory <p>Government licences and approvals include those issued by all local, state and federal governments, as well as their agencies such as the Department of Education, Skills and Employment, State Government regulations and local council building codes and regulations, including licences for accommodation.</p>

¹³ VEVO for visa holders <https://online.immi.gov.au/evo/firstParty?actionType=query>

			If your business is located in Victoria, a helpful summary of accommodation requirements can be found on the Labour Hire Authority VIC webpage: Accommodation ¹⁴
	5	Transport, whether provided by your business or the labour hire provider, must meet all legal requirements, and the business must obtain all relevant government licences and registrations for each vehicle, for the region where the vehicle is used	<p>Transport must be adequately provided to accommodate the number of workers. Every passenger must be allocated a seat belt.</p> <p>Vehicles should be serviced regularly to ensure maintenance integrity, and that vehicles remain road-worthy. It is recommended vehicles receive a full service by a qualified mechanic at least once annually, ideally just before peak season.</p> <p>If your business is located in Victoria, a helpful summary of transport requirements can be found on the Labour Hire Authority VIC webpage: Transport¹⁵</p>
	5a	The driver of any transport provided by your business or the labour hire provider must be appropriately licensed and trained to drive the vehicle	<p>Drivers must have all relevant licences and training. This means that if the driver is only licensed and trained to drive a car, they may not drive a minibus until appropriate licensing and training is provided.</p> <p>If the driver of any transport is an employee (of your business or the LHP) it is recommended to keep a register of persons licensed and appropriately trained, and have multiple persons available for each shift.</p>
	6 6a	<p>Deductions to workers' pay must be reasonable, and only occur if allowed by law.</p> <p>Any deductions made must meet all the terms and conditions as required by law and regulations.</p>	<p>A deduction is reasonable if an employer provides goods or services to an employee for their benefit and as part of their ordinary business. However, by law there are limited situations for such deductions, and certain terms and conditions must be met. These may include:</p> <ul style="list-style-type: none"> • The worker agrees in writing to the deductions, with the amount set out (such as in the employee contract or deduction form). • Deductions are allowed under the employee's award, or enterprise agreement. • The deductions are itemised on the employee's payslip.

¹⁴ LHA VIC webpage, accommodation: <https://labourhireauthority.vic.gov.au/provider/accommodation/>

¹⁵ LHA VIC webpage, transport: <https://labourhireauthority.vic.gov.au/provider/transport/>

			<p>Important: the LHP should obtain receipts for all expenses and be able to provide you a copy when requested. Equally, a copy of receipts should be made available to the LHP workers for each itemised expense.</p> <p>Helpful resources:</p> <ul style="list-style-type: none"> • See the Fair Work Ombudsman webpage on Deductions in Horticulture¹⁶ for an outline of when deductions are allowed • See PALM Scheme resource on Payroll deductions explained¹⁷
	7	<p>You must stay up-to-date with, and maintain a current understanding of applicable legal requirements</p>	<p>Legal requirements may change from time to time. It is important your business has a process in place to be notified of such changes, and then implement workplace changes where required in order to remain compliant to law.</p> <p>Businesses may keep up-to-date with legal requirements through:</p> <ul style="list-style-type: none"> • Email subscription to relevant regulator, government and industry bodies • Regular consultation with relevant regulator, government and industry bodies • Legal advice provided by trusted legal agency or professional <p>A few helpful subscription services include (Australia only):</p> <ul style="list-style-type: none"> • Labour Hire Licensing QLD¹⁸ • Labour Hire Authority VIC¹⁹ • Fair Work Ombudsman²⁰ • National Farmers Federation Weekly Wrap²¹ • AusVeg²² • Fair Farms²³

¹⁶ Fair Work Ombudsman webpage, Deductions in Horticulture: <https://www.palmscheme.gov.au/resources/payroll-deductions-explained>

¹⁷ PALM Scheme resource, Payroll Deductions Explained: <https://www.palmscheme.gov.au/resources/payroll-deductions-explained>

¹⁸ Labour Hire Licensing QLD subscription sign-up: <https://www.labourhire.qld.gov.au/resources/subscribe-labour-hire-licensing-queensland-ebulletin>

¹⁹ Labour Hire Authority VIC subscription sign-up: <https://labourhireauthority.vic.gov.au/subscribe/>

