



Voice of Horticulture

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**4 YEARLY REVIEW OF MODERN AWARDS –
CASUAL AND PART-TIME EMPLOYMENT
MATTER NO. AM2014/196 and AM2014/197
[2017] FWCFB 3541**

**Summary of Decision
5 July 2017**

Date: 10 August 2017

SUBMISSION - VOICE OF HORTICULTURE

Background

1. The Voice of Horticulture (VoH) has reviewed the Summary of Decision by the FWC dated 5 July 2017 and wishes to submit responses to questions posed by the FWC in relation to the *Horticulture Award 2010* (Horticulture Award).

Submissions

2. We agree that the ordinary hours of casual employees should be no more than 12 hours per day, and that overtime penalty rates should be payable for work performed in excess of 12 hours. This is due to the finding that the addition of further significant labour costs on award-compliant horticultural employers is likely to increase their competitive disadvantage vis-a-vis non-compliant employers, or to lead to greater non-compliance.
3. On the additional question as to whether the ordinary daily hours of casual employees should be limited to the period of 6.00am to 6.00pm, as it is for weekly employees we offer the following response: ordinary daily hours of casual employees should not be limited to any specific period due to the nature of horticultural work being dependent on weather; time of year; perishability and market demands such as logistics and shelf life. Horticultural products are harvested at different times of the year in different regions of Australia – during the wet long summer days of northern Australia to the cold short winter days of Southern Australia. Citrus pickers need to avoid wet fruit and high temperatures. Citrus picking is also regularly disrupted with frost events during winter periods. Table grape pickers need to avoid high temperatures. Asparagus cutters work through the night to avoid the heat of the day and ensure firm stalks with long shelf life. Certain farm work such as extra irrigation or pest and disease management can only be undertaken during the night. And during peak harvest periods on-site packing houses sometimes require two shifts to ensure quality produce is graded, packed and ready for shipment.
4. On the critical issue over what period may the 38 weekly hours of casual employees be averaged we do not agree that weekly hours should be averaged over a period of 8 weeks. This is too short and increases the disadvantage of employers requiring highly seasonal horticultural work. We suggest that a period of 24 weeks may be more appropriate.
5. On the critical issue regarding whether overtime penalty rates be payable for work in excess of a 12 hour day: we agree.

6. The FWC has offered a member of the Commission to be available to assist parties (AWU, NFF, ABI, AiGroup and other interested parties) to confer in relation to the decision regarding ordinary hours of work and overtime for casual employees under the Horticulture Award. This offer would be beneficial and VOH would be interested in participating, if required. Any increase in casual and part-time employment rates would have significant impact on many rural and regional horticultural businesses and communities, as costs increases are simply not able to be passed onto buyers.

