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In a 2017, the Fair Work Commission decided that casual employees working in the horticulture sector must receive overtime.  The National Farmers’ Federation and other industry bodies worked with the Australian Workers Union and National Union of Workers to develop a framework for the decision, which would minimise the impact on farmers.  The NFF ultimately did not object to a proposal to require growers to pay a 15% ‘night loading’ where causal employees work overnight or overtime rates where the employees works more than 12 hours per day or 304 hours over 8 weeks.  Although it was a change which many growers would find difficult to accommodate, the NFF took the view that it was less problematic than the possible alternatives outcomes, such as entitlements which mirror those of permanent employees.  On Tuesday, the Fair Work Commission notified the sector that it would adopt the compromise. However, in an ill-sighted decision about its implementation, the Commission extended only 14 days for fruit, vegetable and other horticulture producers, to understand and enact the changes.  NFF CEO Tony Mahar said the move had left a sour taste.  "Our discussion with the National Union of Workers and Australian Workers Union were robust but fair.  "In early 2017 we arrived a decision where neither got everything they wanted, but in the end, an outcome was reached that was palatable to all.  "The Commission took another 18 months to notify growers that it was adopting that outcome but has now allowed them a mere fortnight to implement.  "We suggest the Commission needs to remember that until it formally adopted this arrangement, farmers were not sure where the decision would land. And, now as a result, farmers have been left at a distinct disadvantage."  Mr Mahar said wages made up the highest component of a horticulture operation's cash costs.  "Farmers need time to revisit their budgets, their business strategy and workforce planning to assess the impact of the change and time to modify their plans if needed.  "It’s also the case that these changes aren’t straight forward.  "Determining whether a worker is entitled to overtime requires calculation of a relatively complex formula considering hours worked, when and over what time period. All of this will take time."  Although Growers have no choice now but to comply, the rush to do so will inevitably lead to mistakes and misunderstandings, and potential non-compliance.  In a sector which is already struggling with significant labour challenges, fair-minded growers would be excused for thinking they have been set up to fail.  "The NFF implores the Fair Work Ombudsman to guarantee it will not prosecute farmers for non-compliance, for a period of 12 months after the implementation date.  "Australian horticulture growers are suffering from workforce crisis, they simply can’t get the workers they need to, for example pick and pack their produce or to prune their trees.  "The lack of access to workers is constraining farmers’ productivity, profitability and the flow-on benefits for regional Australia.  "Ultimately the inability to source labour is holding back agriculture’s goal to be a $100 billion industry by 2030."  "Farmers want to make working on their farm a rewarding experience and that's why we did not object to the introduction of overtime for casual workers.  "The Fair Work’s two-week implementation period shows an astonishing ignorance of the way in which small businesses operate," Mr Mahar said. | | | | |  |  | | --- | --- | | |  | | --- | | [VISIT OUR MEDIA CENTRE](http://email.farmers.org.au/lt.php?s=e34d3c46a435eb4b13c780de54e08f9e&i=87A123A3A849) | | | | |  |  | | --- | --- | | |  | | --- | | **Get in touch**  **Laureta Wallace** GM, Media & Communications 0408 448 250 [lwallace@nff.org.au](mailto:lwallace@nff.org.au) | | | | |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | [/var/folders/3m/twt1r5ws7jbfqbl8y08kyx4m0000gn/T/com.microsoft.Word/WebArchiveCopyPasteTempFiles/flat-light-round-facebook.png](http://email.farmers.org.au/lt.php?s=e34d3c46a435eb4b13c780de54e08f9e&i=87A123A3A850) |  | [/var/folders/3m/twt1r5ws7jbfqbl8y08kyx4m0000gn/T/com.microsoft.Word/WebArchiveCopyPasteTempFiles/flat-light-round-twitter.png](http://email.farmers.org.au/lt.php?s=e34d3c46a435eb4b13c780de54e08f9e&i=87A123A3A851) |  | [/var/folders/3m/twt1r5ws7jbfqbl8y08kyx4m0000gn/T/com.microsoft.Word/WebArchiveCopyPasteTempFiles/flat-light-round-linkedin.png](http://email.farmers.org.au/lt.php?s=e34d3c46a435eb4b13c780de54e08f9e&i=87A123A3A852) |  | [/var/folders/3m/twt1r5ws7jbfqbl8y08kyx4m0000gn/T/com.microsoft.Word/WebArchiveCopyPasteTempFiles/flat-light-round-youtube.png](http://email.farmers.org.au/lt.php?s=e34d3c46a435eb4b13c780de54e08f9e&i=87A123A3A853) |  | [/var/folders/3m/twt1r5ws7jbfqbl8y08kyx4m0000gn/T/com.microsoft.Word/WebArchiveCopyPasteTempFiles/flat-light-round-instagram.png](http://email.farmers.org.au/lt.php?s=e34d3c46a435eb4b13c780de54e08f9e&i=87A123A3A854) |  | [/var/folders/3m/twt1r5ws7jbfqbl8y08kyx4m0000gn/T/com.microsoft.Word/WebArchiveCopyPasteTempFiles/flat-light-round-website.png](http://email.farmers.org.au/lt.php?s=e34d3c46a435eb4b13c780de54e08f9e&i=87A123A3A855) |  | [/var/folders/3m/twt1r5ws7jbfqbl8y08kyx4m0000gn/T/com.microsoft.Word/WebArchiveCopyPasteTempFiles/flat-light-round-email.png](mailto:reception@nff.org.au) | | | | | | |