²⁰ Fair Work Ombudsman subscription sign-up: <https://www.fairwork.gov.au/about-us/contact-us/subscribe-to-email-updates>

²¹ National Farmers Federation subscription sign-up: <https://farmers.org.au/subscribe/>

²² AusVeg subscription sign-up: <https://ausveg.com.au/news-media/subscribe-to-ausveg/>

²³ Fair Farms subscription sign-up: <https://growcom.us1.list-manage.com/subscribe?u=698044cd3023b3a0ca7561572&id=ee1c7d49ed>

Management systems	8 8a	<p>Adequate due diligence must be performed on the labour hire provider business prior to receiving their services, to verify their operations are compliant with the Addendum</p> <p>This includes subcontracted labour hire providers</p>	<p>Conducting due diligence on an LHPs business ahead of receiving their services is important to help prevent entering into a contract with an unregistered or unscrupulous LHP. This due diligence must be performed on the LHP you are directly engaging, and any subcontracted LHPs. Subcontracting is when an LHP supplies services (and workers) through another business.</p> <p>Important: Where possible, it is preferable to only engage LHPs directly as to minimise subcontracting arrangements. Using subcontractors may limit your business' ability to have oversight, manage risks, safeguard worker's rights, and maintain the quality of work they provide.</p> <p>Adequate due diligence can be performed by:</p> <ul style="list-style-type: none"> ● Reference checks (i.e. enquiring of other business' experience using the LHP) ● Reviewing LHP policies and procedures (e.g. health & safety, code of conduct, recruitment process). <p>Important: it is best practice that these are documented. If your LHP does not have documented policies and procedures ask specifically about what they do to manage:</p> <ul style="list-style-type: none"> ○ Recruitment of employees - do not engage LHPs that require workers to pay for receiving their job, or restricts their movement between worksite and accommodation ○ Health & safety - do not engage LHPs that do not have good practices relating to workers health and safety, as they could be in breach of the Fair Work Act ○ Code of Conduct (CoC) - the LHP should have a CoC that includes issues on harassment and bullying, supports a productive workplace culture that promotes worker wellbeing <ul style="list-style-type: none"> ● Checking the LHP complies with Woolworths Responsible Sourcing Standard and LHP Addendum, by using sections 'Compliance with local laws' and 'Compliance criteria' ● Utilising the 'Pre-engagement' section of Woolworths' LHP Checklist
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	9	Your business must enter into a formal contract with the labour hire provider prior to receiving their services	<p>A formal contract is a written agreement between two parties that helps keep each party accountable for what has been agreed. The contract outlines yours and the LHP's expectations and requirements for the services the LHP supplies your business with.</p> <p>See Fair Work Ombudsman resources in 'Managing your Labour Hire Contracting' Section: Effectively engage a new contractor²⁴. See resource: Guide to Labour Contracting²⁵ (page 12-13) for sample contractual clauses.</p> <ul style="list-style-type: none"> ● At a minimum the contract should contain clauses for: <ul style="list-style-type: none"> ○ the types of services that will be provided ○ the fee amount payable to the LHP for workers provided ○ requirements for identification checks of workers (ie. right to work in country) ○ requirements that appropriate documentation is maintained for each worker and that these documents are made available to your business on request, within a reasonable timeframe. (e.g. right-to-work checks, worker contracts/agreements, payslips (including entitlements such as superannuation), timesheets, piece rate agreements and records) ○ the deductions made to workers' pay (where applicable) ○ requirements for valid legal licences, accreditations, permits, registrations and insurances to be maintained (of the LHP business, and any buildings provided for accommodation, or vehicles for transport) ○ compliance with your company's policies and procedures (e.g. health and safety training, emergency drills and role-specific training for all LHP workers) ○ consequences for non-compliance and prohibited practices (forced labour, human trafficking, workers having to pay in order to work) that may include termination
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²⁴ Fair Work Ombudsman webpage - Managing your labour contracting: <https://www.fairwork.gov.au/find-help-for/contracting-labour-supply-chains/managing-your-labour-contracting>

²⁵ Fair Work Ombudsman Guide to Labour Contracting: <https://www.fairwork.gov.au/sites/default/files/migration/712/guide-to-labour-contracting.pdf>

