

# Pacific Labour Scheme Approved employer guidelines

October 2021





## Revision history

2	13/10/2021	Updated with document number	PLF	DFAT
1	10/05/2020	Approved for use	PLF	DFAT
Version	Date	Description	Prepared	Approved



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# 1



## Purpose and overview

**Intent:** This section provides an overview of the relationship between the memoranda of understanding with countries participating in the Pacific Labour Scheme (PLS), the PLS Deed of Agreement (Deed) between the Australian Government Department of Foreign Affairs and Trade (DFAT) and approved employers (AEs), and these guidelines.

### 1.1 Introduction and purpose

The Australian Government has signed memoranda of understanding (MOUs) with each of the 10 Pacific island countries participating in the PLS. These MOUs and the implementation arrangements which sit under them set out the responsibilities of the Australian Government, the Pacific Labour Facility (PLF) and each of the participating countries to mitigate risks and ensure the objectives of the PLS are met.

The Deed and the AE guidelines reflect the requirements of these MOUs and the arrangements that have been put in place to ensure they are implemented correctly.

The purpose of these guidelines is to provide information and guidance to AEs to enable their successful participation in the PLS. They are intended to help employers understand and meet their obligations and responsibilities as an AE, as detailed in the Deed. These guidelines form part of the Deed, as specified in clause 2.2 of the Deed, and are a complementary, supporting document to provide clarity and assistance.

These guidelines will be reviewed annually and will be made available on the Pacific Australia Labour Mobility scheme website<sup>1</sup> and via the PLF. AEs **must** adhere to their obligations under the Deed and these guidelines.

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<sup>1</sup> <https://palmscheme.gov.au>

## 1.2 Definitions and interpretation

TERM	DESCRIPTION
ABF	Australian Border Force
AEs	Approved employers
ATO	Australian Taxation Office
DESE	Department of Education, Skills and Employment
DFAT	Department of Foreign Affairs and Trade
FWO	Fair Work Ombudsman
LSU	Labour sending unit (in participating countries)
OAIC	Office of the Australian Information Commissioner
PLF	Pacific Labour Facility
PLS	Pacific Labour Scheme
PPE	Personal protective equipment
SWP	Seasonal Worker Programme
TAS	Temporary activities sponsor (see Department of Home Affairs website)
VEVO	Visa Entitlement Verification Online system (see Department of Home Affairs website)



## 1.3 Key contact details

### Pacific Labour Facility

- Phone: (+61 7 3557 7550) between 9 am and 5 pm AEDT, Monday to Friday
- Email: ([enquiries@pacificlabourfacility.com.au](mailto:enquiries@pacificlabourfacility.com.au))
- Emergency: 24-hour hotline (1800 51 51 31) or email ([welfare@pacificlabourfacility.com.au](mailto:welfare@pacificlabourfacility.com.au))
- Website: <https://palmscheme.gov.au>

### Department of Foreign Affairs and Trade

- Email: ([pacificlabourmobility@dfat.gov.au](mailto:pacificlabourmobility@dfat.gov.au))

### Department of Education, Skills and Employment

AEs, seasonal workers, community members and others with questions about the Seasonal Worker Programme (SWP) can contact the Department of Education, Skills and Employment (DESE) through the SWP information line or via email.

- SWP information line: (+61 2 6240 5234) 9 am to 5 pm AEDT, Monday to Friday
- Email: ([seasonalworker@dese.gov.au](mailto:seasonalworker@dese.gov.au))

### Fair Work Ombudsman

The Fair Work Ombudsman (FWO) website contains information on pay, awards and conditions and a range of tools for employers, including storyboards or short videos on a selection of workplace topics that are translated into several Pacific languages.

- Website: <https://fairwork.gov.au>
- Storyboards website page: <https://www.fairwork.gov.au/language-help/language-storyboards>
- Phone: (13 13 94) 8 am to 5:30 pm Monday to Friday
- Email: ([pacificlabourscheme@fwo.gov.au](mailto:pacificlabourscheme@fwo.gov.au))

### Department of Home Affairs

AEs can use an [ImmiAccount](#) to sponsor workers for a visa, check the progress of a visa application or cancel a visa. Information on temporary activity sponsorship is also available on the website.

- Website: <https://www.homeaffairs.gov.au>

To check visa details and worker conditions, AEs can use the [VEVO](#) (Visa Entitlement and Verification Online) system.

- VEVO website page: <https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online>

For guidance on lodging a visa application, providing updates and documents or technical support, refer to the information and tip sheets on the ImmiAccount website page.

- ImmiAccount website page: <http://www.homeaffairs.gov.au/immiaccount>

For general information about the Pacific labour visa stream, including information for sponsors, refer to the Department of Home Affairs PLS website page.

- PLS website page: <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-work-403/pacific-labour-scheme>
- For urgent matters please email ([specialist.entry@homeaffairs.gov.au](mailto:specialist.entry@homeaffairs.gov.au)), noting this inbox is not manned for visa lodgement queries and updates.

# 2



## Pacific Labour Scheme assurance framework

**Intent: The purpose of the assurance framework is to provide context and guidance to all stakeholders of the PLS on how to deliver their collective responsibilities in accordance with legislative and program requirements. The assurance framework sets the tone for how the PLS operates and outlines the spirit, intent and structure of the program.**

A constructive and positive relationship between the PLF and AEs is central to the success of the PLS. This strong relationship ensures open and transparent communication that will enable the early identification and management of any potential issues, particularly those that may require further investigation by government partner agencies.

The PLF recognises AEs are committed to the PLS and strive to meet their Deed obligations. On occasion, however, Deed obligations may not be met due to unintentional errors, oversight or some other reason. Effective assurance mechanisms, including this framework, help us to manage risk and resolve matters effectively, efficiently and consistently.

The PLF's role is to ensure AEs comply with the PLS Deed. If there are alleged breaches of relevant legislation such as the Fair Work, Workplace Health and Safety or Migration Acts, the PLF will refer the matter to the appropriate regulator. Assurance is the means through which the Australian Government can be confident that PLS structures and processes are designed, implemented and operating as intended, and that there are effective and efficient controls in place to manage risks and achieve objectives.

### 2.1 Assurance framework goals and scope

The aim of the PLS assurance framework is to promote a culture of compliance and better practice by equipping AEs with the information and support they need to meet their obligations under the Deed. The framework ensures robust protections are in place to safeguard workers' employment rights, welfare and wellbeing, while at the same time providing consistent processes for AEs to follow.

The PLS assurance framework is made up of 3 components:

- guiding principles
- standards
- assurance activities.



**Pacific Labour Scheme**

# ASSURANCE FRAMEWORK

## GUIDING PRINCIPLES

(underpinning all labour mobility activities)

### LEADERSHIP

Leaders embrace a rights-based approach to labour mobility that benefits all partners, including AEs, Pacific island countries, Timor-Leste and workers.

### PROTECTIONS FOR ALL

- worker protections
- AE standards and support
- education
- procedural fairness

### PERFORMANCE

- monitoring
- proportionality
- consistency
- continuous improvement

### PARTNERSHIP

- communication
- transparency
- collaboration
- accountability

## STANDARDS

(encapsulates the spirit of the program and defines best practice)

- ethical employment practices
- worker welfare
- cultural competency
- health and safety
- partnership with industry
- operate in good faith

## ASSURANCE ACTIVITIES



### EDUCATION

- information
- assessments
- remedial actions



### COMPLIANCE

- Deed of Agreement
- legislation
- rectification
- consequences



### RISK AND MONITORING

- governance (roles and responsibilities)
- risk assessments and monitoring
- proactive AE and PLF auditing activities
- shared responsibility



### 2.1.1 Guiding principles

These principles inform the PLF's decision making and the design and purpose of PLS assurance activities.

PRINCIPLES	ACTIONS
<b>Leadership</b>	<ul style="list-style-type: none"><li>• Embrace a better practice approach to all activities.</li><li>• Uphold the spirit of the program, lead by example and listen to the concerns of workers, AEs and other relevant stakeholders.</li><li>• Ensure zero tolerance toward any exploitation of workers.</li><li>• Champion a rights-based approach to ensure fundamental rights, as governed by Australian laws and community standards, will be upheld for all stakeholders.</li><li>• Acknowledge that migrant workers are a vulnerable cohort and commit to providing safeguarding as necessary.</li><li>• Acknowledge the rights and obligations of all stakeholders.</li></ul>
<b>Protection for all</b>	<ul style="list-style-type: none"><li>• All stakeholders recognise their protections and obligations covered by law and ethical practices.</li><li>• Ensure a consistent approach and measurement tools are employed when assessing any matter.</li><li>• Ensure the outcome is proportionate to the conduct and the resulting harm or potential harm.</li></ul>
<b>Partnership</b>	<ul style="list-style-type: none"><li>• Build relationships with stakeholders and the community based on trust and respect. Work with stakeholders to find opportunities to collaborate and find solutions to issues.</li><li>• Harness intelligence and insight from a range of sources, including other government agencies, to inform compliance and assurance activities.</li><li>• AEs will be afforded reasonable opportunity to respond to matters raised before a decision is made.</li></ul>
<b>Performance</b>	<ul style="list-style-type: none"><li>• A commitment to improving processes, policies and practices through stakeholder feedback and input.</li><li>• The PLF and DFAT will work to resolve matters as efficiently as possible to avoid delays and uncertainty for workers, AEs and other relevant stakeholders.</li></ul>

### 2.1.2 Standards

The standards outlined in the PLS assurance framework set the spirit of the program and are identified throughout the guidelines as 'better practice recommendations'. These better practice recommendations have been developed to assist AEs in implementing quality policies and processes that promote fair, safe and responsible employment practices. **The better practice recommendations are not compulsory under the Deed, and therefore AEs are not assessed or monitored for compliance against them.** Standards and better practice recommendations will be reviewed and updated annually.

### 2.1.3 Assurance activities

Assurance framework activities incorporate 3 key elements of assurance: education, risk and monitoring, and compliance. The key monitoring and reporting activities under the PLS assurance framework include:

#### Education

**Targeted, thematic campaigns** to provide education, tools and activities, focusing on specific elements of the program (i.e., accommodation arrangements, costs and deductions, high risk industries or locations, etc.) and through collection of random samples across a range of AEs.

**Close liaison with LSUs** in participating countries and labour attachés and liaison officers in Australia to identify and resolve existing and emerging issues.

#### Risk and monitoring

**Review and analysis** of scheduled employer reports to ensure AEs comply with PLS requirements. Reports may include worker pay slips, timesheets, contract amendments and evidence to substantiate payroll deductions.

**Data collection and analysis** to identify emerging risks and trends, monitoring visits of employers and workers and response to feedback, and tip-offs and complaints.

#### Compliance

**Information sharing** between the PLF, DFAT and other government agencies to enable the timely identification of potential non-compliance issues, i.e., the FWO, Department of Home Affairs, Australian Border Force (ABF) and workplace health and safety (WHS) regulators. Potential non-compliance issues shared will then be assessed by the governing body. Investigations will be conducted and outcomes decided in line with their priorities.

**Compliance monitoring activities** including the assessment of all recruitment requests and labour market testing results, approval of proposed letters of offer (LOOs) and PLF monitoring of adherence to the Deed.

## 2.1.4 Risk-based approach

### TYPES OF CONTROLS/TREATMENTS



In taking a risk-based approach to assurance, the PLF considers 4 key values:

1. **Identify risks early:** This is the key to effective risk management. By identifying and addressing risks early it may be possible to remove or greatly reduce risks. Identifying risks early improves outcomes for all stakeholders.
2. **Fit for purpose:** The approach to risk management must be fit for purpose – that is, it should be proportionate to the level and type of risk and adaptable to suit each individual circumstance. Risk management involves considering ways to minimise, avoid, share, or mitigate and accept risks.
3. **Active management:** This includes communication and discussion of risks with stakeholders, regular monitoring, documentation and reporting to ensure controls are in place and treatments have been implemented effectively. Ongoing communication and consultation enables risks to be actively addressed, conversations documented and any new or emerging risks identified.
4. **Accountability:** It is expected all stakeholders (including workers) will manage risk within the scope of their PLS activities. Where required, risks and mitigation strategies will be **escalated (whether through the PLF, AE, LSU or other appropriate stakeholder)** as part of a positive risk culture. An active communication flow that supports both a bottom-up and top-down approach is critical.

A risk-based approach is adopted to determine the PLF's priorities for assurance monitoring activities. Higher-level risks may undergo more frequent activities, such as monitoring visits and reports. Many factors are considered when adopting a risk-based approach, including but not limited to industry, location and type of work performed, previous compliance history, number of PLS workers and an AE's demonstrated capacity for management of the PLS.

The PLF will consider the following factors when determining the requirements for employer monitoring activities:

- AEs who have returned any potential non-compliance, reportable findings or issues during a desktop audit
- employers with conditional AE status (such as restrictions on recruitment until satisfactory reporting is completed)
- tips-offs, complaints or informal feedback received
- high-risk industries and locations.

