

# PALM scheme Approved Employer Deed and Guidelines

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# Webinar Overview

## 1. Presentation Topics (Approx. 45 minutes)

- A. An overview of consultation process
- B. The process of entering into PALM scheme Deed
- C. Summary of key PALM scheme Deed and Guidelines updates
- D. Staged Implementation arrangements of some new settings

## 2. Questions and Answers (Approx. 15 minutes)



# Journey to a single PALM Deed and Guidelines

Consultations commenced in late 2021, with the most recent consultations undertaken in 2 phases:

## **Phase 1: 17 February – 17 March 2023:**

- Sought views on operational parameters for some October 2022-23 Budget measures.
- Discussed options to strengthen PALM workers protections.

## **Phase 2: 2 May – 17 May 2023:**

- Draft PALM scheme Deed and Guidelines were released for further consultation.
- 117 written submissions from 93 stakeholders and 11 meetings.

## **Current status:**

- Transition Advice No.1 issued on 2 June 2023
- Transition Advice No. 2 issued on 26 June 2023
- Final PALM Deed and Guidelines published 26 June 2023
- PALM Deed package dispatched from 26 June 2023

## Distribution of PALM scheme Deed

Deed  
package  
includes:

- A Cover Letter guidance and a Checklist
- Deed Particulars
- PALM Deed
- Approved Employer Declaration
- PALM Privacy Statement and Consent form
- PLS Deed of Termination if required

# PALM scheme Deed vs Guidelines

- **PALM Deed is an agreement between Approved Employers and the Commonwealth represented by the Department of Employment and Workplace Relations (DEWR)**
  - Up to 5 years, with potential extension or multiple extensions up to 30 June 2033
  - Date of effect is 26 June 2023 – but the Commencement Date will be a date of Deed’s execution.
    - All variations to the Deed will need to be agreed by both parties.
- **PALM scheme Guidelines form part of the Deed (clause 2.2(b))**
  - Deed and Guideline’s requirements are mandatory
  - Guidelines provide more details on the definitions and processes.
  - Guidelines will be updated (after consultation) if there are:
    - process improvements or
    - some expected policy implementation.
  - All future versions of the Guidelines and summary of changes will be listed upfront in the ‘Version history table’ on page 6.

# PALM scheme Deed – structure and main settings

- PALM Deed contains major requirements for Approved Employers operations,
- Definitions remain in front of the deed, updated and added definitions relate to:
  - Replacing the definition of ‘Seasonal Agricultural Worker’ with ‘Short-term worker’ to avoid any ambiguities about the duration of Worker’s placement in relation to reimbursement for travel costs
  - Work Health and Safety (WHS), such as ‘Risk Assessment’, ‘Placement Risk Assessment’, ‘Worker Risk Assessment’, ‘Notifiable Incident’, ‘Other Incident’, ‘Competent Person’, ‘Supervisor’
  - Cyber security and data protection: ‘Cyber Incident’, ‘Australian Cyber Security Centre’, ‘Protective Security Framework’, ‘Department Data’
- Some details of the Definitions have been moved into the Guidelines, for example, ‘Grievance’, ‘Net Financial Benefit’, ‘Short-Term Worker’
- The wording of WHS related clauses have been updated.
- IT clauses have been updated and Data protection and Cyber Security requirements have been introduced.
- Insurance clause has been revised

# Work Health and Safety (WHS) and Risk Assessment



**Clauses 15 to 19 (Section B1.4) of the Deed have been updated**

## **Clause 15 - Workplace Health and Safety is stipulating:**

- carrying out all **PALM-related activities in a safe manner**, including if the host organisation is involved (clause 15.3)
- reporting to the Department (in addition to reporting to the relevant WHS regulator) **any Notifiable Incident or other WHS related contravention**
- **Cooperating with any WHS related investigation**

## **Clause 16 – Risk Assessment:**

- Undertaking a placement assessment (with their own business or with a host organisation) and a Worker Risk Assessment, considering their level of skills and required training

**Clause 17 – Incidents:** about reporting incidents related to worker’s health and wellbeing and any serious WHS incidents in AE’s or host’s workplace

- Critical incidents (clause 17.1) and other incidents (clause 17.2) - related to worker’s health and wellbeing
- Reporting of non-critical incidents, i.e., employment or administrative, are covered in the Guidelines

**Clause 18 – Supervision:** adequate and culturally appropriate Supervision to ensure that Workers are undertaking appropriate tasks and operating in a healthy and safe environment

# Host Organisations and Subcontractors



## For AEs that operate as Labour Hire Organisations

- **‘Host Organisation’** means an organisation that hosts Workers and provides them with work in accordance with a Host Organisation Arrangement with the Approved Employer.
- **‘Host Organisation Arrangement’** means any legally binding, written arrangement between the Approved Employer and a Host Organisation in relation to the provision of work to Workers employed under the Scheme.

Therefore, formal written agreement between AE-labour hire and Host Organisation is a mandatory Deed requirement.