			<ul style="list-style-type: none"> ● The contract must be signed by the director/manager of your business and the LHP. <ul style="list-style-type: none"> ○ The director name and business address of the LHP should match that of the business register and their licence, registration etc. <p>Important: because it is expected that your LHP is operating inline with Woolworths' Responsible Sourcing Standards and the LHP Addendum, it is recommended to provide a copy of these documents to the LHP with the contract.</p>
	10 10a	<p>Processes must be in place to enable adequate oversight of labour hire providers to verify the activities of the labour provider are, at a minimum:</p> <ul style="list-style-type: none"> ● Compliant to workplace laws ● Paying workers correctly ● Meeting the terms and conditions of the formal contract ● Meeting the requirements of the Addendum 	<p>The most common process to ensure adequate oversight of your LHP is to perform a health check or audit, involving reviewing documents, inspecting buildings or vehicles and asking the LHP manager and workers questions.</p> <p>See Fair Work Ombudsman resources in 'Managing your Labour Hire Contracting' Section: Review your existing contracts²⁶. Both resources contain a sample set of questions to ask your LHP that may form a part of your audit.</p> <p>See also Woolworths LHP Checklist.</p> <p>Important: keep a record of the names of LHP workers that work on your site/s. This may be a paper based or electronic sign-in system. Maintaining a register of names will help when performing your business' health check or audit of the LHP so that you can request documents of workers that you know have worked on your site.</p> <ul style="list-style-type: none"> ● Conduct regular document checks (at least once pre peak season and at least once during peak season) on a random selection of workers, selected by you not the LHP. Documents should include worker contracts, payslips, timesheets, right-to-work verification, piecework arrangements (if applicable) <ul style="list-style-type: none"> ○ These documents must be written in line with the relevant Award, or Enterprise Agreement including allocation of appropriate worker hours, deductions, pay, and entitlements where relevant (such as superannuation)

²⁶ Fair Work Ombudsman, 'Managing your Labour Hire Contracting' <https://www.fairwork.gov.au/find-help-for/contracting-labour-supply-chains/managing-your-labour-contracting>

			<ul style="list-style-type: none"> <ul style="list-style-type: none"> <ul style="list-style-type: none"> ■ If the LHP pays by piece rate, review piece rate records. See Fair Work Ombudsman Guide on Piece Rate Records²⁷ <ul style="list-style-type: none"> ○ Information for each worker must correspond correctly between each document ○ It is recommended to avoid LHPs that pay by cash-in-hand ○ Workers should be paid at least every month, and receive a payslip at least one day after they are paid ○ Workers who are on piecework arrangements should receive piecework records prior to commencement of work, or when there is a change in piecework ● If transport or accommodation is provided by the LHP, inspect it (pre peak-season and at least once during peak-season) to assess it is of acceptable standard. ● To verify that your findings are accurate, it is advised to ask LHP workers relevant questions. <ul style="list-style-type: none"> ○ This can be done informally, centred around how they are, how they feel safe at work/in accommodation/in transportation, etc.
	11	<p>Workplace amenities (including accommodation) whether provided by your business or your labour hire provider, must be adequately monitored and maintained</p>	<p>Cleaning, repairs and maintenance should be conducted in a reasonable timeframe so that workers can always access amenities.</p> <p>Amenities include access to drinking water, toilets (gender segregated), break area, food preparation/storage facilities, waste disposals, as well as any heating and/or cooling facilities appropriate for the local conditions.</p> <p>If your LHP provides accommodation: It is recommended to inspect the accommodation before you engage services of the LHP, and during engagement. At a minimum, you should inspect the accommodation at least once before peak-season, and once during.</p>

²⁷ Fair Work Ombudsman guide on Piecework Records: <https://horticulture.fairwork.gov.au/piecework-records>