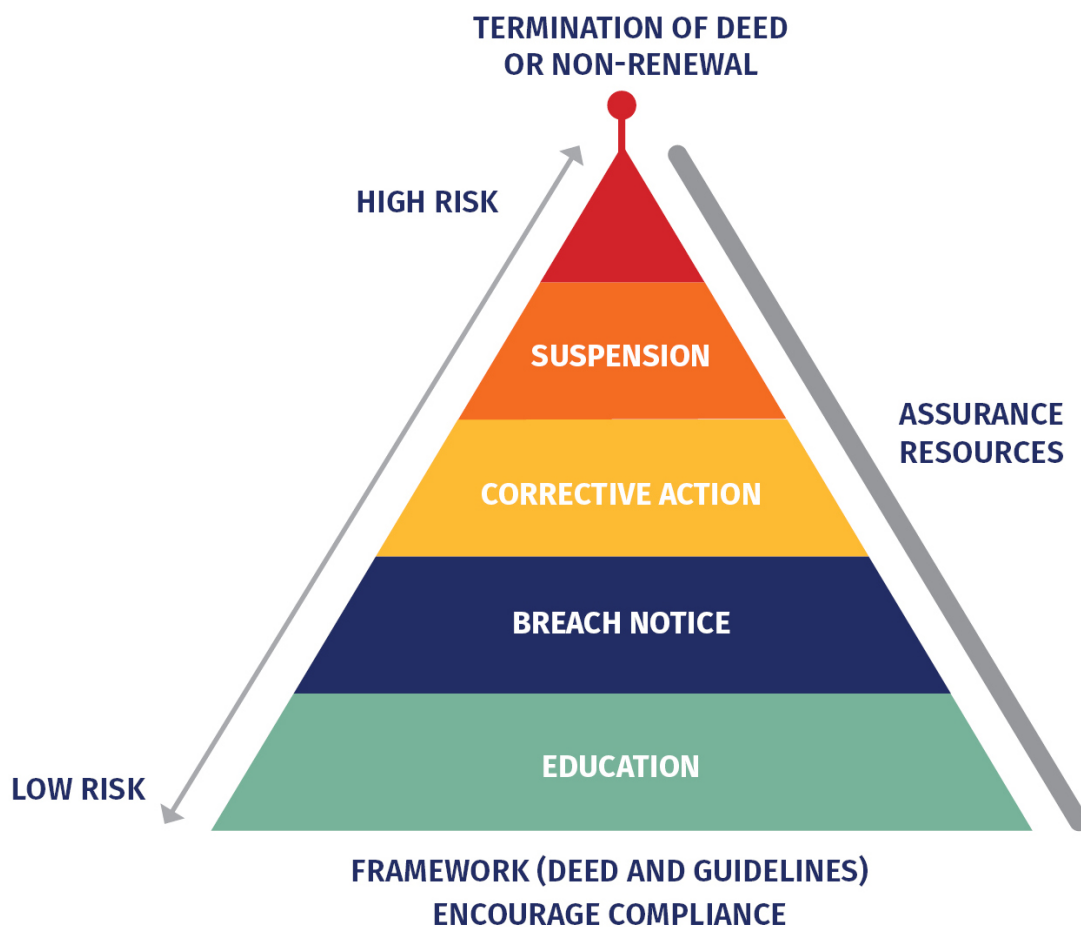
If non-compliance is identified during assurance activities or through other methods, a risk-based and proportionate approach will be applied to any corrective actions or remedial treatments, including

referral to the relevant agency where there is suspected non-compliance with a federal or state legal requirement, e.g., the Fair Work Act 2009.

### 2.1.5 Corrective actions

The PLF will respond appropriately and in a timely manner to all instances of potential non-compliance and will gather the necessary available evidence prior to determining corrective actions.

The PLF will relay information to DFAT for consideration and action as required. The follow-up action will be proportionate to the conduct.



The actions outlined above are a general example of actions the PLF may take under the Deed. They may not be taken sequentially – it depends on the nature, severity and other factors of the matter, including the urgency of response.

The PLF's role is distinctly separate from the role of the FWO, ABF and other government partner agencies in investigating alleged breaches of the Fair Work and Migration Acts, affording the PLF a 'monitoring' rather than a 'compliance' role.

## Notice to Report

A Notice to Report will be issued where there are concerns that require a formal response from an AE. As outlined in the Deed, a Notice to Report requires an AE to report information to DFAT (via the PLF) within 5 business days, though the PLF may agree to extend the period based on the circumstances. The Notice to Report requires an AE to provide specific information or evidence, as set out in the Notice.

### A Notice to Report can be issued in a number of circumstances including where:

- the PLF has become aware of a potential instance of non-compliance and further information or evidence is required to determine if a breach of the Deed has occurred — this also allows an AE to provide information related to the possible reported non-compliance that has been reported
- an issue is identified during a monitoring visit which requires written confirmation that the issue has been resolved
- a complaint is received from a worker or a third party and specific information is required to investigate the complaint.

### A Notice to Report enables DFAT and the PLF to:

- collect preliminary or further evidence to determine if a breach of the Deed has occurred
- review the response of an AE before the PLF determines the appropriate outcomes or actions
- confirm employer compliance and understanding of program obligations after a breach notice has been issued.

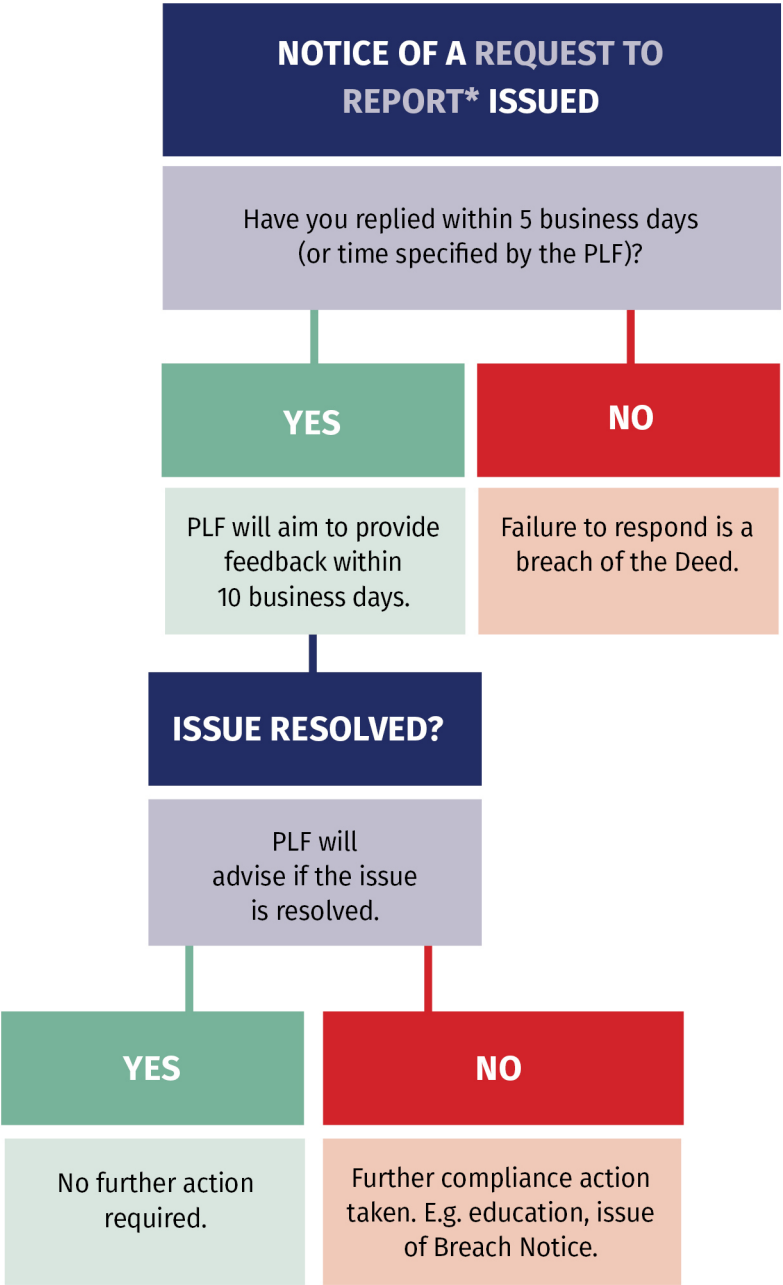
A Notice to Report is a formal procedural process under the Deed.

**It is not in itself a compliance action – it is a request for further information. However, it may be issued in association with a breach or as a result of a failure to deliver a report.**



Notice to Report request

\*A **Notice to Report** is a request for further information. It is not a breach.



## **Education**

Through education, the PLF reminds AEs about their obligations and how and when Deed requirements must be met, and issues requests to take action to rectify early warning signs of possible non-compliance. Education may be provided through emailed AE updates, feedback through the monitoring of report outcomes, or advice supplied by PLF team members.

## **Breach notice**

A breach notice is issued where there has been sufficient evidence obtained to confirm a breach of the Deed has occurred.

### **When issued to an AE, a breach notice:**

- will provide a formal notification to the AE that they have committed a breach, and if the breach is required to be rectified (including the expected timeframe in which it will be rectified)
- will clearly outline the specific breach committed by the AE and the clauses of the Deed that relate to the breach
- will provide detail of consequences, which may involve risk mitigation strategies such as reducing future recruitment numbers.

Breaches that require urgent rectification are required to be addressed by the AE within 5 business days.

## **Conditions**

There are a number of conditions that may be applied to an AE under the Deed to manage risk and promote compliance.

### **Potential conditions include:**

- increased monitoring or reporting requirements
- a cap on recruitment numbers
- suspension of recruitment
- the removal of workers who are in immediate risk situations.

## **Terminating the Deed**

Depending on the level of risk involved and the severity or cumulation of AE breaches, DFAT may exercise its sole and absolute discretion to terminate the Deed.

### **Steps to terminate the Deed may include:**

- consideration and management of the current PLS workers engaged by an AE
- a 'show cause' letter and a response to this letter
- provision of notice of termination.

## Guidelines and compliance criteria

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
2.2	Applying the framework (Deed clause 4)	<p>The PLF will work with AEs to successfully engage in the PLS. This may include any interventions or responses to potential or actual non-compliance, such as:</p> <ul style="list-style-type: none"> <li>the understanding demonstrated by AEs when issues are raised for resolution and their willingness to engage with the PLF about these</li> <li>the frequency with which individual issues need to be raised with each AE</li> <li>the nature of the issue being raised.</li> </ul> <p>The framework will be applied to support, educate and manage individual issues. If there is a pattern of non-compliance by an AE, it may indicate a lack of understanding of requirements, or in some cases may demonstrate wilful non-compliance. This can influence the type of intervention applied.</p> <p>The PLF will always aim to engage with AEs to resolve any issues effectively and swiftly, with a view to ensuring PLS workers are protected.</p>	
2.3	Maintaining AE eligibility (Deed clauses 6, 10, 13, 19)	<p>Along with fulfilling all responsibilities in the guidelines and Deed, there are 4 key areas required to maintain AE eligibility:</p> <ul style="list-style-type: none"> <li>the AE must become an approved <b>temporary activities sponsor (TAS)</b> and retain its TAS status with the Department of Home Affairs</li> <li>if the AE is also a labour hire company, they must have, and retain, the relevant <b>labour hire licencing</b> status</li> <li>the AE must have and maintain all necessary <b>insurance policies</b> as noted in clause 10 of the Deed</li> <li>the AE must <b>maintain true, accurate and complete records</b> according to clause 13 of the Deed, and in accordance with the law.</li> </ul> <p>Documents showing these requirements have been met will be provided to the PLF at the application stage to become an AE. After this, the PLF will implement periodic checks on maintaining validity. If there is a situation where one of these key areas is no longer going to be fulfilled, please notify the PLF immediately.</p>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
2.4	Subcontractors and providers, including accommodation providers (Deed clause 9)	<p>Subcontracts and provider arrangements, including accommodation, must be compliant with the Deed. Entering into an approved subcontracting arrangement <u>does not limit AE obligations</u>.</p> <p>These arrangements must be approved in writing by DFAT or the PLF and the AE must clearly state the Deed clauses that are being subcontracted.</p> <p>The AE may be asked for this information through the life of the agreement, where an AE might subcontract one part of the compliance process.</p> <p>If subcontractor conditions change, the AE should advise the PLF.</p> <p>Accommodation providers must enter into a written accommodation agreement and be informed that they:</p> <ul style="list-style-type: none"> <li>• are accommodating PLS workers</li> <li>• need to comply with relevant laws and the Deed.</li> </ul> <p>AEs are required to confirm with the PLF that this has been done at the time of their initial AE application and/or mobilisation plan. Please keep the PLF informed of any changes to accommodation conditions in advance.</p>	
2.5	Notifications to the PLF (further details provided in section 10) (Deed clauses 4, 5, 6, 7, 8, 19 and 23)	<p>AEs must notify the PLF on a range of matters under the Deed and must ensure all information is true, accurate and complete. <u>Please see the PLF reporting and incident process document for more details.</u></p> <p>AEs must notify the PLF via the 24-hour worker welfare hotline <b>as soon as possible</b> and no later than the <b>next 24 hours, including outside of business hours</b>, about:</p> <ul style="list-style-type: none"> <li>• the death of a worker in Australia or overseas</li> <li>• the critical injury or illness of a worker</li> <li>• a worker being arrested and/or charged with a criminal offence</li> <li>• any time that a worker is admitted to hospital in an emergency, and is in a serious or life-threatening condition</li> <li>• an urgent request to move workers from their employer and/or accommodation (due to safety or welfare reasons)</li> <li>• any time a worker is the victim of a serious crime while they are in Australia</li> <li>• any incidence of domestic and/or other violence involving a worker, either as a victim or perpetrator</li> </ul>	<b>Reporting an incident to the PLF</b> <u>PDF document</u>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<ul style="list-style-type: none"> <li>any workplace injury resulting in time off work or a work cover claim.</li> </ul> <p><u>Important:</u> Where an AE becomes aware that an incident has occurred with an absconded worker, there is a requirement to also pass on this information.</p> <p>Other notifications by the <b>next business day</b> include:</p> <ul style="list-style-type: none"> <li>any workplace injury that results in a worker having time off work and/or a work cover claim</li> <li>any incident in which police or emergency services are called but this did not result in worker hospitalisation or arrest</li> <li>a worker's visa non-compliance.</li> </ul> <p>Notify the PLF by phone or email <b>as soon as possible</b> and no later than the <b>next business day</b> if:</p> <ul style="list-style-type: none"> <li>the AE is knowingly or unknowingly in breach of the Deed</li> <li>there are changes in the AE's circumstances where they can no longer fulfil their obligations</li> <li>any matter or incident that has or may impact workers' welfare or wellbeing and/or the reputation of the PLS.</li> </ul>	
2.6	Privacy requirements (Deed clause 14)	<p>AEs are bound by the Australian Privacy Principles under the Privacy Act and must comply with all requirements regarding personal information collected and used in accordance with this Deed, e.g., AEs will take reasonable steps to ensure that PLS worker information is:</p> <ul style="list-style-type: none"> <li>securely stored to prevent misuse, unauthorised access or loss</li> <li>as up to date and as accurate as possible</li> <li>not disclosed to third parties in a way that a worker has not consented to or would not reasonably expect.</li> </ul> <p>Further information can be found on the FWO website, including details about workplace privacy, best practice and when to provide information to third parties such as FWO and government agencies.</p> <p>FWO website: <a href="https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/workplace-privacy">https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/workplace-privacy</a></p>	



REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
2.7	Monitoring visits (Deed clauses 4, 8, 15 and 16)	<p><b>Monitoring visits</b></p> <p>The PLF will undertake monitoring visits to workers and AEs for a number of key reasons:</p> <p><b>Welfare of workers</b></p> <ol style="list-style-type: none"> <li>1. Conduct worker support services: Face-to-face meetings and supplementary telephone contact with workers is part of assessing workers' general health and wellbeing, their transition into employment and connection to their employers and the broader community. The PLF worker welfare team (WWT) can help AEs explain and discuss financial matters to workers, including their savings goals, remittances and pay and conditions. The WWT can also provide additional advice, information and educational resources as required.</li> <li>2. Employer check-in: To assess support services provided by the AE to the workers and the attention given to the health, safety and wellbeing of PLS workers. This will involve visiting the worksite where possible and appropriate.</li> <li>3. Quality assurance of accommodation arrangements: Ensuring the accommodation provided is in line with the requirements outlined in the approved recruitment plan/accommodation form (see section 8 for details).</li> </ol> <p><b>Program assurance</b></p> <ol style="list-style-type: none"> <li>1. To assist AEs to have a strong and functional understanding of Australian workplace conditions, workers' rights and safety as they apply to Pacific workers (who are subject to the same rights and entitlements as Australian workers).</li> <li>2. To undertake a follow-up review of the reporting evidence provided during a desktop audit (such as payroll and pay rates, superannuation, etc.).</li> <li>3. To ensure DFAT conditions relating to recruitment or reporting are being met, and to provide circular feedback and take the opportunity to educate AEs on relevant program requirements.</li> <li>4. To meet with workers to understand issues raised relating to pay and conditions and provide educational resources.</li> </ol> <p>A risk-based approach (as per 2.1.4) will be taken when planning assurance activities such as monitoring visits. There may be times where the PLF conducts <u>monitoring visits without notice</u>. These may be related to</p>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		actual or suspected breaches. The requirement for monitoring visits without notice will be assessed based on perceived potential risk and conducted in alignment with the guiding principles (as per 2.1.1). The PLF will endeavour to work with AEs to make appropriate arrangements for the visit and commit to adhere to all site protocols.	
2.8	Engagement in monitoring and compliance activities (Deed clause 4)	It is the AE's responsibility to actively engage with the PLF for all monitoring and compliance activities by: <ul style="list-style-type: none"> <li>• responding to requests in a timely manner</li> <li>• engaging cooperatively with the PLF team</li> <li>• providing requested documentation in a legible and understandable format and in a timely manner</li> <li>• approaching monitoring and compliance activities in the spirit of partnership.</li> </ul>	
2.9	Referral of matters to other agencies (Deed clauses 4, 17 and 19)	DFAT and the PLF administer the Deed with AEs, but neither is a regulatory body. Where another agency is better placed to investigate a matter (i.e., an agency with a specific portfolio responsibility/regulatory power) DFAT will refer that matter to the other agency and provide them with all relevant information.  Information sharing will comply with the Deed, the PLS worker privacy notice and consent form, and relevant laws. The program relies upon determinations and findings made by other agencies, which then can inform program actions and outcomes as well as future policies. In particular:	<b>PLS worker privacy notice and consent form</b> <a href="#"><u>PDF document</u></a>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<p><b>Department of Home Affairs/Australian Border Force</b></p> <ul style="list-style-type: none"> <li>immigration matters</li> <li>employer sponsorship obligations</li> <li>worker visa obligations</li> <li>temporary activity sponsor obligations.</li> </ul> <p><b>Fair Work Ombudsman</b></p> <ul style="list-style-type: none"> <li>compliance with Australian workplace laws</li> <li>conducting proactive audits of PLS AEs</li> <li>investigating complaints or suspected breaches of workplace laws, awards and registered agreements</li> <li>WHS.</li> </ul> <p>If a complaint is received and is to be referred to another agency, where appropriate, the PLF will advise the person or organisation making the complaint that their complaint has been referred and how they can follow up with that agency.</p>	<p><b>Australian Taxation Office</b></p> <ul style="list-style-type: none"> <li>superannuation</li> <li>taxation.</li> </ul> <p><b>Australian Federal Police or state/territory police services</b></p> <ul style="list-style-type: none"> <li>criminal matters.</li> </ul> <p><b>Safe Work Australia (and relevant state or territory regulator)</b></p> <p><b>Department of Education, Skills and Employment</b></p> <ul style="list-style-type: none"> <li>where an AE is also an AE of another government employment program (SWP), information relating to the performance under each program may be shared between departments.</li> </ul>

### Better practice recommendations

- AEs engage in proactive, open, timely and transparent communication practices with DFAT and the PLF.
- AEs implement a policy statement about their commitment to professional and ethical business practices pertaining to employing PLS workers.
- AEs provide training to supervisors, senior management, and other key staff on their AE responsibilities under the Deed and corresponding guidelines. They ensure everyone understands how AE responsibilities under the Deed are implemented in practice in their workplaces.
- AEs provide training to key staff engaged by subcontractors or third-party providers on their responsibilities.
- AEs strive to achieve industry body best practice standards. This includes actively participating in relevant industry auditing, monitoring or certification activities.
- AEs implement a policy and process that enables workers to anonymously raise concerns or grievances to be addressed by the AE.
- AEs employ suitably trained and qualified workplace relations staff or third-party providers to support them in maintaining professional workplaces that value cultural competency, gender equality and other inclusive practices in the workplace, including meeting the reporting requirements set out in the Workplace Gender Equality Act (2012) where applicable.

### External support resources

- How to become a TAS: <https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/becoming-a-sponsor/temporary-activities-sponsor>
- Pacific Labour Scheme 403 Visa: <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-work-403/pacific-labour-scheme>
- The Australian Privacy Act: <https://www.oaic.gov.au/privacy/the-privacy-act/>
- The Australian Human Rights Commission cultural diversity tool: <https://humanrights.gov.au/our-work/race-discrimination/projects/workplace-cultural-diversity-tool>
- The Australian Human Rights Commission toolkits, guidelines and resources on diversity and inclusion in the workplace: <https://humanrights.gov.au/our-work/employers/toolkits-guidelines-and-other-resources>
- Workplace Gender Equality Agency: <https://www.wgea.gov.au/about-the-agency>

### Monitoring and notifications

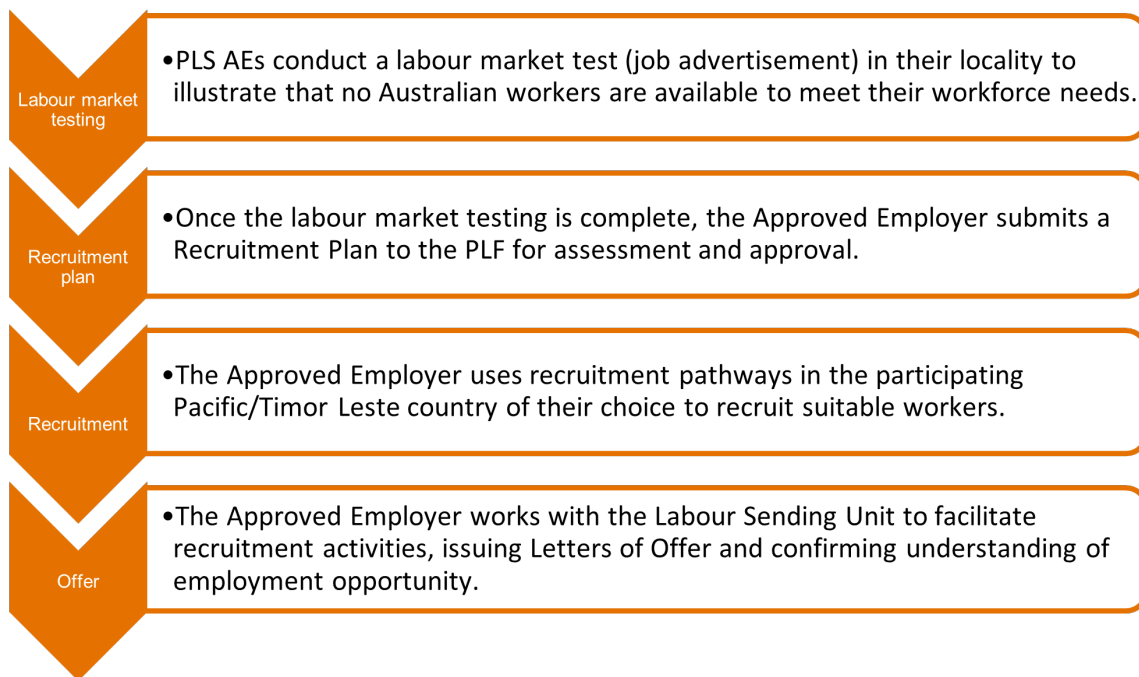
AEs are to notify the PLF of any known potential legislative and regulatory non-compliance, or any reportable issues with relevant government agencies as soon as practical.

# 3



## Approval to recruit Pacific Labour Scheme workers

**Intent:** The first step in the process to recruit workers is to obtain approval to recruit under the PLS.





REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
3.1	Overview of the employment process (Deed clauses 3, 4, 19 and Schedule 1)	<p>Before commencing the initial recruitment processes, the PLF will provide AEs with all necessary forms and process information, including information about how to undertake labour market testing and how to complete the recruitment plan.</p> <p>The flow chart on the previous page sets out the step-by-step process required.</p> <p>Workers from participating Pacific island countries and Timor-Leste must be recruited according to the processes approved by both DFAT and the relevant labour sending unit (LSU), as set out in the PLS implementation arrangements and facilitated by the PLF.</p> <p>The worker recruitment process may vary depending on each country's recruitment and selection processes i.e., direct recruitment, work-ready pool or agent.</p> <p><b>Important:</b> AEs must not conduct recruitment prior to the approval of a recruitment plan.</p>	<p><b>PLS labour market testing and recruitment plan process</b>  <a href="#">PDF document</a>   <a href="#">Word document</a></p> <p>Includes:</p> <ul style="list-style-type: none"> <li>• <b>PLS labour market testing and recruitment plan form</b>  <a href="#">PDF document</a></li> <li>• <b>PLS letter of offer (LOO) template</b>  <a href="#">Word document</a></li> <li>• <b>Department of Home Affairs online visa application guide</b></li> </ul>
3.2	Labour market testing (Deed clause 4 and Item B Schedule 1)	<p>The PLS puts Australian jobseekers first. AEs must advertise jobs in Australia and demonstrate that they cannot fill vacancies with Australian workers before becoming eligible to access workers under the PLS. Refer to the PLF labour market testing and recruitment plan process for detailed instructions and templates. Key steps around labour market testing are:</p> <ul style="list-style-type: none"> <li>• AE placing a job advertisement for vacancies (to the specified standards outlined in the supporting documentation)</li> <li>• considering all the applicants who apply for the advertised position</li> <li>• providing evidence of this process when submitting a recruitment plan to the PLF.</li> </ul> <p><b>Important:</b> Labour market testing results remain valid for 6 months from the date of the advertisement closing date. It must be repeated for each new recruitment request.</p>	<p><b>PLS labour market testing and recruitment plan process</b>  <a href="#">PDF document</a>   <a href="#">Word document</a></p>
3.3	Recruitment plans (Deed clauses 3, 4 and Item B Schedule 1)	<p>On conclusion of labour market testing, the AE provides the recruitment plan to the PLF with:</p> <ul style="list-style-type: none"> <li>• copies of the advertisement/s and its outcomes, including where advertising took place, dates, number of applicants, number of people recruited, and reasons candidates were not successful (all information is captured on the labour market testing form)</li> </ul>	<p><b>PLS labour market testing and recruitment plan process</b>  <a href="#">PDF document</a>   <a href="#">Word document</a></p>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<ul style="list-style-type: none"> <li>the completed recruitment plan form, including a signed AE declaration</li> <li>the draft LOO.</li> </ul> <p>In line with the PLF risk-based approach, where it is deemed necessary the PLF will conduct a site visit to each new location prior to recruitment plan approval.</p> <p>When the PLF is satisfied the recruitment plan and associated documents meet the requirements, the plan will be approved and the AE notified via email. Within the email confirming approval of the recruitment plan, the relevant LSU(s) will be included with instructions that outline the next steps for recruitment.</p> <p>AEs are encouraged to contact the LSU(s) directly on their preferred approach to recruitment, including virtual interviews, in-country recruitment, skills assessments, etc.</p> <p><b>Changes to approved recruitment plans</b></p> <p>Once a recruitment plan has been approved, any material changes to the positions or conditions of employment must be approved prior to implementation. This includes any change to hours of work, even short term (min 30 hr/week), pay rate or classification, position types or duration of employment.</p> <p>To seek approval for changes to recruitment plans, please send details of any amendments to the PLF via email (<a href="mailto:recruitmentplans@pacificlabourfacility.com.au">recruitmentplans@pacificlabourfacility.com.au</a>).</p>	<p><b>PLS labour market testing and recruitment plan form</b> <a href="#">PDF document</a></p>
3.4	LOOs (Deed clause 4 and Item C Schedule 1)	<p>AEs must ensure the terms and conditions of employment contained in the LOO comply with the relevant Australian workplace relations laws, as well as the requirements set out in the Deed. The PLF will review LOOs to confirm they satisfy PLS requirements as per the Deed and the AE guidelines.</p> <p>AEs can choose to use the PLS LOO template or their own contract of employment, however it must include all points covered in the checklist as outlined in the template (which includes obligations under both the Deed and implementation arrangements). The draft LOO will be reviewed and evaluated against the following requirements:</p> <ul style="list-style-type: none"> <li>the inclusion of 'employment subject to the candidate successfully obtaining the 403 visa'</li> <li>location of employment</li> <li>deductions</li> <li>worker wellbeing inclusion</li> </ul>	<p><b>PLS labour market testing and recruitment plan process</b> <a href="#">PDF document</a>   <a href="#">Word document</a></p> <p><b>PLS LOO template</b> <a href="#">Word document</a></p> <p><b>Fair Work Information Statement</b> <a href="#">PDF document</a></p>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<ul style="list-style-type: none"> <li>• travel and health arrival details</li> <li>• health insurance inclusion</li> <li>• accommodation details.</li> </ul> <p>If AEs use their own contract, they must also include addendum A from the PLS LOO template for information about PAYG, superannuation and deductions that may not be common knowledge for PLS workers. Further information on using the AE's own LOO template can be found in PLS LOO template.</p> <p>It is also a requirement of the Fair Work Act 2009 that all new employees be provided with the Fair Work Information Statement. AEs must ensure a copy of this statement is provided to workers prior to commencement or as soon as possible after commencement of employment. This may be enclosed with the final LOO sent to the worker to sign, or a copy made available during the arrival briefing with workers.</p>	
3.5	Pay and payslips (Deed clause 4 and Item E Schedule 1)	<p>To ensure AEs are meeting their legal responsibilities, it is recommended they seek advice from the FWO on their obligations. Information about workplace rights is also available on the FWO website, including short videos about basic workplace rights and entitlements in several Pacific languages.</p> <p>Workers must be provided with entitlements under the National Employment Standards (NES), any applicable modern award or enterprise agreement, and any additional or more generous entitlements as detailed in the worker's LOO.</p> <p>Under the Deed, AEs are required to instruct workers on how to correctly read their payslips.</p> <p>Workers must understand the difference between gross and net pay as reflected on their payslips and be clear on the purpose for each deduction.</p> <p>PLS worker payslips need to include itemised deductions. Explaining the difference between short-term and fixed deductions will avoid uncertainties during the initial weeks of employment.</p> <p>Important: AEs must comply with Fair Work Act requirements regarding payslips, including when and how they must be issued and what must be included on them.</p> <p>The PLS AE reporting template is used to verify pay and conditions match the original LOO and payslips and meet compliance requirements, in particular that workers wage conditions are being met and that deductions have been made in accordance with the signed LOO.</p>	<p><b>PLS LOO template</b> <a href="#">Word document</a></p> <p><b>PLS AE reporting template</b> <a href="#">PDF document</a></p>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		For this template, AEs are required to collect data over the first 4 months of worker employment. This will be reviewed by the PLF and reported to DFAT.	
3.6	Payroll deductions  (Deed clause 4 and Item E Schedule 1)	<p>To support PLS workers with their ongoing expenses, AEs will deduct costs from their wages. All pay deductions for workers must be:</p> <ul style="list-style-type: none"> <li>• lawful and in accordance with Fair Work act or relevant industrial instruments</li> <li>• permitted by the Deed</li> <li>• be agreed to in writing by the worker and be for the principal benefit of the PLS worker</li> <li>• not be more than the cost incurred by the AE.</li> </ul> <p>The PLF may request evidence of any payroll deductions for monitoring requirements and to ensure that these criteria are being met. The PLF should be notified of any changes to deduction amounts not reflected in a worker's LOO.</p> <p>As part of the <b>LOO</b>, a breakdown of payroll deductions is to be included. In addition:</p> <ul style="list-style-type: none"> <li>• Anticipated costs are to be included in the LOO at recruitment plan approval stage and all efforts must be undertaken to ensure their accuracy where possible.</li> <li>• AEs can deduct money from workers' pay only when agreed in writing. Where a deduction cost changes from the approximate in the initial LOO, it is the AE's responsibility to ensure amendments are agreed to by workers in writing (including a decrease to deductions). AEs may use their own template, an amended LOO, a variation letter or the PLF payroll deduction template to seek worker written agreement to recoup the actual cost incurred.</li> <li>• To ensure deductions are accurate and understood by workers, written confirmation must include what the deduction is for, total cost of deduction, total duration of deductions, frequency and amount to be deducted from each pay.</li> <li>• AEs must ensure that deductions from pay do not result in the PLS worker having insufficient net income for reasonable living expenses.</li> <li>• AEs are required to spread initial deductions over a minimum of 12 weeks for workers.</li> </ul>	<p><b>PLS LOO template (including deductions information page)</b> <a href="#">Word document</a></p> <p><b>PLS AE reporting template</b> <a href="#">PDF document</a></p> <p><b>PLS payroll deduction authority template</b> <a href="#">Word document</a></p> <p><b>PLS payroll deduction guidelines</b> <a href="#">PDF document</a></p>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<p>A worker can withdraw their consent to deductions at any time and make alternative arrangements to pay the expenses back in full. Where this occurs, the AE must immediately cease applying the deductions to the worker's wages.</p> <p>Further information relating to costs that may be deducted from PLS workers' pay are included in the PLS LOO template. A deductions guideline fact sheet has been created to assist all stakeholders. This is provided to workers during their pre-departure briefing and AEs are encouraged to use it with their staff and workers.</p>	
		<p><b>Helpful tips for managing workers' pay deductions</b></p> <ul style="list-style-type: none"> <li>• Prior to the first pay cycle, clarify any disparity in deduction amounts stated on the LOO, such as estimated flight costs, and have any changes agreed to by workers and signed in writing.</li> <li>• Provide training sessions to discuss the details of payslips and deductions once your workers have received their first pay.</li> <li>• Provide a date for when short-term deductions will cease, so workers have realistic expectations of when their disposable income will increase.</li> <li>• Provide monthly deduction statements to workers where possible or run monthly meetings to discuss deduction balances.</li> <li>• Ensure records to substantiate deductions, such as rental agreements and utility invoices, are available to workers and the PLF when required.</li> </ul>	
3.7	WHS (Deed clause 8 and Items D and E Schedule 1)	<p>The AE must provide PLS workers with a safe workplace and ensure they meet their obligations under the relevant WHS legislation.</p> <p>Examples of how an AE can provide WHS support to workers include:</p> <ul style="list-style-type: none"> <li>• providing a workplace induction including safety requirements within the workplace</li> <li>• providing education to ensure workers can perform their duties safely, including monitoring licensing requirements for equipment and the performance of duties</li> <li>• providing personal protective equipment (PPE) when required</li> </ul>	



REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<ul style="list-style-type: none"> <li>• promoting a positive and safe workplace including a reporting culture</li> <li>• providing information relating to workers' compensation insurance.</li> </ul> <p>Refer to relevant state or territory WHS legislation to confirm obligations under Australian workplace law.</p>	
3.8	Contingency plan (Deed clauses 4, 6 and Item B Schedule 1)	<p>The AE must provide a contingency plan should they not be able to meet their obligations of their employment contract with their workers. Should this occur, AEs should consult with the PLF to enact their contingency plan. While no further labour market testing or recruitment plan is required when enacting a contingency plan, it must first be approved by the PLF using the appropriate email template. It is the AE's responsibility to ensure any change to employment conditions adhere to the Fair Work Act.</p> <p>AEs will have documented a contingency plan in their approved recruitment plan. The contingency plan usually outlines the steps that the AE will take if a placement becomes unviable, e.g., if there is a downturn in available work, in the unfortunate event of a natural disaster, or where a labour hire company cannot continue to place workers with a host employer.</p> <p>The capacity of AEs to adhere to their contingency plan will vary, however the AE must make all reasonable efforts to find alternative work placements with another PLS AE, i.e., work closely with the PLF, utilise all available employer hosts, transfer to a different role, etc.</p> <p>While contingency plans may change by the time they are needed, AEs are required to be willing and able to work with the PLF and provide possible solutions when a placement has become unviable. Unwillingness to consider alternative arrangements will be considered when reviewing future recruitment requests for AEs.</p>	<p><b>PLS contingency plan request email template</b>  <a href="#">Word document</a></p>

### Better practice recommendations

- AEs take all necessary steps to promote equal employment opportunity across hiring practices and ensure recruitment is based on the inherent requirements of the role.
- AEs actively and respectfully work with the LSUs to adopt thorough recruitment and selection processes.
- AEs actively engage with the LSU to understand in-country processes, challenges, and timeframes. This includes planning early so recruitment and mobilisations are completed in a timely manner.
- AEs actively engage in understanding cultural differences and ensure staff complete cultural competency training programs to support workers in their integration to a new workplace.
- AEs have a thorough understanding of their responsibilities as a TAS of PLS workers. This includes their ATO requirements when engaging PLS workers and pastoral care responsibilities. It is recommended these responsibilities are reviewed and discussed regularly.
- AEs are mindful that the Australian workplace and employment conditions may differ substantially to conditions in sending countries. AEs provide as much information as possible to support workers with understanding key elements of their LOO, payslips, annual leave, other conditions such as TOIL and deductions, and provide regular education and communication in various forms.
- AEs provide education and instructions on 'how to read a payslip'. Payslips should be written in plain English that is simple to understand and complies with legislative requirements.

### External support resources

- For a range of Fair Work Australia resources:  
<https://www.fairwork.gov.au/employee-entitlements/national-employment-standards>
- Pay guides and up-to-date award information about pay and conditions:  
<https://www.fairwork.gov.au/pay/minimum-wages/pay-guides>
- Short videos about basic workplace rights and entitlements in several Pacific languages:  
<https://www.fairwork.gov.au/language-help/language-storyboards>
- FWO information sheet – 'Important message about the Pacific Labour Scheme':  
<https://palmscheme.govcms.gov.au/sites/default/files/2021-09/FWO-message-to-PLS-employers-Jul18.pdf>
- List of PLS sending countries: <https://palmscheme.gov.au/countries/>
- Fair Work payslip examples: <https://www.fairwork.gov.au/pay/pay-slips-and-record-keeping/pay-slips>
- Fair Work templates: <https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/templates>

### Monitoring and notifications

- AEs will provide the PLF with the results of labour market testing.
- PLS AE monitoring reports review and monitor the wage and employment conditions of PLS workers.
- The FWO has committed to complete random proactive compliance audits on PLS AEs.
- The PLF approves recruitment plans – AEs must seek approval from the PLF prior to implementing any material changes to the positions or conditions of employment.

- Fair Work request for records:  
<https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/templates/request-for-records>
- Fair Work resources for PLS workers:  
<https://www.fairwork.gov.au/how-we-will-help/helping-the-community/pacific-labour-scheme-resources-for-participants>
- Australian Human Rights Commission – A guide to preventing discrimination in recruitment:  
[https://humanrights.gov.au/sites/default/files/GPGB\\_recruitment\\_guide.pdf](https://humanrights.gov.au/sites/default/files/GPGB_recruitment_guide.pdf)
- Australian Human Rights Commission – A quick guide to discrimination law:  
<https://humanrights.gov.au/education/employers/quick-guide-discrimination-law>

# 4

## Selecting and recruiting Pacific Labour Scheme workers

**Intent:** Once the AE has approval, the next step is recruiting the right workers for roles and making sure they are provided with the correct information about their upcoming jobs.

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
4.1	How to recruit (in country, virtual, work-ready pool, direct recruitment, etc.)  (Deed clause 4 and Items A, B, G Schedule 1)	<p>The recruitment options offered by each LSU is at its discretion and may change over time. Participating countries may adopt more than one recruitment option.</p> <p>For all recruitment options, the LSU and AE must ensure that workers are registered with the LSU or included in the work-ready pool database (as appropriate). The LSU must have time to support an AE's recruitment and prepare selected workers for deployment in Australia, including running a pre-departure briefing (PDB).</p> <p><b>Work-ready pool recruitment</b></p> <p>The LSU will establish a work-ready pool of candidates from which AEs can recruit. The LSU may use public registration and/or identify individuals for the work-ready pool in consultation with stakeholders (such as village councils, church representatives and other relevant community leaders). The LSU will assess candidates against the PLS eligibility criteria.</p> <p>AEs need to advise the LSU of any selection criteria relevant to the role, e.g., qualifications, work experience, English language competencies, or fitness/strength requirements in line with the approved recruitment plan.</p> <p>AEs may select workers from the work-ready pool with the LSU's assistance, either from Australia or by travelling to the participating country.</p> <p>Where an AE wishes to interview candidates, the LSU will facilitate (face to face in country, or via Skype or other video platforms where travel is not possible). If extra criteria are required, e.g., specific fitness testing, then the LSU can help to facilitate this with candidates.</p>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<p><b>Direct recruitment</b></p> <p>Where an AE wishes to recruit directly, they must notify the LSU of the name and contact details of the candidates.</p> <p>AEs must work with the LSU to ensure workers meet eligibility requirements and their details are entered in the LSU's work-ready pool database. If the selected candidates do not meet the eligibility requirements, the LSU cannot provide written support of their recruitment and different candidates will need to be selected.</p> <p><b>Agent recruitment</b></p> <p>Where a participating country opts to enable the agent recruitment model, AEs may undertake recruitment via a recruitment agent licensed by the nominated Ministry in the participating country (licensed agent). In this case all selected candidates must meet the eligibility criteria and in many cases the LSU's will require the candidates to be added to the existing work-ready pool.</p> <p>Note: Currently no participating country uses agent recruitment methods for PLS recruitment.</p>	
4.2	PLS worker eligibility (Deed clause 4 and Item 1 Schedule 1)	<p>The process of determining workers' eligibility to participate in the PLS is managed by the LSU and supported by the PLF. Once recruitment has occurred, LSUs must confirm the eligibility of their candidates in writing to the PLF. This notification will be required when the PLS worker applies for a visa.</p> <p>To be deemed eligible to participate in the PLS, prospective workers must meet the following criteria:</p> <p><b>Required skills, qualifications and experience:</b> Workers must have the skills, qualifications and experience required for the role for which they are being recruited. Note that this is not a visa requirement and must be assessed by the LSU when confirming workers' eligibility.</p> <p><b>Good character:</b> Workers must be of good character and be able to substantiate this by presenting authentic documentation certifying they do not have a substantial criminal record.</p> <p><b>Fit and healthy:</b> Workers must be healthy and fit for the work specified.</p> <p><b>Age:</b> Workers must have turned 21 and be under the age of 45 at the time of visa application.</p> <p><b>Citizenship:</b> Workers must be citizens of a participating country (and not of Australia) and reside in the country at the time of the initial visa application.</p>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<p><b>Identity:</b> The LSU must verify, based on sufficient inquiries and evidence, that the stated identity of the prospective worker is their real identity.</p> <p><b>Intentions to return to the participating country:</b> Workers must have a genuine intention to enter Australia temporarily for work and return to their participating country after their employment ceases.</p> <p><b>English:</b> Workers must have functional English language skills unless Australian licensing mandates a higher standard.</p> <p><b>Meet mandatory offshore periods:</b> If a worker has previously participated in the PLS, they must have been outside Australia for a minimum mandatory offshore period.</p>	
4.3	Making an offer of employment (Deed clause 4 and Item C Schedule 1)	<p>When an AE, supported by the appropriate LSU, has finalised their recruitment and selection processes they must prepare individual LOOs for each candidate selected.</p> <p>The AE will email LOOs to the LSU and alert the PLF mobilisation team via (<a href="mailto:mobilisations@pacificlabourfacility.com.au">mobilisations@pacificlabourfacility.com.au</a>), with all the pre-employment paperwork needed by the AEs.</p> <p>The LSU will:</p> <ul style="list-style-type: none"> <li>• support workers to complete accompanying paperwork including visa-related documents, the PLF privacy notice and consent form and any AE-specific forms</li> <li>• inform workers to complete visa required medical assessments and police clearances (if not already completed)</li> <li>• validate workers' eligibility</li> <li>• schedule PDB sessions.</li> </ul> <p>The LSU will submit completed paperwork to the AE and the PLF to support the visa application process.</p>	<p><b>PLS LOO template</b> <a href="#">Word document</a></p> <p><b>PLS worker privacy notice and consent form</b> <a href="#">PDF document</a></p>
4.4	Changes to conditions of employment (Deed clauses 4, 5, 6 and	<p><b>Changes to workers' roles after commencement (change of conditions of employment)</b></p> <p>Any change of employment conditions once the worker has signed the LOO is to be documented and submitted to the PLF via email (<a href="mailto:recruitmentplans@pacificlabourfacility.com.au">recruitmentplans@pacificlabourfacility.com.au</a>) for review and approval prior to implementation, and will be used as part of a consultation process with the worker. It is the AE's responsibility to ensure any change to employment conditions adhere to the Fair Work Act.</p>	<p><b>PLS change of conditions (promotion or upskilling) email template</b> <a href="#">Word document</a></p>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
	Item B Schedule 1)	<p>Examples of changes to be submitted for approval include reduction or increase in hours, change of pay rate (outside of usual award or enterprise bargaining agreement conditions such as annual pay changes or classification changes within an award), change of position or promotion. The PLF is able to support the discussion with workers and ensure there is a mutual understanding of the changes.</p> <p><b>Promotion or upskilling of an existing PLS worker:</b></p> <p>Providing promotions or upskilling workers is a key benefit of the PLS and allowable under the PLS program. In these circumstances there is no need to conduct labour market testing or submit a new recruitment plan, however, AEs must provide the following information to the PLF (using the email template):</p> <ul style="list-style-type: none"> <li>• worker name</li> <li>• current job title and duties</li> <li>• current pay rate</li> <li>• new job title and duties</li> <li>• new pay rate</li> <li>• start date for the new position</li> <li>• time remaining on the contract</li> <li>• reasons for promotion or change</li> <li>• change of employment letter to worker.</li> </ul>	
4.5	Extension of contract  (Deed clauses 4, 6 and Item B Schedule 1)	<p>Where an AE wants to extend a contract (up to a maximum of 3 years for total time spent in Australia), a new recruitment plan and labour market testing needs to be submitted and approved.</p> <p>Advise the PLF mobilisations team via email (<a href="mailto:mobilisations@pacificlabourfacility.com.au">mobilisations@pacificlabourfacility.com.au</a>) of the following before applying for the visa extension:</p> <ul style="list-style-type: none"> <li>• name and details of the worker – including copy of passport</li> <li>• length of extension</li> <li>• first day of extension</li> <li>• PLS number.</li> </ul> <p>The AE will then be expected to:</p>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<ul style="list-style-type: none"> <li>• apply for the worker's visa extension via the Department of Home Affairs ImmiAccount website</li> <li>• send through the updated ImmiAccount grant notice to PLF mobilisations team when it is received</li> <li>• send new signed LOOs to the PLF mobilisations team (<a href="mailto:mobilisations@pacificlabourfacility.com.au">mobilisations@pacificlabourfacility.com.au</a>).</li> </ul>	



