

Draft PALM scheme Approved Employer Deed and Guidelines

Phase 2 consultations

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Presentation Overview

1. Presentation Topics (Approx. 30 minutes)

- A. An overview of the consultation process and next steps
- B. Summary of feedback from phase 1 consultations
- C. Key proposed setting changes for the PALM scheme Deed and Guidelines

2. Questions and Answers (Approx. 30 minutes)

REMINDER

Feedback can be sent to palmconsultations@dewr.gov.au

Feedback closes 5pm AEDT, Wednesday 17 May 2023

Stakeholder consultation process & next steps



Consultations are being delivered in 2 phases:

Phase 1 (now closed): February – March 2023:

- sought views on operational parameters for some October 2022-23 Budget measures
- discussed options to strengthen PALM workers protections

Phase 2 (now open): 2-17 May 2023:

- After considering feedback from phase 1, the draft PALM scheme Deed and Guidelines are available for feedback

Next steps

- Following the close of phase 2, feedback will be considered, and any refinements made
- Final PALM Deed and Guidelines to be offered to Approved Employers ahead of implementation in July
- Deed transition advice will be provided to Approved Employers soon

Draft PALM Deed and Guidelines

Key settings discussed in Phase 1 consultations (February-March 2023)

Setting	Reference in draft Deed and Guidelines
Establishing a safety net for workers to address low working hours and low net pay after deductions for PALM workers	Deed – Section 11.1 (c) Guidelines – Chapter 2.4.2, 3.7
Pay parity for PALM workers as a condition of recruitment (including for long-term workers)	Guidelines – Chapter 2.3
Welfare and Wellbeing Support Person (distance/ratio)	Deed – Section 14 Guidelines – Chapter 9.5, 9.6
Cultural competency	Deed – Section 9.2 Guidelines – Chapter 2.1.6, 9.2
Reimbursement of worker airfares (short-term)	Guidelines – Chapter 7.3
Prioritisation of Approved Employers	No setting

Safety Net - Minimum Hours - *still under consultation*

Current SWP arrangement	Currently 30 hours per week averaged over the entire placement.
Current PLS arrangement	Long-term placement requires a minimum of 30 hours per week employed (no casual employment).
PALM Guidelines proposed requirements	<p>Minimum work hours (Deed reference 11.1(c), Guidelines reference 3.7)</p> <ul style="list-style-type: none">For short-term placements, the following options have been proposed:<ol style="list-style-type: none">30 hours per week every week.2a*: 30 hours per week every week, <i>except seasonal agriculture</i>. For short-term seasonal agriculture placements, Approved Employers must offer a minimum of 30 hours per week averaged over 4 weeks (minimum of 120 hours over 4 weeks).2b*: 30 hours per week every week, <i>except seasonal agriculture</i>. For short-term seasonal agriculture placements, Approved Employers must offer a minimum of 30 hours per week averaged over 8 weeks (minimum of 240 hours over 8 weeks).3a*: 30 hours per week every week, <i>except seasonal agriculture</i> placements engaged by direct employers. For short-term seasonal agriculture placements with direct employers, Approved Employers must offer a minimum of 30 hours per week averaged over 4 weeks (minimum of 120 hours over 4 weeks).3b*: 30 hours per week every week, <i>except seasonal agriculture</i> placements engaged by direct employers. For short-term seasonal agriculture placements with direct employers, Approved Employers must offer a minimum of 30 hours per week averaged over 8 weeks (minimum of 240 hours over 8 weeks). <p>* For short-term seasonal agriculture Placements, You must cover the cost of accommodation and transport for every week in which a Worker is offered 20 hours or less (debt for accommodation and transport cannot be accrued).</p> <ul style="list-style-type: none">For long-term placements (1 – 4 years) the Approved Employer must offer full-time hours, including during standdowns; site shutdowns must be capped to 4 weeks every financial year to coincide with Workers' annual leave entitlements.