		<p>Helpful resources to use while checking the standard of accommodation provided by your LHP:</p> <ul style="list-style-type: none"> • PALM Scheme Accommodation Minimum Requirements²⁸ <p>Accommodation should not restrict worker’s movements. If it is in a rural location, appropriate facilities or activities should be provided. E.g. transport, leisure outings. Additional accommodation amenities include: leisure areas, laundry, kitchens, bedrooms and bathrooms (gender segregated). Important: General maintenance, utilities (electricity, gas, water) and heating/cooling should be provided at no additional cost to the worker.</p>
12	Transport, whether provided by your business or the labour hire provider, must be provided within a reasonable timeframe of workers’ shift to allow workers to freely move to and from the work site	<p>If providing transport is part of the worker’s employment arrangement, it must be provided in a timely manner so that worker’s movement to and from the worksite is not restricted. Workers should not be expected to wait for an extended period of time (i.e. multiple hours).</p> <p>If the driver of any transport is an employee (of your business or the LHP), make sure that shift finishing times for workers align with that of the designated driver/s. It is recommended to have multiple designated drivers available in each shift to allow for back-up. The driver should be paid for their time driving the vehicle.</p>
13	The fee you pay to the labour hire provider must be adequate to cover the minimum statutory entitlements of workers and the recruitment service fees of the labour hire provider	<p>By checking that your business is paying an adequate fee to the LHP, you are helping ensure workers are being paid correctly for their work.</p> <p>Minimum statutory entitlements include: wages, superannuation and terms and conditions (of the law, your business contract with the LHP and the LHP worker contracts).The final cost to the LHP must be sufficient to cover:</p> <ul style="list-style-type: none"> • Wage to workers • Superannuation • Workcover and other insurances • Payroll tax

²⁸ PALM Scheme Accommodation Minimum Requirements - <https://www.palmscheme.gov.au/sites/default/files/2022-04/SWP%20accommodation%20requirements%20checklist.pdf>

			<ul style="list-style-type: none"> • Admin overhead (service fee of the LHP) LHPs exercising best practice will breakdown each of the fees above in their tax-invoice. <p>Important: The fee your business is to pay to the LHP should be outlined in the contract. To check that the LHP is paying the workers in line with your agreement (and according to law), review the LHPs payroll tax receipt once annually.</p> <ul style="list-style-type: none"> • See the Fair Work Ombudsman: Horticulture Showcase²⁹ for resources and guides on appropriate pay to workers in horticulture covering hourly pay (including overtime rates), piece rates and deductions. • See the Fair Work Ombudsman Pay Calculator³⁰ for a tool on calculating appropriate pay.
	14	A confidential and anonymous grievance mechanism must be available to all workers on site, including workers engaged through labour hire providers	<p>A grievance mechanism is a channel for workers to raise concerns or feedback issues related to the workplace, allowing your business to identify and address potential and emerging issues before they escalate. This may involve working with an employee or LHP worker for conditions on your site, or with the LHP if a concern has been raised about the LHP business.</p> <p>See Woolworths: Supplier Guidance on Effective Grievance Mechanisms³¹ for a guide on what an effective grievance mechanism looks like and how to implement it.</p> <ul style="list-style-type: none"> • All workers must be aware of the grievance mechanism/s available, and know how to access it and what type of things to report. It is advised to provide training to workers (such as during their induction) about the grievance mechanisms available. • Grievance mechanisms must: <ul style="list-style-type: none"> ○ be accessible to all workers (i.e. is in the relevant languages of the workers on site) ○ allow for confidential reporting • It is recommended to have multiple grievance mechanisms available to workers.

²⁹ Fair Work Ombudsman Horticulture Showcase: <https://horticulture.fairwork.gov.au/>

³⁰ Fair Work Ombudsman Pay Calculator: <https://calculate.fairwork.gov.au/FindYourAward>

³¹ Woolworths resource, Supplier Guidance on Effective Grievance Mechanisms: https://www.woolworthsgroup.com.au/content/dam/wwg/sustainability/documents/195549_supplier-guidance-on-developing-grievance-mechanisms.pdf

			<ul style="list-style-type: none"> Examples of valid grievance mechanisms include: feedback box, wellbeing officers, phone hotline, or online reporting system (such as Supplier Speak Up, see below). <p>In addition to your own business' grievance mechanism, Woolworths provides Supplier Speak Up as a complementary grievance mechanism for all workers on supplier sites. To make Speak Up available to all workers, display the Speak Up poster in all common worker areas (e.g. rest areas, toilets, transport).</p> <p>For a printable PDF copy of the poster click here³², or to request posters to be delivered by mail, email: responsiblesourcing@woolworths.com.au</p>
Worker Education	15	The Fair Work Information Statement and the Casual Information Statement (for casual employees) must be provided to all workers in their primary language, including workers employed through the labour hire provider	Providing the Statements to new employees is a requirement under the Fair Work Act and is most commonly provided to workers with their contract. Check with LHP workers that they have received a copy. For a copy of the Fair Work Information Statement ³³ . For copy of the Casual Employment Information Statement ³⁴ . It is important that these documents are provided to the worker in the most appropriate language. See Fair Work Ombudsman webpage: Translated Fair Work Information Statement ³⁵ for access to the Statements in various languages. If the language relevant to the employee is not listed, 'other language help' is available. Recommendations for communicating the Statement and its contents at your sites: <ul style="list-style-type: none"> Display the Statement in relevant languages in common worker areas (e.g. break area, toilets)