### Better practice recommendations

- AEs plan the recruitment experience. Consider which skills, competencies and experience are required for vacant roles and plan how these requirements will be evaluated during the recruitment process.
- Where possible, all AEs undertake at least the first recruitment activity in country and face to face. This assists in building relationships and growing the capacity of the LSU, and helps AEs develop a stronger understanding of their source country.
- If AEs have not recruited in a cross-cultural environment, they conduct research and seek advice from others in their networks who are experienced in this area.
- AEs become familiar with how to apply for worker visas. They make sure they have their TAS details ready and are familiar with the Department of Home Affairs ImmiAccount platform and its processes.
- AEs proactively research accommodation options, engage local real estate agents or ask the PLF for advice on sourcing appropriate accommodation. They should also understand the accommodation or tenancy requirements in their state or territory.
- AEs explore community engagement opportunities for the workers – research and get in touch with any local cultural associations, diaspora, sporting, and religious organisations that may be able to assist with settling workers into their new communities.

### External support resources

- For a range of Fair Work Australia resources, please visit:
  - <https://www.fairwork.gov.au/employee-entitlements/national-employment-standards>
  - <https://www.fairwork.gov.au/pay/minimum-wages/pay-guides>
  - <https://www.fairwork.gov.au/language-help/language-storyboards>
  - <https://palmscheme.gov.au/sites/default/files/2021-09/FWO-message-to-PLS-small-business-employers-Jul18.pdf>
- Australian Human Rights Commission: A guide to preventing discrimination in recruitment – [https://humanrights.gov.au/sites/default/files/GPGB\\_recruitment\\_guide.pdf](https://humanrights.gov.au/sites/default/files/GPGB_recruitment_guide.pdf)
- Australian Human Rights Commission: A quick guide to discrimination law – <https://humanrights.gov.au/education/employers/quick-guide-discrimination-law>
- Workplace Gender Equality Agency: <https://www.wgea.gov.au/about/workplace-gender-equality>

### Monitoring and notifications

- LSUs must confirm the eligibility of their candidates in writing to the PLF.
- AEs must send all required pre-employment paperwork to LSUs and the PLF.
- Any change of employment conditions to be submitted to the PLF for review and approval prior to implementation.

# 5



## Pre-departure from home country

**Intent:** Once workers have been recruited the next step is to apply for their visas and prepare them for their travel, work and life in Australia.

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
5.1	Generation of endorsement numbers (Deed clauses 4 and Item B Schedule 1)	<p>The PLS worker endorsement number is unique to each worker and required by AEs when lodging the visa application. AEs have to enter the endorsement number in the Department of Home Affairs ImmiAccount online system. The process is:</p> <ol style="list-style-type: none"> <li>1. The LSU sends the PLF mobilisations team an email (<a href="mailto:mobilisations@pacificlabourfacility.com.au">mobilisations@pacificlabourfacility.com.au</a>) confirming the eligibility of each selected worker by name. The AE and the PLF confirm receipt of the following documents: <ul style="list-style-type: none"> <li>• signed LOO</li> <li>• PLS privacy notice and consent form</li> <li>• eligibility confirmation Letter</li> <li>• passport</li> <li>• police clearance.</li> </ul> </li> <li>2. The PLF assigns each worker an endorsement number from the management information system.</li> <li>3. The PLF forwards an email to DFAT, AE and the LSU outlining the endorsement number to be used in order to lodge the PLS403 visa.</li> </ol>	<p><b>PLS worker privacy notice and consent form</b>  <a href="#">PDF document</a></p>
5.2	Visa application	Once endorsement numbers are received for each worker, AEs can commence applying for their visas – Temporary Work (International Relations) visa (subclass 403), Pacific Labour Scheme stream.	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
	document collection  (Deed clauses 4 and Items B and C Schedule 1)	<p>The visa application process is the responsibility of the AE. The LSU will have submitted the relevant paperwork to accompany the signed LOO. If additional information is required, the AE will contact the LSU.</p> <p>AEs may assist workers with the initial costs of visa application charges and other costs incurred to secure the visa, including the cost of health checks and police checks. These costs can be repaid through pay deductions as per the deduction guidelines mentioned in the Deed Schedule E.1.</p> <p><b>Local police clearance (in country)</b></p> <p>The LSU will support workers to obtain the relevant police clearances required for the visa application. The Department of Home Affairs require police clearances from any country a worker has spent 12 months or more (cumulative) over the past 10 years. Please note this can take some time to receive.</p> <p>If a worker returns an adverse police clearance, the LSU will liaise with the AE to discuss their suitability and the options available should the worker wish to continue with their application.</p> <p><b>AFP clearance (in Australia)</b></p> <p>If a worker has spent 12 months or more in Australia over the past 10 years, the worker may be requested to complete an AFP clearance. Further information can be found on the AFP website:  <a href="https://www.afp.gov.au/what-we-do/services/criminal-records/national-police-checks">https://www.afp.gov.au/what-we-do/services/criminal-records/national-police-checks</a>.</p> <p><b>Medical assessments</b></p> <p>All visa applicants must meet the immigration health requirements in order to be granted a visa. These will vary depending on the country the person is from, any significant circumstances relating to the applicant's health, and how long the visa may be granted for.</p> <p>In many countries, prospective PLS workers will be required to undertake a medical examination and a chest x-ray which must be undertaken at an approved radiology clinic or panel doctor. If workers require additional health checks, AEs must liaise with the LSU to advise the worker how to complete the assessment.</p> <p><b>Migration agent</b></p> <p>If an AE is engaging a migration agent to complete their visa submissions, the AE is still responsible for ensuring the correct forms are completed, noting that migration agent fees are not recoverable from workers.</p>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
5.3	<p>Visa application process</p> <p>(Deed clause 4 and Item B Schedule 1)</p>	<p>The AE (or migration agent) applies for the visa through their own Department of Home Affairs ImmiAccount (if the AE does not have an ImmiAccount they can create one online), using the unique PLS worker endorsement number issued by the PLF. All documents must be in colour and available to upload.</p> <p>Further information about visa and the step-by-step requirements can be obtained from the DHA website: <a href="https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-work-403/pacific-labour-scheme#HowTo">https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-work-403/pacific-labour-scheme#HowTo</a>.</p> <p>As the visa applicant, any follow-up questions from the Department of Home Affairs will come to the AE, sometimes asking for more information or further details. Ensure there is enough time in the mobilisation process for this.</p> <p>The ImmiAccount grant notification will be sent to the AE, and once received the AE must send a copy to the LSU and to the PLF mobilisation email (mobilisations@pacificlabourfacility.com.au) to ensure the worker has a copy for their arrival into Australia.</p> <p><b>Important:</b> it is the responsibility of the AE to seek their own immigration advice. The PLF is not a registered migration agent and is unable to provide legal and immigration advice.</p>	<p><b>Department of Home Affairs online visa application guide</b></p>
5.4	<p>Worker pre-departure briefing</p> <p>(Deed clause – Item G Schedule 1)</p>	<p>The LSU provides all workers with a comprehensive PDB to help them understand and prepare for life and work in Australia.</p> <p>Once a departure date is set for the workers, the LSU will notify the AE of the date of the PDB. Prior to this date, the AE is required to contribute information and materials that will be relevant to the workers to be used in this briefing:</p> <ul style="list-style-type: none"> <li>• accommodation details (videos or photos if possible)</li> <li>• information about the type of work they will be doing (videos or photos if possible)</li> <li>• any relevant information about the town and their workplace, the weather, local sporting clubs, churches, other Pacific islander diaspora groups in the area, etc.</li> </ul> <p>This information is to be provided when the recruitment plan is submitted.</p>	<p><b>PLS AE pre-departure briefing template (pending)</b></p>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
5.5	Health insurance for workers  (Deed clause – Items C, E and F Schedule 1)	<p>Workers will not be covered by Australia's national health scheme (Medicare) and it is a condition of the 403 visa that all PLS workers have private health insurance.</p> <p>It is the AE's responsibility to arrange health insurance for workers <u>prior to their mobilisation</u>. In most instances, the employer will arrange health insurance and facilitate payment through a payroll deduction for the worker. It is the AEs role to confirm inclusions of private health insurance (including repatriation of remains cover) and to educate workers.</p> <p>The subclass 403 Temporary Work Visa has specific health insurance requirements that set out the obligations for visa holders and insurance providers who offer insurance products for temporary workers. It should be noted that insurance products such as travel insurance do not meet these visa requirements.</p> <p>For more information please visit the Department of Home Affairs – Adequate health insurance visa holders web page:  <a href="https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/health/adequate-health-insurance">https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/health/adequate-health-insurance</a>.</p> <p><b>Preferred provider</b></p> <p>Following an open procurement process nib-IMAN was selected as the preferred health insurance provider for the PLS.</p> <p>Use of the preferred nib-IMAN product offers significant benefits for both workers and AEs, however its purchase is optional. AEs and workers may choose whichever provider they wish that complies with the visa requirements.</p> <p>The selected nib Basic Visitor Cover product complies with the 403 visa requirements and represents competitive value at \$17.90/week (\$77.57 per month). This price will be fixed until 30 June 2023.</p> <p>In addition to its low cost, the product includes the following benefits:</p> <ul style="list-style-type: none"> <li>• a simple administration and invoicing process</li> <li>• expanded direct billing for claims to eliminate or reduce workers' out-of-pocket expenses</li> <li>• 100% coverage of worker hospital accommodation and treatment costs when admitted to hospital for included procedures</li> <li>• language and translation services available for workers when they call nib-IMAN – in-language factsheets and health-focused educational resources.</li> </ul>	<b>PLS AE worker mobilisation toolkit</b> <u>PDF document</u>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<p>For more information, please read the nib-IMAN basic visitor cover flyer: <a href="https://pacificlabourfacility.us3.list-manage.com/track/click?u=5d7643f915e7d395d64690710&amp;id=1b50945552&amp;e=b690a38865">https://pacificlabourfacility.us3.list-manage.com/track/click?u=5d7643f915e7d395d64690710&amp;id=1b50945552&amp;e=b690a38865</a> and the fact sheet for workers: <a href="https://pacificlabourfacility.us3.list-manage.com/track/click?u=5d7643f915e7d395d64690710&amp;id=73339712e9&amp;e=b690a38865">https://pacificlabourfacility.us3.list-manage.com/track/click?u=5d7643f915e7d395d64690710&amp;id=73339712e9&amp;e=b690a38865</a>. Neither AEs or workers are mandated to use this product or provider but are strongly encouraged to consider it.</p> <p><b>Pre-mobilisation</b></p> <p>Individual health insurance documents need to be sent to both the LSUs and the PLF mobilisation team via email (<a href="mailto:mobilisations@pacificlabourfacility.com.au">mobilisations@pacificlabourfacility.com.au</a>) prior to departure so workers have all this information when they land in Australia.</p>	
5.6	Flights and transfers (Deed clause – Item E Schedule 1)	<p><b>International flights</b></p> <p>In most situations, AEs will book the flight tickets to Australia for the group, ideally all on the same flight or flights. Discuss flight options and mobilisation dates with the PLF mobilisation team and the LSU, who can also provide advice and assistance. It is recommended AEs do not purchase any flights until visas have been issued.</p> <p>AEs may also assist workers with the costs of one-way flight tickets. These costs can be repaid through pay deductions as per Item E of Schedule 1 of the Deed.</p> <p><b>Domestic transfers</b></p> <p>In most situations, AEs will provide domestic transfer arrangements – flight tickets, trains, buses or private transport for the group. The AE can choose to cover these internal transfer costs or add these to workers’ travel deductions.</p> <p>If the second option is chosen, workers will need to be advised of all costs prior to departure.</p> <p><b>Pre-mobilisation key points</b></p> <p>Individual flight tickets need to be sent to the LSUs at least 5 days prior to worker departure for their travel. Cost documents must be included so workers know the amounts they will need to reimburse.</p> <p>Please copy the PLF mobilisation team via email (<a href="mailto:mobilisations@pacificlabourfacility.com.au">mobilisations@pacificlabourfacility.com.au</a>) when the final arrival details are confirmed so they can allocate a case manager to the group.</p>	<b>PLS AE worker mobilisation toolkit</b> <a href="#">PDF document</a>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
5.7	Mobilisation plan  (Deed clause – Items F, G and H Schedule 1)	<p>The PLF has created a mobilisation process to help AEs understand the minimum requirements for the safe and appropriate transition of workers into Australia. This includes a checklist of tasks or mobilisation plan for the AE to complete for each mobilisation, and a schedule to assist with planning and timeframes.</p> <p><b>Mobilisation plan key points:</b></p> <p>The mobilisation plan must be submitted to the PLF mobilisations team via email (<a href="mailto:mobilisations@pacificlabourfacility.com.au">mobilisations@pacificlabourfacility.com.au</a>) at least 5 days before departure. For details of this plan, please see the PLS AE worker mobilisation toolkit.</p> <p>AEs must ensure the mobilisation timeline allows workers to attend a PDB.</p>	<b>PLS AE worker mobilisation toolkit</b> <a href="#">PDF document</a>
5.8	Information for workers and LSUs prior to departure  (Deed clause 4 – Item G Schedule 1)	<p>AEs must forward the following documents to the LSU for workers’ pre-departure preparations:</p> <p>Prior to departure, workers (via LSUs) need to have:</p> <ul style="list-style-type: none"> <li>• a copy of their visas</li> <li>• a copy of their flight tickets and costs (including invoice copy)</li> <li>• any specific transfer information for arrival in Australia – itinerary, costs, airport meeting details</li> <li>• a copy of their health insurance information.</li> </ul>	

### Better practice recommendations

- Mobilisation plan – travel costs are kept minimal for workers so booking in advance is preferred (although this is not recommended before visas are approved).
- Try to ensure the most efficient flight route, date and costings are used, bearing in mind it is the worker who will eventually repay these costs through their deductions.
- Explore appropriate health insurance options for your workers in advance of recruitment.
- Deliver a presentation on health insurance for your workers to help them better understand the process and context. Further investigate whether there are any additional materials provided by the insurance supplier in the PLS workers’ language and whether they can request to speak to a person in language when calling the insurer.

