

Supporting guide

Expression of Interest of PALM scheme employers for Vietnam Labour Mobility Arrangements

The purpose of this document is to provide PALM scheme employers with information to assist them in preparing their expression of interest to employ Vietnamese workers as part of the Vietnam Labour Mobility Arrangement. Information contained in this document is for general information purposes only and is subject to change.



Vietnam Labour Mobility Arrangement

The Australian Government has finalised arrangements to support the implementation of the Memorandum of Understanding entered into between the Australian and Vietnamese governments to support citizens of Vietnam to work in the Australian agriculture sector.

The arrangements will allow up to 1,000 Vietnamese nationals to be in Australia at a point in time to undertake seasonal and non-seasonal agriculture related work for up to four years, to be employed in unskilled, low-skilled and semi-skilled roles in primary industry sectors.

Vietnamese workers will be supported to come to Australia using the Pacific Australia Labour Mobility (PALM) scheme infrastructure (i.e. only PALM scheme employers are eligible, and the PALM scheme Approved Employer Deed of Agreement (deed) and PALM scheme Approved Employer Guidelines (guidelines) will apply), however Vietnam will not be a participant of the PALM scheme.

Please note that additional guidelines are under development and will be made available alongside the deed and guidelines in due course.

Points of departure are outlined in the table at [Appendix A](#).

Expression of Interest process

During consultation with employers and industry in April 2024, it was agreed that an Expression of Interest (EOI) process would be the fairest way to manage employer interest for these arrangements.

Applications must be lodged as per the terms of this document and the attachments and will be reviewed by a panel comprised of Australian Government representatives to determine whether they meet the intended requirements.

Any employer seeking to recruit workers from Vietnam under these arrangements must submit an EOI and be found suitable by the assessment panel.

All EOIs must be submitted using the EOI template.

Employer eligibility

Workers will be supported to come to Australia using the PALM scheme infrastructure which means only PALM scheme employers are eligible. To be an eligible employer, you must:

- Be operating under the new PALM scheme deed and guidelines
- Have at least 12 months demonstrated experience under the PALM scheme recruiting workers in Australia's primary industry sectors.
- Not had any serious breach, or multiple lesser breaches, of the deed and guidelines, or restrictions on recruiting within the previous 24 months, (unless the employer has been operating for less than 24 months, in which case this will be assessed individually).
- Not be subject to a current investigation into potential serious breach of the Deed and Guidelines or compliance with relevant Australian laws (e.g. Fair Work Act or Work Health Safety Act).
- Have a record of appropriately managing worker incidents and meeting deed reporting requirements.

Please note meeting all these criteria does not guarantee selection.



Timeline

The EOI will open on **Monday 26 August 2024** and close by **11:59PM, Friday 6 September 2024**. Late applications will not be accepted. All EOIs should be submitted to PALMscheme@dfat.gov.au.

Following the closing of the EOI period, it is expected outcomes will be announced by early September 2024. Successful employers will then be invited to submit recruitment plans as per normal PALM scheme processes, with an aim to mobilise workers from December 2024.

Please note that submitting a recruitment plan does not presuppose approval of the recruitment plan. It also does not create an obligation on employers to recruit Vietnamese workers.

Evaluation

EOIs will be assessed by a panel of representatives from the Australian Government. Decisions will be based on submission quality and Australian Government objectives of a diversity of employers. Worker locations may also be considered by the panel. The panel will evaluate individual AE's readiness to mobilise workers and preference may be given to direct employers over Labour Hire Companies (LHCs).

If an application does not fully meet EOI criteria, an employer *may* have the opportunity to re-submit with additional information. Please note that the quality of applications received will be a key factor in determining prioritisation. Employers who submit strong and complete applications will be prioritised over those who require additional work. Further, employers who are not abiding by existing cultural competency requirements in the deed for their current workers will not be favourably assessed to recruit workers from Vietnam.

Total recruitments may be up to 50 workers within an employer's current recruitment cap. This is to ensure fairness in accessing the Vietnamese worker cohort.

DFAT may, but is under no obligation to, provide feedback on responses to any EOI on a case-by-case basis.

Selection criteria

Criteria 1 (200 words) – Cultural competency, in particular in managing a Vietnamese workforce – 35 per cent

Clearly demonstrate your ability to engage and manage a Vietnamese workforce in a culturally safe and appropriate manner.

Demonstrate how you will ensure information, instructions, training and supervision is provided to workers in a format and language that can be easily understood. You may also outline how you ensure key staff, including your welfare and wellbeing support person/s obtain the necessary competencies to work effectively with the Vietnamese culture. Further, you may describe how your organisations and staff can effectively support this cohort.

Criteria 2 (200 words) – Commitment and capacity to support the welfare of workers – 35 per cent

Demonstrate efforts to support the welfare of workers as per the requirements of the deed and guidelines, but specifically outline proposed approach to supporting Vietnamese workers.

Demonstrate how nominated welfare and wellbeing support persons are fit and proper persons and suitable to provide support to Vietnamese workers. Further, provide information on how workers will be linked with community programs or projects, religious organisations or cultural groups.