- **‘Subcontractor’** means any party which has entered into a Subcontract with the Approved Employer to perform a part (as determined by the Department) of the obligations under this Deed, and includes the party’s Personnel, successors and assigns as relevant.



## Detailed requirements are covered in the Guidelines for the new PALM settings

Detailed setting described in the Guidelines	Guidelines Chapter	Guidelines Section
Minimum hours for short-term workers ( <i>up to 9-month placements</i> ): 30 hours per week	Chapter 3	Section 3.7 and 3.7.1
Minimum hours for long-term workers (1-4 years): full-time	Chapter 3	Section 3.7 and 3.7.2
Low hours safety net: no deductions for accommodation if less than 20 working hours a week	Chapter 3 and Chapter 5	Section 3.7, 3.7.4, 3.7.5, 5.3 and 5.3.2 (b)
Pay parity	Chapter 2	Section 2.3
Transparency of deductions	Chapter 5	Section 5.2
Net pay after deductions - \$200 a week after tax and deductions	Chapter 5	Section 5.1 and 5.1.7
Accommodation and transport	Chapter 10	Section 10.11
Grievance Management	Chapter 9	Section 9.12
Union and FWO attendance at arrival briefings	Chapter 8	Section 8.3 and 8.3.4
Welfare and wellbeing plan   Welfare and wellbeing support person	Chapter 9	Section 9.5 and 9.6
Cultural Competency	Chapter 9	Section 9.2
Flight reimbursement	Chapter 7	Section 7.5

## Pay Parity – Section 2.3 of the Guidelines

- Pay parity in PALM context means paying Workers the same full rate of pay attached to the relevant classification in the applicable Fair Work instrument if workers are performing the same type of work and engaged at the same site as other employees.
- The full rate of pay is defined in section 18 of the Fair Work Act and includes the base rate of pay, incentive-based payments, loadings, monetary allowances, overtime and penalty rates, and any other separately identifiable amounts.

# Staged implementation of new PALM settings From Deed commencement

There are different implementation requirements for different recruitment types including:

- **New Approved Recruitments** – approved under the PALM Deed
- **Transition Recruitments** – a recruitment of workers by a Continuing Approved

Approved Employer's transition recruitments must comply with the PALM scheme Deed requirements when a new recruitment application is considered.

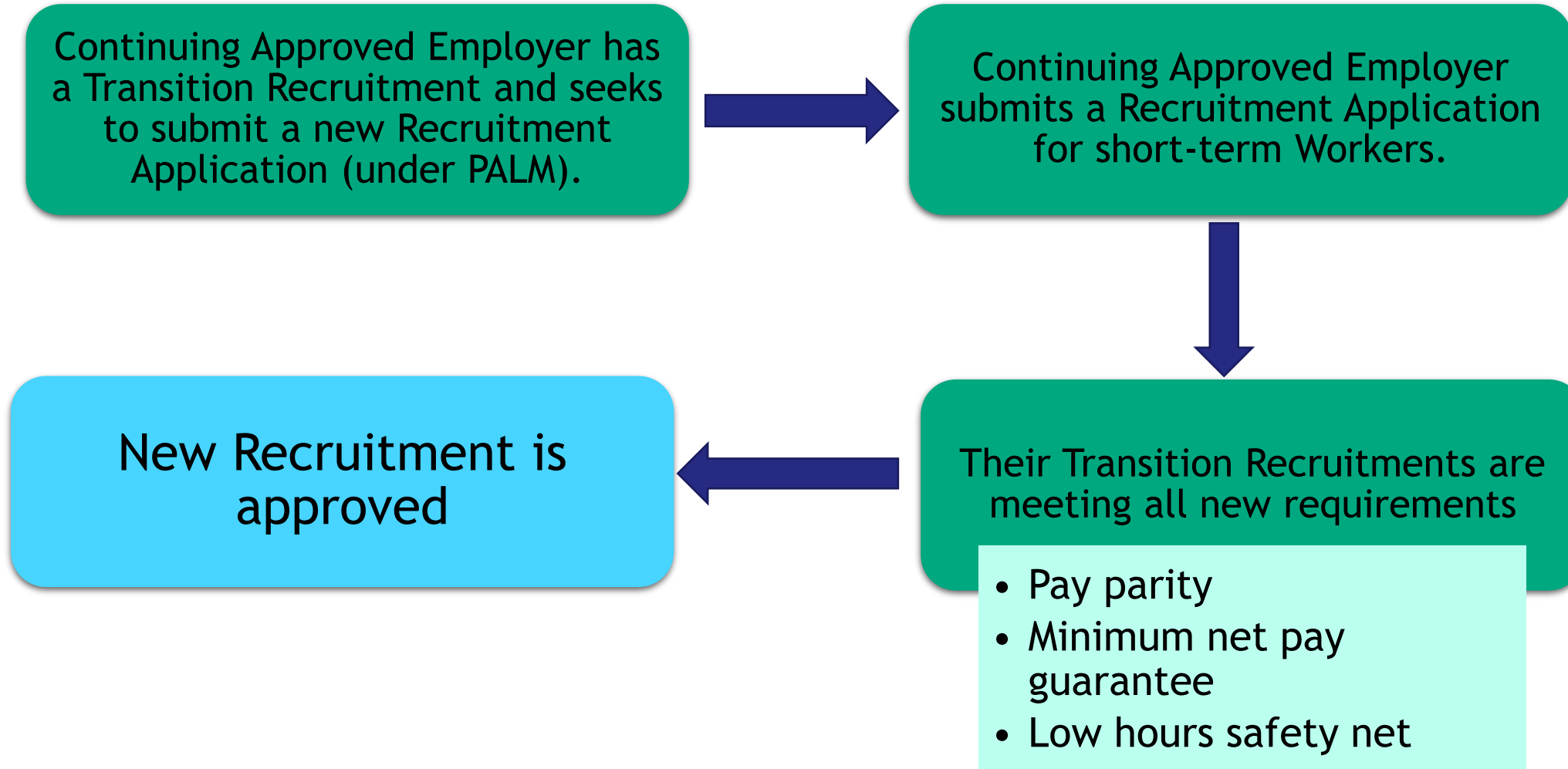
## Staged implementation of new PALM settings for New Approved Recruitments