Safety net - Minimum Net Pay Guarantee for Short-term Workers



PALM Guidelines Proposed Requirements	How does this compare to the SWP arrangements?
<ul style="list-style-type: none">• Safety net guarantee (Guidelines reference 2.4.2(c)) Will be demonstrated through factors including:<ul style="list-style-type: none">○ 2.4.2(c) expected earnings after deductions, noting: (i) the minimum net take home wage after tax and deductions must be no less than \$200 per week.○ Any outstanding debt cannot be carried over after the Worker has completed their Placement.• Reporting requirement in the Deed and Guidelines.	<p>New arrangement – currently SWP does not require the Approved Employer to put in place a minimum net take home pay after tax and deductions for seasonal workers.</p>

Pay Parity

PALM Guidelines Proposed Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<ul style="list-style-type: none">• Pay Parity (Guidelines reference 2.3)<ul style="list-style-type: none">○ Approved Employers must pay PALM Workers in line with other workers operating under the same award or enterprise agreement.○ This means with workers with the same skill level and experience doing the same job at that site.○ Consistent with Migrant Workers’ Taskforce Report, work will continue with ongoing workplace relations reforms.	<p>New arrangement</p>	<p>New arrangement – the PLS currently requires Approved Employers engaging PLS workers in select Agriculture-related food product manufacturing sectors in metropolitan locations to demonstrate pay parity. This new setting extends the requirement to Workers in all industries.</p> <p>(PLS Guidelines reference 3.3).</p>

Welfare and Wellbeing Support

PALM Deed and Guidelines Proposed Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<ul style="list-style-type: none"> • Welfare and Wellbeing Support Person and Plan (Deed reference 14, Guidelines reference 9.5 and 9.6). <ul style="list-style-type: none"> ○ Appoint a suitable Welfare and Wellbeing Person (Deed clause 14) who is located within 200km of Workers' Placement. ○ There is now a Worker to Welfare and Wellbeing Support Person ratio prescribed (1:65). ○ Welfare and Wellbeing Plan outlining adequate Welfare and Wellbeing Arrangements are in place. 	<p>No change – Welfare and Wellbeing Plan is currently required as part of SWP recruitment but there are changes to certain elements/settings such as:</p> <ul style="list-style-type: none"> • Welfare and Wellbeing Person must be located within 200km rather than 300km of Workers' Placement. • A ratio will apply. <p>(SWP Guidelines reference Chapter 3)</p>	<p>New arrangement – Welfare and Wellbeing Person and Welfare and Wellbeing Plan are not required under the PLS.</p>

Accommodation

PALM Deed and Guidelines Proposed Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<ul style="list-style-type: none"> • Accommodation for Workers (Guidelines reference 10.1 and 10.7) <ul style="list-style-type: none"> ○ Approved Employers must arrange and provide accommodation for the full duration of the Approved Recruitment (Deed clause 9 and 13). ○ Workers can choose to arrange their own accommodation. 	<p>No change – this is a continuation of current settings under the SWP for accommodation arrangements. Workers can still arrange their own accommodation should they choose to.</p>	<p>New – current requirement for PLS AEs is to provide accommodation for workers for the first 3 months.</p> <p>Workers can still arrange their own accommodation should they choose to.</p>
<ul style="list-style-type: none"> • Increased transparency regarding costs associated with accommodation (Deed reference 72, Guidelines references 10.2 and 10.3) <ul style="list-style-type: none"> ○ Approved Employers must declare any real or perceived Conflict of Interest in regard to a range of matters, including accommodation. 	<p>New – This is not a current requirement. There are, however, general clauses on conflicts of interest.</p>	<p>New – This is not a current requirement. There are, however, general clauses on conflicts of interest.</p>
<ul style="list-style-type: none"> • Mutual recognition of accommodation (Guidelines references 10.8) <ul style="list-style-type: none"> ○ Approved Employers may submit a streamlined Accommodation Plan where they propose to use an accommodation site that has been approved by the department for another Approved Employer. 	<p>This is a new arrangement that formalises a current operational arrangement under SWP.</p>	<p>This is a new arrangement.</p>

Cultural Awareness

PALM Deed and Guidelines Proposed Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<ul style="list-style-type: none">• Cultural competency (Deed reference 9.2, Guidelines reference 2.1.6 and 9.2).<ul style="list-style-type: none">○ Approved Employers (including their key personnel and managers and supervisors) must demonstrate Cultural Competency and undertake cultural awareness training related to the country/ies that they propose recruiting from.○ The Approved Employer’s Cultural Competency must be demonstrated as part of the Recruitment Application Process.	<p>New – introduced as part of a range of measures that relate to strengthening worker safeguards and supporting their welfare and wellbeing.</p>	<p>New – under the PLS Deed, Approved Employers must ensure key staff are assisted to improve cultural competencies in their workplace, however, this setting introduces a mandatory setting for training.</p>

