

Horticulture
Guidance for labour hire workers

If you work for a contractor packing, processing or preparing meat or poultry at a manufacturing or processing facility, you're probably a labour hire worker.

You may also do work for the contractor like sorting, labelling, grading, thinning, pruning or spraying plants.

Your rights are protected under Victorian law.

You have the right to be paid correctly and on time.

Your visa status cannot be used against you to underpay you or break the law.

If your employer provides accommodation, it must meet minimum standards.

No employer can take these rights away from you, for any reason.

If you are a labour hire worker, and have concerns about you or your workmates being treated unfairly, let us know at the Labour Hire Authority (LHA).

Report a problem

You can make a confidential report if you are worried that you or your workmates:

- are being paid unfairly
- have your visa status put at risk by your employer
- have health and safety risks at work, or are living in unsafe or unhealthy accommodation provided by your employer
- are employed by a company that does not have a labour hire licence.

It is against the law for you to be fired, have your pay, shifts or work changed or have your visa threatened for raising an issue about your workplace rights.

So we can help you, please include details like business names, people's names, addresses, dates and times.

Also include evidence – like pay slips, timesheets, messages or emails – and a way for us to contact you if possible.

Make a report

You can also make a report using a translation service by contact Translating and Interpreting Service (TIS National) on 131 450 – tell them what language and ask them to call LHA on 1300 545 200.

If you have questions, or if would prefer to make a report by phone, you can call LHA directly on 1300 545 200.

Visit the LHA website:
lha.vic.gov.au/report

What will happen when I report a problem?

Your report will be taken seriously. It will remain confidential and not shared with any person, except as required or authorised by law.

Depending on what the problem is, we may also suggest that you make a report to the Fair Work Ombudsman or WorkSafe.

Check your payslip

Every payslip you receive must include the following information:

- your employer's name, ABN and your name
- your rate of pay – hourly or salary
- your pay period, date of payment, how many hours you've worked in the pay cycle
- any loading, allowance, penalty rate, or other separately identifiable entitlement
- any deductions from your pay (such as transport or accommodation)
- your super fund details, and how much super you're owed for the pay cycle
- gross and net pay.

Check your employer's licence status

If you are a labour hire worker in Victoria, your employer must hold a labour hire licence.

You can check if your employer is licensed using the tools at lha.vic.gov.au/check

If your employer is not licensed, you are at higher risk of unfair treatment, so you should let us know.

Worker support organisations

Victoria's labour hire licensing scheme acts to protect workers and improve the integrity and transparency of the industry.

Broadly speaking, labour hire involves a business supplying workers to work at a host business in any industry.

Labour hire is common in many industries including:

- Horticulture
- Security
- Commercial cleaning
- Meat and poultry processing.

Under Victorian law, labour hire providers must hold a licence, and anyone using their services must only use licensed providers.

Significant penalties may apply for breaches of the Labour Hire Licensing Act 2018 (Vic):

- over $660,000 for a company
- over $160,000 for an individual.

Victoria's Labour Hire Authority (LHA) protects labour hire workers from exploitation and improves industry integrity through licensing, compliance and enforcement activities.

Labour hire licensing

Labour hire providers must be run by 'fit and proper' people and must meet a range of obligations around worker pay, conditions and entitlements, including:

- tax and superannuation
- occupational health and safety
- workers compensation
- workplace entitlements
- migration
- accommodation standards.

Monitoring compliance

LHA has a team of compliance officers who monitor, investigate and enforce compliance.

LHA inspectors have a range of powers, including to:

- enter and search premises with or without consent
- inspect or copy documents
- ask providers and hosts questions
- apply for a search warrant.

Resources

Flyers and A3 posters are available – in English and other relevant languages – for labour hire workers in the horticulture and meat and poultry processing industries.

The materials aim to raise workers' awareness of their rights and how to report unfair treatment by labour hire businesses.

Some labour hire workers may require assistance to collect information and report an issue to LHA.

If you work or engage with labour hire workers, you can download materials you can use to support them.

MORE INFORMATION

Visit the LHA website: **lha.vic.gov.au/hort-worker**

You can also contact LHA on **1300 545 200** or **enquiries@labourhireauthority.vic.gov.au**

Interpreter

If you need an interpreter, call TIS National on 131 450.
If you are deaf or have a hearing or speech impairment, contact us via the National Relay Service at relayservice.gov.au

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