

DFAT PACIFIC LABOUR MOBILITY CONSULTATION

Submission by the Development Policy Centre, Crawford School of Public Policy, and the Department of Pacific Affairs, Australian National University

Richard Curtain, Stephen Howes, Rochelle Lee Bailey, Charlotte Bedford, Ryan Edwards, and Michael Rose contributed to this submission. It responds to three of the key consultation questions, and six of the selected issues noted in the invitation to make submissions.

A summary of recommendations follows below, under the questions and issues to which each recommendation responds.

Question 1. How can we maximise the efficiency of Pacific labour mobility programs, and deliver good outcomes for employers and workers?

Recommendation 1: *A reference group consisting of approved employers (growers and labour hire operators), and key industry associations should be established. Together with government representatives, this group would be tasked with developing a more collaborative approach to identifying and resolving key problems.*

Recommendation 2: *Model the role of newly appointed regional Pacific Labour Mobility Officers on that of Recognised Seasonal Employer (RSE) Relationship Managers in New Zealand.*

Recommendation 3: *Employers should be approved to hire under the SWP if they have obtained certification under one of a number of pre-approved accreditation schemes.*

Recommendation 4: *Give consideration to engaging external auditors for monitoring compliance with SWP requirements.*

Recommendation 5: *The Australian government should commission annual or biannual surveys of SWP and PLS employers and workers.*

Question 3. What additional flexibility might be added to the programs? What are the potential risks associated with greater program flexibility?

Recommendation 6: *Remove the restriction on the Pacific Labour Scheme (PLS) to regional areas.*

Recommendation 7: *Introduce pathways to permanency into the PLS.*

Question 7. Do you have any other comments?

Recommendation 8: *Make anonymised SWP and PLS data available to researchers directly and automatically from government, and place non-anonymised data into the key Australian Government data integration products.*

Issue 1. Supply of appropriate workers by Pacific countries and Timor-Leste

Recommendation 9: *Sending governments should avoid exclusive reliance on a work-ready pool.*

Recommendation 10: *Sending governments should use the private sector to take on governance functions.*

Recommendation 11: *Most sending countries need to provide increased resourcing to the governance of labour mobility as numbers grow, both at home and abroad.*

Recommendation 12: *The main priority for countries that have struggled to break into the SWP market has to be responsiveness to employer needs.*

Recommendation 13: *Australia and New Zealand should initiate (separately or preferably jointly) bilateral or trilateral monitoring mechanisms with each sending country to address a range of operational issues in private.*

Recommendation 14: *Approved employers, either individually or jointly, should have an ongoing presence in the main sending countries, and should take more responsibility for compliance in relation to the recruitment and preparation of workers.*

Issue 4. Employer sponsorship arrangements

Recommendation 15: *A portability (or joint approval to recruit) option should be introduced into the SWP post-pandemic.*

Issues 7 & 8. Accommodation and transport

Recommendation 16: *As in New Zealand, encourage employers to build their own accommodation for their SWP and PLS workers.*

Issue 9. Worker welfare

Recommendation 17: *Empower SWP and PLS workers with access to reliable information from a range of trusted sources, greater voice through regular surveys and aligned services.*

Issue 15. Recognition of performance and sharing best practice

Recommendation 18: *Support an annual conference bringing key SWP stakeholders together to analyse both good practice and problems.*

SECTION 1: RESPONSES TO KEY CONSULTATION QUESTIONS

Question 1. How can we maximise the efficiency of Pacific labour mobility programs, and deliver good outcomes for employers and workers?

This section draws on the 2020 Devpolicy report by Richard Curtain and Stephen Howes, [Governance of the Seasonal Worker Programme in Australia and sending countries](#).¹ Additional feedback from Approved Employers (AEs) was obtained from a meeting of the Approved Employers Association (AEA) on 30 June 2021 (with over 30 AEs), as well as by email.

We propose an alternative governance model for the Seasonal Worker Programme (SWP). If successful, it could also be applied to the Pacific Labour Scheme (PLS).

Approved employer perceptions of the SWP

AEs are committed to the SWP, but tend to have a negative view of how it is run. In recent feedback, one employer stated that 'SWP [is] on the point of total collapse'. This AE noted the negative impact and harm caused by 'the inefficiencies, inconsistencies and dysfunction demonstrated regularly and over a long period of time by DESE'. Another AE highlighted the problem of 'excessive red tape and an overly process-driven system.'

SWP AE feedback shows that the current way SWP is managed suffers from a lack of performance legitimacy for this key stakeholder group. This lack of AE trust stems from a threat-driven compliance system based on the ultimate sanction of loss of business for AEs who are labour hire firms. One AE noted:

DESE's failure to genuinely embrace the concept of a partnership with Approved Employers is at the root of the structural problems besieging the programme. The relationship between Approved Employers and DESE is toxic as DESE, through their actions, clearly distrust Approved Employers.

Another AE noted that the relationship with AEs is one-sided as the government manager of the program is not itself accountable for its poor practices and inefficiencies. A long-time AE wrote that there was a need for 'DESE and DFAT to become facilitators, not overarching court reporter, solicitor, barrister, judge and jury'. He suggested that a key principle for program governance should be:

Respect and procedural fairness is extended to all parties who are signatories to the deeds/MOU's or employment under the programs and is mandated, equal and can/should involve independent mediation and where applicable, an appeals process.

This frustration with the SWP is generating negative publicity for the program, and is sustaining calls for alternative agricultural visas.