Grievance Management

PALM Deed and Guidelines Proposed Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<ul style="list-style-type: none">• Managing worker grievances (Deed reference C1.4, clause 36, Guidelines reference 2.1.6 and 9.2).<ul style="list-style-type: none">○ Approved Employers must provide easy to understand information and explain to Workers how they can raise any matter of concern or complaint with the Approved Employer.○ Approved Employers must not take any retaliatory action against a Worker or group of Workers that raise a grievance.○ A Grievance Policy will be developed to support this arrangement.	This is a new arrangement.	This is a new arrangement.

Reimbursement of travel costs - short-term workers

PALM Deed and Guidelines Proposed Requirements

How does this compare to the SWP arrangements?

Not applicable for PLS (long-term)

- **Reimbursement for travel** (Deed reference 20, Guidelines reference 7.3).
 - Approved Employers can seek reimbursement of flight costs that they have paid on behalf of short-term Workers in certain circumstances. This does not include airfares purchased by Approved Employers on behalf of long-term Workers.
 - Applicable when the Approved Employer is unable to recoup travel costs (minus \$300 contribution, costs already recovered through deductions, or an amount reimbursed or credited through insurance or flight credits) through no fault of their own.
 - Approved Employers can only request reimbursement where they have complied with Offer of Employment, Australian Workplace laws and the Deed and Guidelines.

This is a **new** arrangement introduced as part of the 2022-23 Budget.

Worker portability

PALM Deed and Guidelines Proposed Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<ul style="list-style-type: none">• Worker portability arrangements (Deed reference 11.2 (b), clause 36, Guidelines reference 8.5)<ul style="list-style-type: none">○ Portability arrangements refers to the transfer of a Worker between two Approved Employers or an Approved Employer and a Host Organisation (these arrangements are not initiated by the Worker).○ The Guidelines specify 3 types of portability:<ol style="list-style-type: none">1. Offshore portability: A pre-arranged arrangement made while the Worker is offshore and prior to mobilisation.2. Onshore portability: A new arrangement made while the Worker is onshore in Australia.3. Temporary portability: An unplanned, short-term secondment.○ Costs associated with moving Workers between locations must not be passed onto the Worker.	<p>This is a new arrangement which formalises portability arrangements available under SWP.</p>	<p>This is a new arrangement.</p>

Health Insurance: Worker Terminations



PALM Deed and Guidelines Proposed Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<ul style="list-style-type: none">• Health insurance when a Worker's Placement is terminated (Guidelines reference 9.3.7)<ul style="list-style-type: none">○ Approved Employers must continue payment of a Worker's health insurance for a minimum period of 28-calendar days, or when they leave the country (which ever is earlier) for any Worker whose Placement is terminated.	This is a new arrangement.	This is a new arrangement.

Arrival report

PALM Deed and Guidelines Proposed Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<ul style="list-style-type: none">• Reporting which Workers have arrived in Australia (Guidelines reference 13.6)<ul style="list-style-type: none">○ The Approved Employer must submit an Arrival Report 14 days after Workers arrive in Australia that contains the names and dates of arrival for Workers, confirmation the Arrival Briefing was delivered, and confirmation the Approved Employer completed the Arrival Requirements (e.g.: helping workers get a mobile phone and set up a bank account).	<p>The timeframe to submit this report has been reduced from up to 20 days after arrival of Workers and pay data is no longer to be provided as part of the Arrival Report.</p> <p>(SWP Guidelines reference 2.6.3)</p>	<p>New arrangement – the timeframe has increase from five days to 14 days.</p> <p>(PLS Guidelines reference 6.1)</p>

Family Accompaniment

- Budget commitment
- Address social impacts of family separation
- Deed reference 9.13
 - Approved Employers may choose to assist long-term Workers to bring their families to Australia.
 - Further work is required on the settings and parameters of this measure.

Questions and answers



REMINDER

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Feedback closes 5pm AEDT, Wednesday 17 May 2023

Feedback templates and comparison tables are available at

<https://www.dewr.gov.au/pacific-australia-labour-mobility-scheme>