³² Supplier Speak Up poster PDF: https://www.woolworthsgroup.com.au/content/dam/wwg/sustainability/documents/2023_02_%20Supplier_Speak%20Up%20Poster_AUS_ENG%20%282%29.pdf

³³ Fair Work Information Statement: <https://www.fairwork.gov.au/employment-conditions/national-employment-standards/fair-work-information-statement>

³⁴ Casual Employment Information Statement: <https://www.fairwork.gov.au/employment-conditions/national-employment-standards/casual-employment-information-statement>

³⁵ Translated Fair Work Information Statements: <https://www.fairwork.gov.au/employment-conditions/national-employment-standards/fair-work-information-statement/translated-fair-work-information-statement>

			<ul style="list-style-type: none"> • Another helpful resource which is recommended to be provided to workers alongside the Statement is the My Employment Checklist³⁶. • Provide training to all workers, including LHP workers, on their rights and employees by walking them through the Statement and My Employment Checklist (e.g. such as during induction, or with grievance mechanism training). This will be particularly helpful for your business' management of the LHP, as the LHP workers will be better informed on how to identify when there are issues relating to their employment.
	16	All workers must be free to choose whether to join a union, including workers employed through the labour hire provider	<p>Allowing workers the freedom to join a union is a requirement under the Fair Work Act, known as 'freedom of association'. Suppliers should adopt an open attitude towards the activities of worker representative groups and union organisations and do not interfere with or prevent these activities. Ask the LHP whether any workers are a part of a union, and check LHP worker contracts to ensure that it allows them to join one. The active unions in Australian agricultural industries are:</p> <ul style="list-style-type: none"> • United Workers Union³⁷ • Australian Workers Union³⁸
Compliance Criteria	17	<p>The labour hire provider must meet at least one of the following checks, and compliance is reviewed at least once annually and prior to engagement of a new labour hire provider</p> <ul style="list-style-type: none"> • Licenced • Approved Employer of the PALM Scheme 	<p>LHPs that are either: licenced, a PALM Approved Employer, maintains a third party scheme membership or is third party audited have had some level of checks done on their business by a third party. This can provide your business a level of assurance that the LHP operates according to law, and respects the rights of their workers.</p> <p>A LHP can lose their licence, PALM Scheme approval or third party scheme membership, so it is important to review compliance at least once annually. If the LHP has received a third party audit, the audit frequency should be determined through a risk-based approach(i.e. based on the level of severity of the audit non-conformances to workers' safety and wellbeing).</p>

³⁶ The My Employment Checklist can be found here: <https://www.fairwork.gov.au/ArticleDocuments/715/My-employment-checklist.pdf.aspx>

³⁷ United Workers Union webpage: <https://unitedworkers.org.au/>

³⁸ Australian Workers Union webpage: <https://www.awu.net.au/>

		<ul style="list-style-type: none"> • Third party scheme membership and completed self-assessment • Third party audited 	
	17a	If your business is located in a region that requires labour hire provider businesses to have an active licence, your LHPs must be licenced	<p>Labour hire provider businesses based in ACT, VIC, QLD or SA must have a valid labour hire licence. Check the LHP's licence in the State register relevant to your site's location at least once a year (e.g. before peak-season), and before engaging a new LHP. It is recommended to record your checks, noting the licence expiry date.</p> <ul style="list-style-type: none"> • ACT Register³⁹ • Queensland Register⁴⁰ • South Australia Register⁴¹ • Victorian Register⁴² <ul style="list-style-type: none"> ○ VIC Labour Hire Authority offers a service called Track My Provider⁴³ which allows you to be notified when your labour provider's licence status changes or is approaching expiry. <p>Important: The licence must be active and valid (i.e. not refused, cancelled, suspended or expired).</p>
	17b	If your business is receiving services from a labour hire provider who supplies workers on the PALM Scheme, the labour hire provider must be an Approved Employer	If your LHP supplies your business with seasonal workers under the PALM (Pacific Australia Labour Mobility) Scheme, the LHP must be a PALM Approved Employer. Check the PALM Approved Employer list ⁴⁴ to see if your LHP business is approved.