- Plan and prepare for all activities from recruitment leading up to mobilising workers. All preparation that can be done ahead of time will be beneficial for the AE, the workers and the PLF.

#### **External support resources**

- N/A

#### **Monitoring and notifications**

- If an AE is engaging a migration agent, they should inform the LSU to ensure the correct forms are completed.
- The AE must send the ImmiAccount grant notification information to the LSU and the PLF.
- The LSU will notify the AE of the date of the PDB for workers. The AE is required to contribute relevant information and materials to be used in this briefing.
- Worker health insurance documents must be sent to LSUs and the PLF prior to workers' departure.
- Flight tickets need to be sent to the LSU and the PLF at least 5 days prior to workers' departure.
- The mobilisation plan must be submitted to the PLF at least 5 days before workers' departure.
- LSUs must be provided with all worker pre-departure documents prior to workers' departure.



# 6



## Mobilisation of workers

**Intent:** The mobilisation plan covers the many steps that are required to bring workers from their home country to Australia, and make sure they are settled comfortably into their new workplace and community.

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
6.1	Arrival of workers (Deed clause – Item H Schedule 1)	<p>Details listing the arrival process for workers is located in the AE worker mobilisation toolkit.</p> <p><b>Worker arrival key points</b></p> <ul style="list-style-type: none"> <li>• Ensure an AE representative is at the airport to meet the workers when they arrive, or the appropriate information has been provided or alternative arrangements made.</li> <li>• The AE is to notify the PLF and the LSU of workers' arrival within 5 days of the worker arriving in Australia.</li> <li>• The AE should send an email confirming the workers' arrival to the LSU representative, copying in the PLF mobilisations team (<a href="mailto:mobilisations@pacificlabourfacility.com.au">mobilisations@pacificlabourfacility.com.au</a>).</li> </ul>	<b>PLS AE worker mobilisation toolkit</b> <a href="#">PDF document</a>
6.2	On-arrival briefing (Deed clause – Item G Schedule 1)	<p>The on-arrival briefing (OAB) should be delivered to workers in a group setting and in line with the worker mobilisation schedule, creating smaller subgroups to allow for specific topics to be discussed only with men or only with women as appropriate.</p> <p>It is preferable that the OAB takes place within the first few days, if not upon arrival, in order for the AE to pass on any important messages and for the workers to ask questions before their employment commences.</p> <p>The assigned PLF case manager is available to discuss the delivery of the OAB with the AE. There are two options:</p>	<p><b>OAB video (pending)</b></p> <p><b>OAB sign-off sheet (included in the PLS AE worker mobilisation toolkit)</b> <a href="#">PDF document</a></p>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<ol style="list-style-type: none"> <li><b>Delivered by the PLF:</b> If the OAB is to be conducted by the PLF then the AE must allow appropriate access to the workers to conduct the briefing.</li> <li><b>Delivered by the AE:</b> The AE must ensure the effective provision of the relevant arrival briefing information and material to workers, as endorsed by the PLF.</li> </ol> <p>All workers must sign the OAB sign-off sheet to confirm they have received the briefing. The sign-off sheet is provided to the PLF once completed.</p>	
6.3	On-arrival requirements (Deed clause – Item H and I Schedule 1)	<p>The following tasks must be completed in the first 5 business days of the worker’s arrival in Australia. After finalising these tasks, please send a confirmation email to the PLF mobilisations team (<a href="mailto:mobilisations@pacificlabourfacility.com.au">mobilisations@pacificlabourfacility.com.au</a>).</p> <ul style="list-style-type: none"> <li><b>Mobile phones:</b> Workers will require an Australian mobile phone number as soon as is practicably possible. Please provide workers’ phone numbers to the PLF and the LSU immediately.</li> <li><b>Bank accounts:</b> The AE must organise access to personal banking for each worker, including helping them to set up an Australian personal bank account. It is recommended that AEs help workers choose a bank that is in the local community or as close by as possible. Workers may also need help to access and set up online banking.</li> <li><b>Tax file numbers and superannuation:</b> AEs must also assist each worker to apply for a tax file number and establish a superannuation account. These will be new concepts to most workers, and while it is mentioned in the pre-departure briefing, they will require further information to understand.</li> </ul> <p><b>Note:</b> Please ensure that the worker does not already have a tax file number or bank account before applying. More information about on-arrival requirements can be found in the mobilisation process and will be reflected in the mobilisation plan (as per reference number 4.5).</p>	<b>PLS AE worker mobilisation toolkit</b> <a href="#">PDF document</a>
6.4	Workplace site induction (Deed clause 8 and Item G Schedule 1)	<p>AEs must ensure workers receive an induction before starting work, including information on WHS arrangements and skills training for each place of work. This process will be as per the AE’s standard induction process.</p> <p>Upon completion of these tasks, please send an email to the PLF mobilisations inbox (<a href="mailto:mobilisations@pacificlabourfacility.com.au">mobilisations@pacificlabourfacility.com.au</a>) as detailed in the PLS AE worker mobilisation toolkit.</p>	<b>PLS AE worker mobilisation toolkit</b> <a href="#">PDF document</a>

### Better practice recommendations

- AEs read and refer to the PLS AE worker mobilisation toolkit for further advice on mobilising PLS workers into Australia.
- AEs assist workers from all diversities (men, women, people with disabilities, youth, cultures, etc.) to understand the health and essential safety services that are available to them to meet their specific needs.
- AEs help workers with the following tasks, ideally in the first 5 business days after a worker arrives in Australia:
  - Finding suitable clothing: Workers may need help purchasing clothes that are suitable for the Australian climate.
  - Accessing life skills support: Workers may need support with everyday tasks to support with their transition to living in Australia.
  - Settling into their accommodation: Workers may require support and advice around managing everyday tasks at the place they are living.

### External support resources

- PLF mobilisations team: ([mobilisations@pacificlabourfacility.com.au](mailto:mobilisations@pacificlabourfacility.com.au)).
- The easiest way to apply for a tax file number is by going to the Australian Taxation Office website: <https://www.ato.gov.au/>. Once on the website, select the 'apply for TFN' option.
- It is recommended that the AE supports their workers to set up an account on the myGov website: <https://www.my.gov.au/>. Once on the website, select the 'Create my account' option.
- Guidance on creating a superannuation account: <https://moneysmart.gov.au/how-super-works/choosing-a-super-fund>
- Healthdirect – Rural and remote health (national with state-based links and search engine): <https://www.healthdirect.gov.au/rural-and-remote-health>
- Women's safety – crisis line numbers: <https://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/help-and-support>

### Monitoring and notifications

- AEs are required to follow and complete the mobilisation plan which they then submit to the PLF mobilisations team via email ([mobilisations@pacificlabourfacility.com.au](mailto:mobilisations@pacificlabourfacility.com.au)).
- AEs are required to provide information about their workers' mobilisation as outlined in the PLS AE worker mobilisation toolkit.
- AEs are required to notify the PLF and the LSU of their workers' arrival within 5 days of arrival.
- The OAB sign-off sheet must be signed by all workers, and this sheet provided to the PLF immediately once completed.
- AEs are required to advise the PLF when the work induction process is complete for all their workers.

# 7



## Enhancing worker welfare, wellbeing and capacity

**Intent:** The welfare of workers under the scheme is a collective responsibility between workers, AEs, LSUs, the PLF and the broader community. This collaborative approach underpins the effective management of worker wellbeing. Better welfare practices can enhance worker self-agency and support their effective integration into Australian communities.

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
7.1	What is the AE's worker welfare responsibility? (Deed clauses 4, 5, 6 and Item F Schedule 1)	<p>The Deed provides information on the obligations of AEs and what <b>must</b> be provided in relation to the welfare and wellbeing support of PLS workers: see Item F of Schedule 1.</p> <p>AEs are required to communicate regularly with the PLF to ensure welfare issues are resolved quickly and efficiently. The PLF WWT is contactable via the 24/7 worker welfare hotline (1800 515 131) and email (<a href="mailto:welfare@pacificlabourfacility.com.au">welfare@pacificlabourfacility.com.au</a>).</p> <p>Each worker/worksites will be allocated a PLF case manager to assist in communication and dealing with all work and non-work issues, or any questions that arise during the employment period.</p> <p><b>Key welfare obligations for AEs include:</b></p> <ul style="list-style-type: none"> <li>ensuring representatives (including supervisors, etc.) are available on a regular basis to discuss employment progress, settlement, and other matters with the PLF</li> <li>supporting the welfare responsibilities that are shared between workers, AE, PLF and community</li> <li>assisting workers with accessing medical and allied health services as required</li> <li>permitting access to workers, worksite and workers' accommodation when required by the PLF (i.e., for site visits and welfare checks)</li> </ul>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<ul style="list-style-type: none"> <li>providing updates to the PLF on workers' progress and ongoing settlement through regular collaboration with the PLF's WWT case managers.</li> </ul>	
7.2	Cultural competency and effective communication (Deed clause 4 and Item F Schedule 1)	<p>AEs are required to provide information, instructions, training, and supervision to all workers in a format and language that can be easily understood by the workers.</p> <p>The PLF will assist AEs (and host employers) to obtain the necessary cultural competencies in working with Pacific island and Timor-Leste citizens to help ensure smoother communication and working practices. This will include online resources and factsheets, videos, learning modules and training, and can also include support provided by LSUs.</p> <p>AEs must ensure key staff are assisted to improve cultural competencies in their workplace – supervisors, team leaders and managers. For labour hire companies, this is also relevant for host employers.</p>	<b>Cultural competency training (pending)</b>
7.3	Ongoing access to health insurance (including absconders) (Deed clause – Schedule 1)	<p>AEs need to purchase health insurance for workers prior to their arrival, and ensure workers have and maintain appropriate arrangements for their health insurance during their period of stay in Australia.</p> <p>As mentioned in guideline 5.5, workers must be provided with a copy of their health insurance policy certificate before their departure from their home country. If necessary, contact the insurer to have the policy dates adjusted to align with workers' actual dates of arrival, free of charge.</p> <ul style="list-style-type: none"> <li>Ensure workers have received membership cards from the insurance provider.</li> <li>Help workers understand what is included and excluded from their insurance policy, and any waiting periods that may apply.</li> <li>Ensure workers know they can ask for help from the Private Health Insurance Ombudsman or the Commonwealth Ombudsman if they have any issues with their insurance provider.</li> <li>Workers have the option to upgrade their insurance policy to one that is suitable for their individual needs. Once in Australia, workers can upgrade to a higher level of cover if required. AEs should suggest workers also consider 'repatriation of remains cover' as an option.</li> <li>To avoid lapsing of workers' health insurance policies, AEs must ensure all deductions collected from workers for their health insurance are transferred to the health insurance provider in line with the provider's required payment schedule.</li> </ul>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<ul style="list-style-type: none"> <li>Any lapse in a worker's health insurance while they are in Australia is considered a breach of their visa conditions.</li> </ul> <p><b>Insurance claims</b></p> <ul style="list-style-type: none"> <li>AEs should help workers understand how to make a health insurance claim either by completing a claim form, or submitting a claim online or via an app.</li> <li>Ask the workers' insurance providers if they have any educational resources that are suitable for policy holders with lower levels of English.</li> <li>Helpful fact sheets and videos may be found on the insurer's website that can be useful for inductions or mobilisations.</li> <li>To reduce upfront cost to workers and eliminate the need for manual claim submissions, AEs should check whether direct billing options can be arranged by the insurer for frequently visited GPs, pathology, or radiology clinics.</li> </ul> <p>If a worker is without health insurance, or is likely to be without health insurance, the AE is required to advise the PLF via the 24/7 worker welfare hotline (1800 51 51 31) or email (<a href="mailto:welfare@pacificlabourfacility.com.au">welfare@pacificlabourfacility.com.au</a>).</p> <p><b>Absconders</b></p> <p>AEs must ensure payment of an absconded worker's health insurance for a maximum period of 28 calendar days or until the worker's visa has been cancelled by the Department of Home Affairs. This provides an opportunity for the worker to return to work and also protects both the worker and AE in the event the worker requires medical treatment during this period.</p>	
7.4	Medical care (Deed clause – Item F Schedule 1)	<p>AEs must assist workers to access medical and allied health services when needed. This may include transporting the worker to the medical clinic or hospital if required.</p> <p>For routine medical treatment in Australia, out-of-hospital treatment from a GP is normally the most cost-effective solution. Workers should be reminded not to attend work if they are unwell and refer to their employer for notification processes.</p> <p>Explaining when to see a GP (non-emergency conditions) and when to go to the hospital (emergency conditions) can help avoid expensive out-of-pocket costs for workers.</p> <p><b>Responsibilities of AEs:</b></p>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<ul style="list-style-type: none"> <li>linking workers to a local GP clinic for general health assessment and ongoing needs</li> <li>showing workers how to attend the GP clinic independently if required, or helping workers if they have problems attending a clinic due to: <ul style="list-style-type: none"> <li>transport issues/distance</li> <li>being unsure of their location</li> <li>requiring any other support to attend the clinic or communicate with health workers.</li> </ul> </li> <li>providing information to workers on how to use their health insurance, reminding them to have the necessary documentation with them to present at local GP clinic</li> <li>discussion of sick leave, if needed, with workers</li> <li>advising the PLF of any medical issues or concern to worker(s) as per reporting requirements in the Deed – see incident reporting section below.</li> </ul>	
7.5	WHS and personal protective equipment (Deed clauses 4, 8 and Items D and E Schedule 1)	<p>If AEs would like advice on WHS obligations including PPE, they should contact the work health and safety regulator in their jurisdiction. Contact details are available on the Safe Work Australia website: <a href="https://www.safeworkaustralia.gov.au/">https://www.safeworkaustralia.gov.au/</a>.</p> <p><b>WHS legislation:</b> AEs must comply with, and assure workers comply with, all applicable WHS legislation and approved code of practice or compliance codes relating to work health and safety.</p> <p>AEs must also ensure all statutory costs in relation to the workers, including workers' compensation insurance, are paid.</p> <p><b>PPE:</b> AEs must ensure they provide a safe work environment for all workers, including providing PPE.</p> <p><b>Effective communication:</b> Ensure, as far as reasonably practicable, workers understand and comply with the requirements of the job to achieve expected and safe standards. Providing practical training for workers and ensuring demonstrate they have understood this training is also a good idea when English is not their first language.</p>	
7.6	Unforeseen events and	The Deed stipulates AEs must take any additional reasonable steps to ensure the welfare and wellbeing of the workers they employ. This may include providing essential resources such as food and accommodation to workers who are subjected to financial hardship due to unforeseen circumstances. It is recommended AEs:	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
	financial support (Deed clauses 4, 5, 6, 23 and Items E and F Schedule 1)	<ul style="list-style-type: none"> <li>conduct information sessions for workers about saving money for sudden unexpected events, such as medical situations and workplace shutdown periods</li> <li>help workers set up savings accounts with their bank to plan for unforeseen events</li> <li>provide advice to workers in writing and in advance about reduced work hours and shutdown periods so workers can prepare for this. AEs are also required to notify the PLF Workplace Relations Officer of any upcoming impacts to workers' contracted hours.</li> </ul> <p>If a worker requires emergency cash assistance, it may be useful to consider doing a cash advance that can be repaid via payroll deductions. This will need to be agreed in writing by both parties as per FWO requirements.</p>	
7.7	Safety in the community (Deed clause – Item F Schedule 1)	<p>AEs are required to show workers where key emergency facilities are within the local community, e.g., hospital, medical clinic and police station, along with ensuring workers understand when they should call emergency services and that they know how to do so if required.</p> <ul style="list-style-type: none"> <li>AEs should explain to workers what an emergency situation is, and what information they will need to provide if they need to call 000.</li> <li>Information on calling 000 should be prominently displayed in workplaces and accommodation in easy-to-understand language. The address of the property should be included so this can be clearly communicated to emergency services.</li> <li>AEs are also encouraged to ensure workers know the international emergency number 112, especially when living in remote regions, as this will enable them to make an emergency call using any available carrier connections.</li> <li>AEs should provide information to workers about basic fire safety, particularly in bushfire-prone areas of Australia, both for their workplace and accommodation.</li> </ul> <p>In their personal time, workers may venture to local beaches, rivers or other areas that can pose potential risks, and they need to be made aware of these.</p> <p>It is encouraged that AEs provide workers with <u>key company representatives</u> to contact when any issues arise or during emergency situations.</p> <p>Workers and AEs can contact the 24/7 worker welfare hotline (1800 51 51 31) if support is required in an emergency situation.</p>	



REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
7.8	Free movement in the community (Deed clause – Item F Schedule 1)	<p>The Deed mandates that an AE must not infringe upon the workers’ lawful ability to associate and move freely and unhindered outside of working hours.</p> <p>If an employer has a company code of conduct, this will only apply during business hours. Outside of work hours, a worker’s rights to free movement will be governed by Australian laws (including visa requirements).</p> <p>Any company rules which apply outside of work hours must be clearly communicated and agreed in writing by the worker cohort, e.g., rules that restrict alcohol use at company accommodation should be discussed with the workers and information should be provided regarding the consequences for breaking these rules. For consistency, any accommodation rules must be applied equally amongst all residents, including those who do not have a PLS visa.</p> <p>Workers are free to exit company accommodation and move into alternative accommodation on the proviso there is reasonable notice shared between the parties. Whatever rules the AE intends to enforce about movement of accommodation must be clearly stated to workers when they first move in, so they understand the requirements:</p> <ul style="list-style-type: none"> <li>• Timeframes regarding reasonable notice should be agreed and detailed in writing (such as in an accommodation agreement), e.g., 4 weeks’ notice may be a suitable written notice period for a worker exiting their accommodation.</li> <li>• Please note: if a worker changes their address, AEs must inform the PLF via email (<a href="mailto:welfare@pacificlabourfacility.com.au">welfare@pacificlabourfacility.com.au</a>).</li> </ul>	
7.9	In-Australia skills training for workers (Deed clause – Item F Schedule 1)	<p>AEs are required to assist workers to participate in approved Australian Government-funded training (where applicable) while in Australia and allow workers to access and attend training sessions.</p> <p>AEs are encouraged to have conversations with the workers on key topics that will have a positive impact on their work skills. This may include various job-readiness training subjects such as food handling, WHS, driver’s licenses or forklift training. The requirements and funding options for training will vary from job to job.</p> <p>AEs are also encouraged to have discussions with workers regarding their goals for returning home. Workers may be interested in developing skills that can be applied in their home countries. This may present as a win-win for both parties, as skills and self-confidence can also be applied in the workplace.</p>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<p>AEs should additionally support workers to identify educational opportunities that develop their leadership skills and capacity. This may include offering leadership training opportunities to workers who display leadership qualities or enabling them to take on additional leadership responsibilities within the company.</p> <p>Workers with leadership skills may also be able to help communicate with the broader worker group and with the PLF on various matters related to worker welfare.</p> <p>Examples of leadership skills include:</p> <ul style="list-style-type: none"> <li>• clear and effective communication skills</li> <li>• time management and planning</li> <li>• building and leading a team</li> <li>• developing and maintaining workplace relations.</li> </ul> <p>More information can be obtained by contacting the PLF In-Australia Skills Training Coordinator via email: (<a href="mailto:welfare@pacificlabourfacility.com.au">welfare@pacificlabourfacility.com.au</a>).</p>	
7.10	Support workers to engage in religious and recreational activities (Deed clause – Item F Schedule 1)	<p>AEs must regularly help workers find opportunities for recreation and religious observance. This may include linking workers to churches, sporting clubs or multicultural associations.</p> <p>When suitable community stakeholders have been identified, the AE is encouraged to facilitate opportunities for workers to build connections in the community.</p> <p>The allocated PLF case manager and community engagement coordinator can provide advice and information and advice regarding religious and recreational activities.</p>	
7.11	Community engagement and networks	<p>The PLS recognises the importance of local communities in sharing responsibility for the welfare of workers. Facilitating the initial contacts between workers and community is a critical step in their settlement and ongoing acculturation into Australia.</p> <p>AEs in partnership with the PLF should facilitate initial community connections which may include, but are not limited to:</p>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
	(Deed clause – Items C and F Schedule 1)	<ul style="list-style-type: none"> <li>• traditional owners – local Indigenous community members</li> <li>• churches or religious places of worship</li> <li>• local council</li> <li>• sporting clubs</li> <li>• Pacific island organisations and diaspora groups as approved by the PLF.</li> </ul>	

### Better practice recommendations

- Trust and transparency are integral to the partnership approach between AEs, the PLF and other stakeholders. This includes stringent information sharing when managing worker-related matters.
- The PLF WWT works with the AE to ensure their welfare responsibilities and obligations under the Deed are fulfilled. Case managers oversee welfare processes and monitoring activities to ensure the wellbeing, cultural adjustment and employment development needs of workers are being met.
- AEs use cross-cultural communication techniques where possible, benefiting all stakeholders and mitigating issues around work performance, job satisfaction and productivity. AEs also utilise cross-cultural communication techniques while managing disciplinary matters, absenteeism and risk of absconding.
- AEs conduct regular face-to-face, in-person discussions with workers to build trust, establish rapport and manage everyday issues. This helps to keep communication channels open and provides opportunities for issues to be identified and resolved early before they escalate.
- AEs help workers from all diversities (men, women, people with disabilities, youth, culture, etc.) understand the health and essential safety services available to them, including assistance around mental health, counselling, sexual and reproductive health, drug and alcohol abuse, etc.
- AEs discuss with workers the importance of seeking medical advice as early as possible. Minor issues can become serious if not addressed properly.
- AEs encourage workers to engage in self-care activities such as healthy eating and exercise.
- AEs provide basic education to the workers on the risks of excessive alcohol use such as health impacts, potential injury and legal and financial implications.
- AEs ensure workers can contact their families in sending countries. This may include facilitating their access to the internet or phones.

### External support resources

### Monitoring and notifications

- AEs are required to provide information regarding the welfare of workers upon request.
- AEs are to advise the PLF should workers' hours be impacted due to unforeseen events.

- Department of Home Affairs webpage on adequate health insurance for visa holders: <https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/health/adequate-health-insurance>
- Privatehealth.gov.au – overseas visitors and overseas students: [http://www.privatehealth.gov.au/health\\_insurance/overseas/index.htm](http://www.privatehealth.gov.au/health_insurance/overseas/index.htm)
- Information on workers' compensation insurance: <http://www.safeworkaustralia.gov.au/workers-compensation>
- Health Direct – Rural and remote health (national with state-based links and search engine): <https://www.healthdirect.gov.au/rural-and-remote-health>
- Women's safety – crisis line numbers: <https://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/help-and-support>
- Health Direct – Women's Health: <https://www.healthdirect.gov.au/womens-health>
- Head to Health – Supporting yourself – Women: <https://headtohealth.gov.au/supporting-yourself/support-for/women>
- Head to Health Supporting yourself – Men: <https://headtohealth.gov.au/supporting-yourself/support-for/men>
- Health Direct – Men's Health: <https://www.healthdirect.gov.au/mens-health>
- Health.gov.au – What are the effects of alcohol?: <https://www.health.gov.au/health-topics/alcohol/about-alcohol/what-are-the-effects-of-alcohol>
- Adjustments in the workplace for people with disabilities: <https://humanrights.gov.au/quick-guide/11931>

- AEs are to advise the PLF WWT when serious worker welfare concerns arise.
- If a worker is without health insurance, an AE is required to advise the PLF immediately.
- AEs are to advise the PLF of all workplace-related injuries and if a worker's insurance compensation claim is in process.

# 8

## Accommodation standards

**Intent:** Worker accommodation is to be provided by AEs in accordance with Schedule 1, B.3 of the Deed, the requirements as provided on the accommodation form and the following principles. AEs are responsible for ensuring that they are aware of, and comply with, all relevant laws.

