

# Protect your business and your workers

If your horticulture business pays a company to provide workers to pick, pack or plant fruit or vegetables, you're probably using labour hire services.

Labour hire workers may also sort, label, grade, thin, prune or spray plants, or undertake other activities.

Under Victorian law, businesses that supply these workers generally require a labour hire licence.

If you use an unlicensed labour hire provider, it could cost you – significant financial penalties, loss of contracts, workers, your reputation, even your business.

Host businesses that engage an unlicensed labour hire provider can face penalties exceeding:

- **\$630,000 for a corporation**
- **\$150,000 for an individual.**

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

## CHECK AND FOLLOW YOUR CURRENT PROVIDERS

You can take two quick actions now to protect your business and support LHA in working towards a fairer industry for businesses and workers.

1. Check the licence of any provider you currently use.
2. Subscribe to be notified of any changes to your providers' licence status.



To access LHA's free tools and more information, visit:  
**[labourhireauthority.vic.gov.au/check](http://labourhireauthority.vic.gov.au/check)**

## BEFORE ENGAGING A NEW PROVIDER

- Check the provider is licensed using LHA's [Labour Hire Licence Register](#).
- Do not rely on paper documentation – it could be illegitimate or out of date.
- Check the age of the provider's company and their industry details.
- Ask for evidence of the provider's company structure, hierarchy of control and contracting arrangements.
- Confirm that the company offering services is the same as the one listed on the Register:
  - Note who is named as running the business, including any nominated officers.
  - If the person approaching you is not one of those people, confirm their connection to the licensed provider and authority to act, and ask to see an identity document.
  - Contact the provider's nominated officer using the details on the Register, to satisfy yourself that the person or business is the licensed provider.
- Keep a record of these checks for reference.

## WHEN ENGAGING A NEW PROVIDER

- Sign a written contract that properly identifies who they are, and which ensures workers will be paid the correct wages and entitlements.
- Include clear and specific expectations of the provider, including an obligation to advise you of any subcontracting arrangements or changes to their business or licence status.
- Set clear expectations that the provider must comply with all workplace laws.

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## COMMON ISSUES

To minimise risk to your business and workers, be aware of common issues in the industry.

### Licence fraud

Licence fraud involves persons misrepresenting themselves as being a licensed provider.

It can expose hosts to the risk of involvement with criminal elements, and the risk of participating directly in unlawful conduct.

Licence fraud also impacts licensed providers – as potential targets of fraud, and due to unlawful competitive disadvantage – while also increasing the risk of harm to workers including loss of wages or entitlements.

Hosts should be aware of potential indicators of licence fraud, including:

- paper documentation that cannot be verified – e.g. licences, bank statements, contact details
- any provider information that does not match the Labour Hire Licence Register
- bank account names which either do not match a licensed provider, or which frequently change.

Businesses can contribute to a level playing field for legitimate labour hire providers, protecting workers and improving the integrity of the labour hire industry by reporting issues such as attempted licence fraud to LHA using the [Report a Problem tool](#).

### Workplace health and safety

Under workplace health and safety laws, a host is taken to be the 'employer' of a labour hire worker if a provider supplies or places the worker to perform work at a host business.

Hosts should work with providers to consult, coordinate and cooperate with each other to meet shared workplace health and safety duties to labour hire workers.

This means they should:

- share information that allows them to jointly manage health and safety
- implement health and safety arrangements and respond to reasonable requests
- work together to eliminate gaps in health and safety measures.

## REPORT A PROBLEM

Businesses can contribute to a level playing field for legitimate labour hire providers, protecting workers and improving the integrity of the labour hire industry by reporting issues to LHA.

Anyone with evidence that a business may not comply with its obligations in using or providing labour hire services can make a report, including around issues such as:

- labour hire worker mistreatment
- unlawful behaviour, such as tax avoidance
- unlicensed providers advertising or providing labour hire services
- a business using an unlicensed provider.

Reports should include details such as business names and addresses, dates, relevant documents or evidence such as emails or screenshots.

Submit a report at: [labourhireauthority.vic.gov.au/report](https://labourhireauthority.vic.gov.au/report)

## HORTICULTURE WORKERS

LHA has developed materials specifically for labour hire workers in the horticulture industry.

You may wish to print and share these materials at your business to support workers to report issues, such as pay or accommodation, to LHA.

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

Materials include an A5 worker handout flyer and an A3 poster, translated into multiple relevant languages.

To access these materials and more information, visit [labourhireauthority.vic.gov.au/hort-worker](https://labourhireauthority.vic.gov.au/hort-worker)

## MORE INFORMATION

[labourhireauthority.vic.gov.au/hort-host](https://labourhireauthority.vic.gov.au/hort-host)

Visit the LHA website to access a range of guidance and information, LHA tools, and other resources for labour hire host businesses.

You can also contact LHA on 1300 545 200 or [enquiries@labourhireauthority.vic.gov.au](mailto:enquiries@labourhireauthority.vic.gov.au)