	Requirements for short-term workers	Requirements for long-term workers
Upon commencement	<ul style="list-style-type: none"> <li>• Pay parity for new (and existing) recruitments</li> <li>• Minimum net pay guarantee</li> <li>• Submit Transport Plan</li> <li>• Submit Contingency Plan</li> <li>• Invite FWO and union representatives to arrival briefing</li> <li>• Declare any real or perceived Conflict of Interest in regard to a range of matters including accommodation and welfare and wellbeing arrangements</li> <li>• Provide low hours safety net</li> </ul>	<ul style="list-style-type: none"> <li>• Parity pay for new (and existing) recruitments</li> <li>• Minimum net pay guarantee</li> <li>• Full-time employment</li> <li>• Submit Accommodation Plan</li> <li>• Submit Transport Plan</li> <li>• Submit Contingency Plan</li> <li>• Contribute \$300 to the cost of flights</li> <li>• Invite FWO and union representatives to arrival briefing</li> <li>• Declare any real or perceived Conflict of Interest in regard to a range of matters including accommodation and welfare and wellbeing arrangements</li> <li>• Provide low hours safety net</li> </ul>
By 31 December 2023	<ul style="list-style-type: none"> <li>• Submit any updates to their Welfare and Wellbeing Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Submit a new Welfare and Wellbeing Plan</li> <li>• Advise of their Welfare and Wellbeing Support person</li> </ul>
From 1 January 2024	<ul style="list-style-type: none"> <li>• Offer 30 hours per week, averaged over each consecutive 4-week period.</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum Cultural Competency requirements</li> </ul>
From 1 July 2024	<ul style="list-style-type: none"> <li>• Offer 30 hours per week, every week</li> </ul>	

# Staged implementation of new PALM settings for Transition Recruitments

	Transitional requirements for Short-Term Workers	Transitional requirements for Long-Term Workers
<b>Upon commencement</b>	<ul style="list-style-type: none"> <li>• Pay parity for existing (and new recruitments)</li> <li>• Minimum net pay guarantee</li> </ul>	<ul style="list-style-type: none"> <li>• Pay parity for existing (and new recruitments)</li> <li>• Minimum net pay guarantee</li> </ul>
<b>By 30 September 2023</b>	<ul style="list-style-type: none"> <li>• Ensure that a union representative has been invited to address workers where this didn't previously occur</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that a union representative has addressed workers where this didn't previously occur</li> </ul>
<b>From 1 October 2023</b>	<ul style="list-style-type: none"> <li>• Provide low hours safety net</li> </ul>	<ul style="list-style-type: none"> <li>• Provide low hours safety net</li> <li>• Provide full-time employment for existing PALM workers</li> </ul>
<b>By 31 December 2023</b>	<ul style="list-style-type: none"> <li>• Submit any updates to Welfare and Wellbeing Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Submit a new Welfare and Wellbeing Plan</li> <li>• Advise of Welfare and Wellbeing Support person</li> </ul>
<b>From 1 January 2024</b>	<ul style="list-style-type: none"> <li>• Offer 30 hours per week, averaged over each consecutive 4-week period</li> <li>• Minimum Cultural Competency requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum Cultural Competency requirements</li> </ul>
<b>From 1 April 2024</b>	<ul style="list-style-type: none"> <li>• Submit updated accommodation plan(s)</li> </ul>	
<b>From 1 July 2024</b>	<ul style="list-style-type: none"> <li>• Offer 30 hours per week, every week</li> </ul>	

# Case Study: Approved Employers with transition recruitments seeking to recruit new Workers



# Questions



Queries can also be sent to [palmconsultations@dewr.gov.au](mailto:palmconsultations@dewr.gov.au)

**Thank you for your participation in today's webinar**