

# Frequently Asked Questions

## Pacific Australia Labour Mobility scheme Deed of Agreement and Guidelines consultations

*Last updated: 15 March 2023*

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Note: The settings proposed under the Pacific Australia Labour Mobility (PALM) scheme Deed of Agreement and Guidelines (D&Gs) discussed in this document are subject to consultations with PALM stakeholders and consideration by the Government.

### Minimum net pay and minimum hours for PALM workers

#### 1. Would the new changes be applied to existing workers or new workers (recruited under the PALM scheme D&Gs)?

The Department of Employment and Workplace Relations (DEWR) is considering how the new settings (once approved) will apply to both new and existing workers on the commencement of the new PALM scheme D&Gs. Transitional arrangements may apply.

Advice will be provided to PALM Approved Employers (AEs) on the transitional arrangements.

#### 2. What if workers (voluntarily) do not attend work?

AEs should maintain adequate record keeping, including the hours offered to workers—ensuring they meet the required minimum hours offered.

#### 3. Will workers be allowed to move and/or change employers?

DEWR is looking at introducing approaches to encourage more portability and/or transferrable/flexible arrangements between AEs to ensure sufficient working hours are made available to workers.

Employers will be encouraged to do more planning where possible for contingency options, i.e. in case of unforeseen events, variances in market supply and demand and weather affects, specifically in seasonal agriculture.

#### 4. How would a minimum wage guarantee be monitored by DEWR?

DEWR is considering assurance activities such as random sample checks of payslips and audits in response to questions and queries from workers (or their advocates).

#### 5. Who will pay for domestic flights between seasonal work locations?

If this is part of an employer's recruitment proposal (or change to plan) and the portability arrangements, it must be articulated clearly how much flights will cost and who will cover the expenses. Clear and concise information must be provided to DEWR to assist with the approval decision and to ensure workers are not disadvantaged by portability arrangements.

### Pay parity for PALM workers as a condition of recruitment

6. How will pay parity work, where long-term PALM workers are employed as full-time workers with benefits but other workers, such as backpackers, are on a casual rate with a higher wage but no benefits? Same job, different pay rates, different benefits.

DEWR will consider different employment arrangements as part of a balanced approach to pay parity. This may include requiring AEs to demonstrate pay parity for workers employed on the same terms, i.e. full-time, years of experience, skills level and resulting pay increments.

7. Would higher pay mean above the AE's Enterprise Agreement?

It would depend on what pay rates are included in various industrial arrangements. For example, if a worker is placed in a host site with workers doing the same job on high rates under a host enterprise agreement, the AE would need to pay the higher rate. DEWR is considering the operational impact of such a change.

### Recognition or prioritisation of high performing AEs who offer benefits to workers

8. Can the Government legally prioritise recruitment applications based on benefits provided by the AE that are not required under the PALM scheme D&Gs?

The current Seasonal Worker Program (SWP) and Pacific Labour Scheme (PLS) D&Gs have additional requirements for AEs beyond standard legal requirements, such as the requirement for a Welfare and Wellbeing Support Person (SWP Deed).

DEWR is considering whether a recognition or prioritisation process will assist with maximising benefits for workers and partnering countries, particularly where remittances are small.

Further consideration will be given to establishing PALM Performance and Quality Framework to establish parameters for measuring AEs' performance.

9. Will this disadvantage small AEs who may be unable to provide large additional financial benefits to workers?

Benefits can be demonstrated in different ways. Qualitative benefits are also being considered. This could include enhanced welfare practices or strengthened efforts towards cultural support and community connections.

DEWR is considering how this would be operationalised and how non-quantitative benefits could be measured.

### The role of Labour Hire (LH) Approved Employers under PALM scheme

10. Why is the department considering the role of LH companies under PALM scheme?

The Australian Government is committed to addressing the issue of migrant worker exploitation and to implement industrial relations reforms that support job security and wage growth. Several recent parliamentary and public inquiries (including Migrant Workers' Taskforce Report, Senate Royal Select Committee on Job Security and Aged Care Royal Commission) pointed to the risks, concerns negative impacts of LH arrangements. Following stakeholder consultations, DEWR will consider the role of LH companies in the PALM scheme.