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
8.1	Employer obligations  (Deed clauses 9, 15 and Items B, C and E Schedule 1)	<p>Having affordable and safe accommodation that is reasonably close to the worker's place of employment is important.</p> <p>Workers' accommodation (for a minimum of 3 months) will be organised by the AE prior to arrival in Australia. Each worker will be required to pay for their own accommodation unless their employer has chosen to meet the cost of accommodation. Rent can be paid as a wage deduction through the AE (complying with Fair Work Act requirements) or paid directly to the real estate agent or landlord.</p> <p><b>LOO – deductions</b></p> <p>The cost of accommodation must be provided to workers in the LOO with an explanation of what is included in the cost (rent, utilities, cleaning, etc.) to ensure workers understand what they are being charged for.</p> <ul style="list-style-type: none"> <li>It is understood that in some cases the costs can only be estimated, such as for utilities. In these instances, reasonable estimates would be considered acceptable.</li> <li>It should be documented (either in the LOO, payroll deduction or other signed agreement) when the deductions billing cycle is expected and how the costs will be charged to workers.</li> <li>The AE should notify the PLF of any disparities between the actual amounts and those stated in LOOs.</li> <li>If services are included in the accommodation costs, such as cleaning or catering, these should be competitive and provided at cost.</li> </ul>	<p><b>PLS accommodation form</b> <a href="#">Word document</a></p> <p><b>PLS LOO template (including deductions table)</b> <a href="#">Word document</a></p>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<p><b>Support</b></p> <p>The AE will support workers to:</p> <ul style="list-style-type: none"> <li>• understand their tenancy agreements and obligations</li> <li>• understand the processes for escalating maintenance issues to property managers and landlords</li> <li>• seek alternative long-term or private rental accommodation, if required</li> <li>• seek help when tenancy correspondence from property managers and landlords are not understood.</li> </ul> <p>AEs should seek independent legal advice about their obligations if they have entered into a rental agreement with a third party or seek to implement an accommodation agreement with workers.</p>	
8.2	<p>PLS accommodation form</p> <p>(Deed clauses 9, 15 and Items B, C and E Schedule 1)</p>	<p>The purpose of the PLS accommodation form is designed to ensure safe and reliable accommodation is provided for PLS workers. It forms part of the recruitment plan approval process, and AEs should note the following when filling out the form:</p> <ul style="list-style-type: none"> <li>• Evidence of how the proposed accommodation meets the minimum accommodation standards must be provided.</li> <li>• A monetary breakdown of inclusions in workers' accommodation costs must be included.</li> <li>• All accommodation costs passed on to workers (including for damage repairs) must be at cost, and receipts or proof of cost must be made available on request to both the workers and the PLF.</li> <li>• Any bond charged to PLS workers must be registered with the appropriate authority and PLS workers given information on how the bond will be refunded at the end of their stay.</li> <li>• If the property is commercially provided at an all-inclusive cost (e.g., a backpackers' hostel where the cost includes both rent and utilities) and a breakdown is not available, the AE must set this out in the accommodation form and indicate what is included in the cost.</li> <li>• The AE must provide confirmation of their understanding that it is their responsibility to ensure the worker accommodation provided in the first 3 months is fit for purpose and meets the relevant statutory approvals.</li> </ul> <p>The form is to be submitted to the PLF via email at (<a href="mailto:recruitmentplans@pacificlabourfacility.com.au">recruitmentplans@pacificlabourfacility.com.au</a>) with every recruitment plan for each address where a PLS worker will be accommodated.</p>	<p><b>PLS accommodation form</b></p> <p><u><a href="#">Word document</a></u></p>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		In some circumstances, accommodation arrangements are not finalised until just prior to mobilisation. AEs can request an exemption from the PLF to submit the form two weeks prior to the arrival date of workers.	
8.3	Accommodation rules  (Deed clauses 9, 15 and Items B, C and E Schedule 1)	<p>Any rules in AE-supplied accommodation need to be clearly communicated with PLS workers. A document with these rules should be signed by workers and a copy provided to them.</p> <p>The PLF and LSUs can provide worker welfare support to assist in understanding of accommodation rules by workers.</p> <p>This document needs to ensure:</p> <ul style="list-style-type: none"> <li>house rules are reasonable and non-discriminatory</li> <li>PLS workers' privacy must be respected in their living quarters</li> <li>procedural fairness will be afforded to PLS workers if house rules are broken.</li> </ul> <p>If there are ongoing concerns relating to PLS workers adhering to house rules, please contact the PLF for additional support and guidance.</p>	
8.4	Accommodation arranged by workers  (Deed clause 2 and Item A and B Schedule 1)	<p>PLS workers may elect to arrange their own accommodation, in which case, AEs cannot make deductions from their wages.</p> <ul style="list-style-type: none"> <li>PLS workers may choose to arrange their own accommodation for a variety of reasons including costs, condition of accommodation, privacy and links to the community.</li> <li>If a PLS worker chooses to arrange their own accommodation, the AE is not responsible for the quality of that accommodation, however it does retain the responsibility of providing welfare assistance to the worker.</li> <li>AEs may require PLS workers to provide a reasonable minimum notice of their intention to move to their own accommodation to ensure they are able to meet their obligations under the rental agreement. This notice period should be documented and agreed in writing with the worker.</li> <li>AEs cannot impose rules relating to accommodation if PLS workers have arranged their own accommodation independent of the AE.</li> </ul> <p>If a worker would like to explore other accommodation options, they can discuss this with the AE or their LSU representative, or call the PLF WWT on (1800 51 51 31).</p>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
8.5	Additional accommodation agreement (Deed clause 2 Item A and B Schedule 1)	<p>AEs should seek independent legal advice if they are a party to the rental agreement on behalf of the PLS workers.</p> <p>If an AE is to hold PLS workers liable for costs incurred for damage to accommodation or furnishings, a written agreement must be in place that clearly outlines the obligations and expectations of both the AE and the PLS workers.</p> <p>PLS workers have the right to request copies of entry and exit reports from the AE to demonstrate any costs incurred when exiting an accommodation arrangement.</p> <p>It is not a requirement for AEs to provide a copy of the accommodation agreement to the PLF as the terms stand outside of their LOO, however they must provide a signed copy to all PLS workers covered by the agreement. Either the AE or worker may request support from the PLF to confirm their understanding of the agreement.</p>	
8.6	Feedback from workers and repairs (Deed clause 2 Item A and B Schedule 1)	<p>If workers have concerns related to the accommodation provided, they are encouraged to speak directly with the AE to rectify issues in the first instance. If concerns are not addressed or managed in a reasonable timeframe, they may be escalated to the PLF WWT by phone (1800 515 131) or email (<a href="mailto:welfare@pacificlabourfacility.com.au">welfare@pacificlabourfacility.com.au</a>).</p> <p>AEs should have a clear process for workers to report any maintenance issues at their accommodation, e.g., contact with a key company representative.</p>	

### Better practice recommendations

- Worker groups that consist of both males and females may prefer to live in separate accommodation. Please check this with the workers before making these arrangements.
- Regular accommodation inspections are conducted to ensure damages and maintenance are reported and standards are maintained in line with statutory requirements.
- Clearly written house rules are created, discussed and agreed to by the worker group.



- Where workers and AEs agree for workers to arrange their own accommodation after the initial 3 months, AEs provide education and support to workers to ensure a smooth transition and workers understand their rights and obligations.
- Some worker groups may require support or education around sharing house chores and collectively purchasing groceries.

### External support resources

Tenancy laws and dispute resolutions are managed by different bodies and differ for each state or territory. Tenancy authorities enforce their individual region's Tenancy Act on behalf of their state or territory government. These organisations are responsible for the administration of the Residential Tenancy Act for their state or territory:

- **ACT** Residential Tenancies Tribunal: <https://www.acat.act.gov.au/case-types/rental-disputes>
- **New South Wales** Consumer, Trader & Tenancy Tribunal: <https://www.tenants.org.au/factsheet-11-nsw-civil-and-administrative-tribunal>
- **Northern Territory** Consumer and Business Affairs and Northern Territory Department of Justice: <https://consumeraffairs.nt.gov.au/for-consumers/residential-tenancies>
- **Queensland** Residential Tenancies Authority: <https://www.rta.qld.gov.au/>
- **South Australia** Residential Tenancies Tribunal: <https://www.agd.sa.gov.au/your-rights/tenancy-rights>
- **Tasmania** Consumer Affairs and Fair Trading and the Residential Tenancies Commissioner: <https://www.gotocourt.com.au/civil-law/tas/residential-tenancies/>
- **Victorian** Civil and Administrative Tribunal: <https://www.vcat.vic.gov.au/case-types/residential-tenancies>
- **Western Australia** Department of Mines, Industry Regulation and Safety: <https://www.commerce.wa.gov.au/consumer-protection/renting-home>

### Monitoring and notifications

- PLS AE monitoring reports – review and monitor payroll deductions including evidence of costs passed onto workers.
- Visits by the PLF or DFAT assessing against approved accommodation documentation.
- AEs to submit an accommodation form for every new accommodation.
- The AE will inform the PLF when accommodation concerns or disputes have not been resolved to the satisfaction of both the worker and AE within 7 business days, including:
  - when assistance with worker communication is required, including help with language translations
  - when made aware of worker(s) intent to/have pursued private residential tenancy options
  - when accommodation provisions have been deemed unsafe, or could pose significant risk to the worker(s) health or safety
  - when welfare accommodation obligations under the Deed cannot be met.

# 9



## Demobilisation of workers

**Intent:** This section provides an overview of what happens when a worker finishes their role in Australia – either by ending their contract, termination or resignation.

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
9.1	End of employment (Deed clauses 4, 6 and Item J Schedule 1)	<p>Ending the employment relationship may be initiated by either the AE or the worker.</p> <p>The Deed of Agreement requires AEs to notify PLF as soon as possible if:</p> <ul style="list-style-type: none"> <li>they intend to terminate the employment of a worker</li> <li>when they have terminated the employment of a worker</li> <li>a worker resigns from employment.</li> </ul> <p><b>AE intends to terminate or has terminated a worker</b></p> <p>The AE is responsible for the decision to terminate the employment of their PLS workers and ensure they comply with Australian workplace laws and regulations.</p> <p>There may be a number of circumstances that lead an AE to terminate the employment of a PLS worker. Examples may include underperformance or breaches of company policies.</p> <p><b>Termination process</b></p> <p>AEs may terminate the employment of a worker before contract completion. It is the responsibility of AEs to ensure any termination, disciplinary or performance management process is just and fair and complies with Fair Work Act requirements.</p> <p>An employer's obligations in this instance are:</p> <ul style="list-style-type: none"> <li>The AE must notify the PLF if they have the intention to terminate the employment of a worker.</li> </ul>	<p><b>PLS ending employment of worker form</b></p> <p><a href="#">PDF document</a></p>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<ul style="list-style-type: none"> <li>The AE must notify the PLF by completing the 'Ending employment of a PLS worker' notification form and submitting it to the PLF as soon as practicable.</li> <li>This notification requires the AE to provide a summary of the events leading to this decision and the steps they have taken to mitigate termination (such as performance management, warnings, training, support sought from the FWO, the LSU or the PLF). This provides an opportunity for the PLF to work with the AE and the worker to seek alternate actions and opportunities for improvement.</li> <li>The AE must notify the Department of Home Affairs of the termination to comply with TAS obligations.</li> <li>Changes to any deduction arrangements must be voluntarily agreed to by the resigning worker. A new payroll deduction authority must be signed (or other form of agreement that meets the Fair Work Act). The AE's obligations continue until the worker leaves Australia.</li> </ul> <p><b>Worker resigns from their place of employment</b></p> <p>Workers may choose to resign from their place of employment before contract completion. The worker's obligations in this instance are:</p> <ul style="list-style-type: none"> <li>The worker is required to give a minimum notice under the contract or the relevant award. The PLF will assist with reaching an agreement on the final working day.</li> <li>The worker must repay the AE all initial permissible costs associated with their arrival in Australia and onboarding. AEs may exercise their judgment in waiving some costs in exceptional, compassionate circumstances, e.g., in the event of a significant health issue or family tragedy.</li> </ul> <p>Where a worker has ceased employment and lodges reasons for the resignation which involve allegations or complaints relating to AE actions (i.e., allegations of mistreatment, underpayment), the matter will be reviewed by the PLF. The PLF will consider all information and circumstances and determine whether further investigation or referrals into AE conduct may be required.</p>	
9.2	Worker exit interview	<p>Whenever possible the PLF WWT will conduct an exit interview with the worker, ideally prior to the worker leaving Australia, or upon the worker's return to their home country (by the PLF labour mobility engagement manager in that country). The purpose of the exit interview is to gather the worker's perspective regarding the circumstances of the termination. The following questions will be considered:</p> <ul style="list-style-type: none"> <li>Does the worker understand why they were terminated?</li> </ul>	

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<ul style="list-style-type: none"> <li>What steps, if any, were put in place to try and resolve the issue prior to termination?</li> <li>Did the worker provide a resignation outlining the reasons for leaving (if relevant)?</li> </ul>	
9.3	Assistance to workers returning home (Deed clauses 4, 6 and Item J Schedule 1)	<p><b>Financial matters</b></p> <p>The AE's responsibilities include:</p> <ul style="list-style-type: none"> <li>checking with the worker to find out if they have enough money to return home</li> <li>helping the worker find the most cost-effective flight home and a way to get to the airport</li> <li>arranging for final salary and deductions</li> <li>ensuring a worker does not shut down their bank account so they can access their super and tax refund.</li> </ul> <p><b>Accommodation</b></p> <p>An AE may need to provide workers with support to pack up their accommodation and conduct the exit process from their property, e.g., bond returns, exit procedure with real estate, cancelling internet, etc.</p> <ul style="list-style-type: none"> <li>AEs are responsible for notifying the LSU of the completion date and return date/flight of workers.</li> <li>AEs must provide workers with receipts for all on-charged costs (e.g., bond clean).</li> <li>AEs must complete the ending of employment form as mentioned in reference no. 9.1.</li> </ul> <p><b>Superannuation</b></p> <p>AEs must provide workers with details of their superannuation, including their superannuation fund name and, if known to the AE, their member number and information on how to claim their superannuation payments once they are back home and their visa has expired.</p>	
9.4	Departure briefing and checklist (Deed clause – Item J Schedule 1)	<p>A face-to-face in-person departure briefing must be provided to workers before they leave Australia to help them return to their home country. The departure briefing must cover the following matters, as per the Deed:</p> <ul style="list-style-type: none"> <li>record keeping</li> <li>banking</li> <li>redirecting mail</li> <li>taxation or superannuation</li> <li>payments and deductions</li> </ul>	<b>PLS worker de-mobilisation checklist (pending)</b>

REFERENCE NO.	SCOPE AND DESCRIPTION	COMPLIANCE CRITERIA	DOCUMENTS AND TEMPLATES (CTRL+click on PDF/Word link)
		<ul style="list-style-type: none"> <li>• savings</li> <li>• health insurance</li> <li>• resolving unpaid fines and the consequences of not paying these</li> <li>• mobile phones.</li> </ul>	

### Better practice recommendations

- AEs provide LSUs with brief summaries about each worker and if they would recommend them to other employers.
- AEs copy PLF case managers and the PLF mobilisation team into communications with LSUs regarding demobilisation logistics.
- AEs encourage workers to consider their plan to return home as early possible, including saving money or paying for their return flight via agreed payroll deductions.
- AEs provide assistance as needed to workers who are organising their return home, helping them with booking flights, transfers and accommodation for their trip, whether online or via a travel agent.
- AEs check with the relevant airline regarding baggage limits for workers' return flights, as some workers may need to purchase extra baggage.
- AEs assist workers to finalise their tax return or superannuation refund and encourage them to keep their Australian bank account open until these matters are resolved.
- AEs remind workers to keep some cash in their accounts to pay expenses during their transit home, e.g., food, extra baggage.
- AEs remind workers to keep key phone numbers, e.g., for AE representatives or the PLF worker welfare hotline (1800 515 131) handy for their transit home. They can then call the PLF if any substantial issues arise during their trip.

### Monitoring and notifications

- AEs must notify the PLF if they intend to terminate a worker.
- AEs must notify the PLF if a worker has finished employment for any reason.
- AEs must forward end of employment forms to the PLF upon the resignation or termination of a worker.
- AEs must notify the PLF if they want to extend a worker's contract.
- AEs must confirm with the PLF that they have completed de-mobilisation briefings with all workers.

# Annex 1:

## List of additional documents and forms referenced in the AE guidelines.

Document	Owner
PLS reporting an incident process	PLF
DFAT/PLS privacy notice and consent form	DFAT
PLS labour marketing testing and recruitment plan process	PLF
PLS LOO template	PLF
Home Affairs online visa application guide	Department of Home Affairs
PLS labour market testing and recruitment plan form	PLF
Fair Work Information Statement	FWO
PLS AE reporting template	PLF
Payroll deduction authority template	PLF
Deductions guidelines	PLF
PLS contingency plan request email template	PLF
956/956a form	<a href="https://immi.homeaffairs.gov.au/form-listing/forms/956.pdf">https://immi.homeaffairs.gov.au/form-listing/forms/956.pdf</a> <a href="https://immi.homeaffairs.gov.au/form-listing/forms/956a.pdf">https://immi.homeaffairs.gov.au/form-listing/forms/956a.pdf</a>
PLS change of conditions (promotion or upskilling) email template	PLF
PLS AE pre-departure briefing template	PLF (pending)
PLS on-arrival briefing template	PLF
PLS AE worker mobilisation toolkit	PLF
Cultural competency training	PLF (resources anticipated for release in Q4 of 2021)
PLS accommodation form	PLF
PLS ending employment of worker form	PLF
PLS de-mobilisation checklist	PLF (pending)