Criteria 3 (200 words) – Capacity to manage modern slavery and integrity risks in recruitment – 30 per cent

Outline your processes in place (through participation in labour mobility recruitment practices) to reduce recruitment risks regarding fraud, unethical recruitment practices and human trafficking and modern slavery, particularly in a South-East Asian context. This may include reporting pathways for workers who have experienced unethical practices in recruitment and how this information is then notified to the Australian Government.

Recruitment methods

There will be two recruitment pathways available in Vietnam.

- (1) Recruitment by the Centre for Overseas Labour (COLAB) – non-business state organisation
- (2) Recruitment via Vietnamese enterprises (commercial recruitment agents)

It should be noted that AEs will be responsible for recruitment fees to COLAB or Vietnamese enterprises at commercial rates. COLAB has indicated an approximate minimum of \$900 AUD fee per worker. The final fee structure will be determined through a commercial arrangement between the recruitment agent and employer.

In the first year of implementation, recruitment will be undertaken via COLAB and up to six Vietnamese enterprises. Australia will publish a list of eligible Vietnamese enterprises that can participate in the arrangements. Vietnamese enterprises and non-business state organisations not on the approved list cannot recruit workers.

The Department of Foreign Affairs and Trade (DFAT) is providing offshore support services to manage modern slavery and integrity risks, provide pre-departure training to Vietnamese workers and liaise with COLAB and approved Vietnamese enterprises.

Indicative implementation timeline

Employers should work backwards to plan their mobilisation dates to inform their business workforce needs. The schedule below is indicative only, and timeframes may vary.

Date	Task	Timing
March 2024	Implementation Arrangements agreed between the Australian and Vietnamese Governments	Complete
April 2024	Scoping work to engage offshore support service	Ongoing – expected engagement of services by September 2024
26 August 2024	EOI opens	
6 September 2024	EOI closes	2 weeks
September 2024	EOI assessed and outcomes announced	2 weeks
September 2024	Selection of Vietnamese enterprises (commercial recruitment agents)	
September 2024	Employers, COLAB and Vietnamese enterprises meet and greet	To be arranged prior to the submission of recruitment plans

From September 2024	Recruitment plan submission	Submit to DEWR as soon as possible – approval process can take up to 8 weeks
September 2024	Offshore support service engaged	
Late October/November	Recruitment and mobilisation process commences: <ul style="list-style-type: none"> • In-country interviews • Worker selection • Offer of Employment • Visa docs collected • Medicals/Police Checks • Visa Applications • Visas granted 	Approx 6-8 weeks from recruitment plan being approved
December 2024	Mobilisation	Workers to arrive from December 2024

Roles and responsibilities

Organisation	Role
Labour Mobility Branch, DFAT	Implementation lead including on consultation and communications Management and oversight of offshore support service
Australian Embassy, Vietnam	Lead engagement with Vietnamese Government
Pacific Labour Operations Division, DEWR	Operations and operational policy, monitoring and assuring employers are meeting their obligations under the deed and guidelines
Offshore support service provider	Provide assurance of recruitment models, to minimise modern slavery and program integrity risks, facilitate pre-departure information and preparation of workers and collect data on worker experiences.
PALM scheme employer	Source, recruit, and support Vietnamese workers as per the responsibilities outlined in the deed and guidelines. Work collaboratively with the Australian Government during the implementation phase
Department of Home Affairs	Visa policy settings and conditions

Contacts

For queries related to the overall implementation, including EOI process, please contact PALMscheme@dfat.gov.au.

For matters relating to domestic operations, including recruitment plans and approvals, please contact your relevant Relationship Manager or alternatively PALM@dewr.gov.au.



Appendix A – points of difference between the Vietnam labour mobility arrangements and the PALM scheme

Vietnam Arrangements	PALM scheme
Workers can only work in primary industry sectors, including horticulture, meat processing, fisheries (including aquaculture) and forestry.	Workers can work in all recognised PALM scheme sectors (e.g. includes aged care, accommodation, tourism etc).
Workers must have scored a minimum International English ELTS 4.0 English language test before they sign their employment contract.	Functional English
Minimum employment period of six months	No minimum – determined by the net financial benefit to the worker.
Not eligible to participate in the family accompaniment pilot.	Access to family accompaniment for long term workers from countries participating in pilot.
Under Vietnamese law, workers must attend mandatory two-week training delivered by COLAB or Vietnamese enterprises. DFAT offshore support service provider will deliver an additional three-day pre-departure training on Australia-specific matters.	Predeparture training approach determined by Labour Sending Units of participating countries with support from Australia.
Employment contract must be translated into Vietnamese and registered with the Vietnamese Ministry of Labour. COLAB will do this.	No requirement for contract translation.
Only 1,000 workers can be in Australia at any one time.	Uncapped.
Employers will pay a fee to COLAB or Vietnamese enterprises, at commercial rates.	Generally, no requirement to pay recruitment fees with exceptions (e.g. Vanuatu’s agent model)