## Welfare and Wellbeing Support Person

### 11. For the Welfare and Wellbeing Support Person, will this need to be a specific role?

Yes, it is a specific role. The Welfare and Wellbeing Support Person would be required to respond to and address worker issues and concerns in a timely manner.

### 12. Will the Welfare and Wellbeing Support Person be given clear guidance on what they will do and what training they will be given?

Details of the Welfare and Wellbeing Support Person's role would be clearly outlined in the PALM scheme Guidelines, including any required skills and training, if identified.

## Cultural awareness and competence

### 13. What is cultural awareness?

Cultural awareness is an understanding and sensitivity to the similarities and differences which exist between cultures and using that sensitivity in effective communication with members of another cultural group.

### 14. How will cultural awareness and competence benefit AEs?

Pacific Islands cultures are not homogenic and it is important for AEs to learn about the culture of specific sending country they recruit the workers from. Knowing and understanding workers' culture, customs, and traditions can help to strengthen and enhance worker welfare and wellbeing while they are in Australia.

### 15. Has the Cultural Framework (the Framework) been finalised?

The Framework has been released and shared with stakeholders including Pacific and Timor-Leste Heads of Mission. The Framework is not yet on the PALM website, however, cultural awareness training sessions for AEs have commenced. The sessions are advertised via the PALM weekly update.

### 16. How will AEs demonstrate cultural awareness and how often will this be evaluated, i.e., before the first recruitment, ad hoc, or for each recruitment plan?

DEWR is proposing that AEs will be required to provide assurance and evidence that they have cultural awareness of the specific country they are seeking to recruit in prior to the recruitment plan approval.

For existing recruitments, DEWR may request AEs to undertake relevant cultural competency training and/or present evidence of cultural awareness in their business.

This could include online modules, courses, or working with the Country Liaison Officers, or a combination.

**17. What is the process for employers or AEs that are deemed to not be culturally aware or appropriate?**

AEs who are unable to demonstrate cultural competencies may be required to undertake further training prior to the consideration or approval of any recruitment plans.

**18. Would DEWR provide the cultural awareness training for each country?**

DEWR will be undertaking a series of AE cultural awareness sessions led by CLOs between during the year with an aim to share preliminary cultural information respective to Melanesia, Polynesia, Micronesia, Timor-Leste and First Nations for both social and business settings.

**Reimbursement of seasonal worker flight costs that cannot be recouped (through no fault of the employer)**

**19. What circumstances will AEs be able to seek reimbursement?**

DEWR is considering circumstances in which AEs would be eligible to seek reimbursement of flights costs for short term PALM workers—where costs cannot be recouped through no fault of the AE.

Circumstances currently being considered include where a worker doesn't board a flight (and where refund/credit cannot be sought from the airline), where the worker disengages through no fault of the employer or where a worker returns early due to personal circumstances.

DEWR is also considering that costs could be reimbursed, such as the cost of international and domestic flights from country to the work destination and cost of transit accommodation.

AEs will need to be compliant under their obligations under the PALM scheme D&Gs.

**20. What is required for an employer to be eligible for the flight underwriting reimbursement?**

Flight underwriting is only applicable to AEs who recruit workers under the short-term stream and when the AE has met all obligations outlined in the D&Gs.

**21. Can DEWR or AE assist with repatriating workers who suddenly need to return home and the worker cannot afford to pay for their return airfares?**

Flight underwriting will be considered on a case-by-case basis to determine eligibility. Please see answer to Q19 for circumstances being considered.

**22. If a worker transitioned from short to long term arrangement, can I be reimbursed for the worker's return airfare?**

It is unlikely that this circumstance would fall under the eligibility requirements for flight reimbursement.

**Other**

**23. Previously it was indicated that the PALM D&Gs will be finalised by mid-2023, is that still the case?**

It is anticipated that the PALM scheme D&Gs will commence in July 2023.

**24. Do we have update on when the postcode changes will be operationalised?**

DEWR continues to consider PALM policy settings including the geographic footprint of the scheme beyond the current regional and rural areas.

PALM employers will be notified of any changes made to the program settings at the earliest opportunity.

**25. Has previous feedback from the last round of consultations been considered as part of the updated draft PALM scheme D&Gs?**

Feedback from previous consultations have been considered and incorporated into the new proposed settings that are under consideration.