³⁹ Worksafe ACT LHP licence register: <https://www.worksafe.act.gov.au/licensing-and-registration/labour-hire/licensing>

⁴⁰ Labour Hire Licensing Queensland LHP licence register: <https://www.labourhire.qld.gov.au/>

⁴¹ South Australia LHP licence register: <https://www.sa.gov.au/topics/business-and-trade/licensing/labour-hire>

⁴² Labour Hire Authority VIC LHP licence register : <https://labourhireauthority.vic.gov.au/>

⁴³ Labour Hire Authority VIC, Track My Provider: <https://labourhireauthority.vic.gov.au/host/follow-my-providers/>

⁴⁴ PALM Approved Employer list: <https://www.palmscheme.gov.au/current-employers>

	17c	Labour hire provider third party scheme membership and completed self-assessment	<p>If your LHP does not have a Licence or is a PALM Approved Employer this is a valid compliance option. Maintaining third-party scheme membership involves the annual completion of a self-assessment questionnaire and training (where relevant), meaning your LHP is performing some level of due diligence to systemically check their business management processes.</p> <p>The Woolworths Group-approved third-party schemes are currently Sedex and others will be considered in future. For more information on the schemes and how to become a member, visit the web pages linked below.</p> <ul style="list-style-type: none"> • About Sedex⁴⁵; Sedex membership⁴⁶ <p>The LHP must link to Woolworths on the relevant scheme platform either directly or indirectly, via the supplier. On Sedex, Woolworths is known as 'Woolworths Food Australia' (ZC1041297)</p>
	17d	Labour hire provider third party audit	<p>If your LHP does not have a Licence or is a not PALM Approved Employer this is a valid compliance option.</p> <p>Completing a third party audit means an auditor, external to the LHP business, has checked the business' management processes against an audit standard. The audit process usually involves document checks, site visits, and worker interviews. When the business is found not to be meeting an audit standard, a non-conformance is raised. These will be outlined in an audit report. If the LHP has had an audit, request for a copy of the audit report to verify and check that they have rectified any non-conformances raised.</p> <p>The Woolworths Group approved third party audits are currently Sedex's SMETA Supplementary, The Fair Hiring Initiatives' On the Level and StaffSure. For more information on the third party audits and their standards, visit the web pages linked below.</p>

⁴⁵ Sedex: <https://www.sedex.com/>

⁴⁶ Information on how to become a Sedex member: <https://www.sedex.com/become-a-member/>

			<ul style="list-style-type: none"> • SMETA⁴⁷ - Sedex' social audit standard for LHPs is currently "SMETA Supplementary - assessing the labour standards of workers supplied by private employment agencies". To find out more about this standard, contact Sedex or your social audit certification body. For more information on social audits, and Woolworths approved certification bodies see Woolworths Responsible Sourcing Program Guidelines⁴⁸ (page 4) • The Fair Hiring Initiatives' On the Level⁴⁹ certification for LHPs • StaffSure⁵⁰ - to see a register of StaffSure certified businesses, see the StaffSure Registry⁵¹
	18	Immediate action must be taken to remediate issues identified about your business' labour hire provider management, or of your labour hire provider	<p>Issues about your business' management of LHPs, or of the operations of your LHP may be identified through your own due diligence, audits, licensing or by regulatory authorities. It is critical to investigate and address these issues immediately to prevent these issues from leading to further risks to workers rights or safety, and other risks to your business. Woolworths should be advised of material breaches so that we are in a position to support and monitor remediation efforts.</p> <p>Important: If you have found that your LHP has breached any legal requirements, it is important that you consider disclosing this issue with the FWO or state Labour Hire Licence Authority (see contacts below). They will be able to provide support and guidance to appropriate next steps, and will work with you and the LHP to rectify the issues identified.</p>

Additional Resources

⁴⁷ Sedex' SMETA standard: <https://www.sedex.com/solutions/smeta-audit/>

⁴⁸ Woolworths Group Responsible Sourcing Guidelines: https://www.woolworthsgroup.com.au/content/dam/wwg/documents/group-responsibility/our-people/respecting-human-rights/126994_02_Responsible%20Sourcing%20Supplier%20Guidelines%20Uodate_A4_Dec_2022.pdf

⁴⁹ The Fair Hiring Initiatives' standard: <https://www.fair-hiring.org/core-principles-and-standards>

⁵⁰ More information for StaffSure is available at: https://www.staffsure.org/StaffSure/About_Staff_Sure/About%20StaffSure.aspx

⁵¹ StaffSure Registry of certified businesses: <https://www.staffsure.org/StaffSure/Registry.aspx>

Business	Resource	Description
Woolworths	<p>Woolworths Academy course: Labour Hire - what you need to know.</p> <p>Available through the Woolworths Food Company Supplier Portal. Click the following for information on how to sign up⁵², and guidance on access levels⁵³</p>	<p>Available to any business with a Woolworths Food Company Portal login. The online course provides an overview of key things your business should be aware of when using LHPs.</p> <p>If you have any issues accessing Woolworths Academy, contact: wfc@supplierengage.com, or use this question form.</p> <p>Important: if your business uses LHPs and has been approved as a Smaller Supplier for Woolworths' Responsible Sourcing Program, this course must be completed.</p>
Fair Farms	Fair Farms Manual - Section: Labour Hire	<p>Available to Fair Farms members for purchase, via the Fair Farms Member Portal.</p> <p>Provides a template for a LHP Agreement/Contract, LHP Policy, LHP handling procedure, and a LHP Checklist.</p>
	30 minute webinar ⁵⁴	<p>An overview on how to engage and manage LHPs, including an update on the progress towards a national labour hire licensing scheme (April 2023)</p>
Sedex	Sedex' Preventing Forced Labour e-learning course	<p>Available to Sedex members, via their e-learning portal. The "Preventing Forced Labour" e-learning course covers the following:</p> <ol style="list-style-type: none"> 1. Be aware of the risk factors related to forced labour. 2. Know the definition of forced labour. 3. Understand the remediation procedure for forced labour. 4. Be familiar with steps to take to prevent forced labour and meet legal requirements.

⁵² Woolworths Food company Supplier Portal, how to sign up: https://engage.wowfoodco.ubxlink.com/app/answers/detail/a_id/1095

⁵³ Woolworths Food company Supplier Portal, guidance on access levels: https://engage.wowfoodco.ubxlink.com/app/answers/detail/a_id/1095

⁵⁴ Fair Farms 30 min webinar on labour providers: <https://www.youtube.com/watch?v=K6TVDaqHPEY>

Work Safe ACT Labour Hire Licensing QLD Labour Hire Authority VIC	ACT: Labour Hirers ⁵⁵ VIC: Obligations of a labour hire host ⁵⁶ QLD: I use labour hire providers ⁵⁷	A summary of the obligations and penalties for businesses that engage LHPs in the following states: ACT (referred to as 'labour hirers') QLD Victoria (referred to as 'labour hire host')
Fair Work Ombudsman	Horticulture Showcase ⁵⁸	Resources to help business in the horticulture industry to understand workplace rights and obligations
	Small Business Showcase ⁵⁹	Resources to help small businesses understand workplace rights and obligations
	Employee Advisory Service ⁶⁰	If you are a small business and need support
Pacific Australia Labour Mobility Scheme	Worker Support ⁶¹	If you are a PALM Scheme worker and need support, this page provides an FAQ and contacts

Contacts

Business	Contact	Description
Woolworths	Responsible Sourcing team email: responsiblesourcing@woolworths.com.au .	If you have questions, seek support or guidance on how your business can meet Woolworths' LHP Addendum requirements

⁵⁵ Work Safe ACT webpage for labour hirers: <https://www.worksafe.act.gov.au/licensing-and-registration/labour-hire-licensing/labour-hirers>

⁵⁶ Labour Hire Authority VIC webpage for labour hire provider hosts: <https://labourhireauthority.vic.gov.au/host/>

⁵⁷ Labour Hire Licensing QLD webpage for business that use labour hire providers: <https://www.labourhire.qld.gov.au/i-use-labour-hire-providers>

⁵⁸ FWO's Horticulture Showcase: <https://horticulture.fairwork.gov.au/>

⁵⁹ FWO's Small Business Showcase: <https://smallbusiness.fairwork.gov.au/>

⁶⁰ FWO's Employee Advisory Service: <https://smallbusiness.fairwork.gov.au/employer-advisory-service>

⁶¹ PALM Scheme Worker Support page: <https://www.palmscheme.gov.au/worker-support>

Fair Work Ombudsman	Call: 13 13 94 (or the interpreter service on 13 14 50) To report an issue online: Anonymous report ⁶²	To find out information and advice about pay and entitlements of workers. FWO contact is also for workers to help fix workplace problems. More information about anonymous reporting to the FWO can be found here ⁶³ .
Fair Work Commission	Call: 1300 799 675	For enquires regarding claims of unfair dismissal and unlawful termination, bullying, sexual harassment, discrimination or 'adverse action' at work.
PALM Scheme	Support service line Call: 1800 51 51 31 Email: support@pacificlabourfacility.com.au	If PALM workers are not able to receive answers from their employers, they are encouraged to call the support service line or email. Please note the support service line and email inbox are monitored 7am-7pm AEST - calls after hours should be for critical incidents only.
QLD Labour Hire Licensing	Call: 1300 576 088 or after hours call 13QGOV (13 74 68) Operating hours: 9.00am – 4.30pm, Monday-Friday except public holidays. Visit the website for more contact info: Contact QLD LHA ⁶⁴	To enquire about the QLD Labour Hire licensing scheme, or to seek support in managing your QLD labour hire provider. The webpage also provides a link to report your concerns regarding a LHP you know are exploiting workers, operating without a licence or a business using an unlicensed LHP.
Labour Hire Authority VIC	Call: 1300 545 200 Operating hours: 9.00am – 5pm, Monday-Friday. Visit the website for more contact info: Contact VIC LHA ⁶⁵	To enquire about the VIC Labour Hire licensing scheme, or to seek support in managing your VIC labour hire provider. The webpage also provides a link to report your concerns regarding a LHP you know are exploiting workers, operating without a licence or a business using an unlicensed LHP.
South Australian Government	Visit the website: Contact SA Gov	To enquire about the SA Labour Hire licensing scheme.

⁶² FWO's Anonymous reporting mechanism: <https://services.fairwork.gov.au/anonymous-report/english-anonymous-report>

⁶³ FWO information page about anonymous reporting: <https://www.fairwork.gov.au/workplace-problems/send-us-an-anonymous-tip-off>

⁶⁴ QLD Labour Hire Authority contact page: <https://www.labourhire.qld.gov.au/contact-us>

⁶⁵ VIC Labour Hire Authority contact page: <https://labourhireauthority.vic.gov.au/about-us/contact-us/>

		Note: there is no contact specific to the labour hire licensing scheme in SA, please use the “Other Enquiries” form at the bottom of the page.
ACT Worksafe	<p>Call: 13 22 81 Email: worksafe@worksafe.act.gov.au</p> <p>Visit the website for more contact info: Contact ACT Worksafe⁶⁶</p>	To enquire about the ACT labour hire licensing scheme, or to seek support in managing your ACT labour hire provider.
National Legal Aid	Visit the website: to find your state or territory legal aid office ⁶⁷	State and territory legal aid offices can support your business in your workplace legal needs.
Federation of Community Legal Centres	Visit the website to: find your local community legal ⁶⁸	To search for a community legal centre to support your business in your workplace legal needs.
Fair Farms	<p>Call: (07) 3620 3844 Email: fairfarms@growcom.com.au</p>	For support in managing your Fair Farms membership, or to enquire about membership and their tools and resources they provide.
Sedex	<p>Call: +61 284172844 Email: helpdesk@sedex.com</p>	For support in managing your Sedex membership, and access to their tools and services.

⁶⁶ ACT Worksafe contact page: <https://www.worksafe.act.gov.au/contact-us>

⁶⁷ National Legal Aid - search webpage: <http://www.nationallegalaid.org/for-individuals/>

⁶⁸ Federation of Community Legal Centres - search webpage: https://www.fclc.org.au/find_a_community_legal_centre