New Zealand has a different approach to seasonal work program governance

The differences in governance arrangements between Australia's SWP and New Zealand's Recognised Employer Scheme (RSE) are significant. New Zealand's approach is to ensure that the key stakeholders

¹ See also Devpolicy blogs in [October 2019](#), [February 2019](#), [October 2018](#), and [July 2018](#), as well as, in relation to COVID-19, [April 2020](#) and [January 2021](#).

have a common interest in achieving the outcome. The result is a devolved set of governance arrangements which produces a more collaborative operating environment based on mutual respect.

The RSE is based on networked governance built on stakeholder coordination which results in a high-trust mode of stakeholders working together. According to the [Singapore's Civil Service College](#), 'taking a network approach to public governance implies an increased reliance on (typically more informal) networks as a way to mobilise and engage citizens and organisations in the development, implementation, and monitoring of public policy'.

In marked contrast, the SWP is controlled through a one-sided, centralised, highly bureaucratic process that results in low-trust, hostile relations with those involved being regulated. The RSE's networked governance by contrast is based on a devolved system of managing compliance, in which, as discussed below, relationship managers play a key role.

These two different approaches to governance of seasonal work programs reflect different mandates. The Australian Department of Education, Skills and Employment (DESE), as the agency responsible for the SWP, acts as a gatekeeper, based on its mandate to protect first and foremost the domestic labour market. This narrow mandate has justified the imposition of a heavy regulatory burden on AEs. New Zealand's RSE, on the other, has been governed with a much broader end in sight – that of supporting a key industry to increase its access to international export markets while also seeking to support domestic jobseekers.

Need for a governance arrangement that fosters mutual respect

We propose an alternative model aimed at achieving practical cooperation between the key stakeholders based on a devolved structure that fosters mutual respect and trust, and on the principle that responsibility for ensuring the integrity of the SWP has to be given to those stakeholders with the most to lose if the SWP is undermined by rogue employers.

Giving employers a stronger voice

New Zealand's RSE has benefited from a stronger employer voice, and a more collaborative approach to regulation and implementation. The SWP would too.

The RSE was set up to address the problem of the lack of reliable, trained horticultural workers. New Zealand growers and their peak industry associations played a key role in its design and the changes made to it over time. Horticulture growers in Australia need to take a greater role in ensuring that the SWP better meets their needs.

Recommendation 1: *A reference group consisting of approved employers (growers and labour hire operators), and key industry associations should be established. Together with government representatives, this group would be tasked with developing a more collaborative approach to identifying and resolving key problems.*

Relationship Managers

In any scheme, problems will arise, and this is certainly true of the SWP. They need to be addressed more quickly and cooperatively. In New Zealand, RSE relationship managers, who are regionally based, take a non-punitive approach to resolve critical incidents involving employers and seasonal workers. Their role is that of an intermediary, organisationally separate from the RSE operations unit responsible for administering the RSE and monitoring compliance. RSE Relationship Managers are required to identify and manage risks by solving complex problems quickly and effectively. As outlined in [this blog](#), this involves managing potentially difficult relationships with a range of stakeholders such as

employers, and fostering an open, collaborative environment with officers of their own ministry and other government ministries.

As noted in the next section, annual RSE employer surveys are carried out. In the [2018](#) and [2019](#) departmental-funded surveys of RSE employers, nine out of ten employers surveyed were satisfied or very satisfied with the effectiveness of the Relationship Managers.

Recent initiatives of the Australian Government suggest a more decentralised approach to compliance monitoring and welfare is now being adopted based on where the workers are located. The new regionally based coordinators, now called Pacific Labour Mobility Officers (PLM Officers), should be providing an on-the-ground presence to help resolve problems but it is not clear whether they have this capacity. As was noted in a recent [Devpolicy blog](#), the new PLM Officers' primary focus is on compliance: 'to undertake additional welfare, monitoring, compliance and accommodation checks' (as stated in the original announcement on the former SWP website). Problem-solving is part of their role but it is only linked to issues related to the SWP Deed of Agreement with the AE. There is no mention of the PLM Officers having an independent capacity to resolve issues.

In summary, the role of the Pacific Labour Mobility Officers appears to be too narrowly focused on supervision of the terms of the Deed of Agreement with SWP approved employers to safeguard the welfare of seasonal workers in complex situations. The new PLM Officers lack the independence to win the trust of employers, as the RSE Relationship Managers have done.

Recommendation 2: *Model the role of newly appointed regional Pacific Labour Mobility Officers on that of RSE Relationship Managers in New Zealand.*

Industry certification

Based on growing domestic consumer and supermarket pressure, and growing sensitivity of export markets, there are now a number of certifications available in the horticultural sector for growers to demonstrate their credentials as a compliant supplier. The government needs to go through these certifications and decide which ones are credible. Certification under one of the schemes judged credible should be sufficient for pre-qualification as an Approved Employer.

Potential certification schemes that could be used by the SWP include:

- In New Zealand, where there is a strong focus on production for exports, there is widespread use of the internationally recognised third-party verified GlobalG.A.P (Good Agricultural Practices) to certify good agricultural practices. This certification process includes the add-on to GlobalG.A.P called [Good Risk Assessment on Social Practice \(GRASP\)](#) which focuses on workers' health, safety, and welfare.²

² Horticulture New Zealand's 2020/21 Annual Report (pp 25-26) notes that it is working with GlobalG.A.P to develop guidelines to support growers and auditors to implement its standards more widely in New Zealand through its own NZGAP scheme. The NZGAP Scheme is also finalising development of a labour hire contractor standard as part of its Social Practice add-on module which will be used to certify labour hire contractors independently. The Social Practice add-on module has been developed to 'meet regulator and market expectations by covering key aspects of New Zealand employment law and consumer-led retailer requirements. The Social Practice add-on module includes requirements and processes that ensure employees are protected from mistreatment, while certification enables employers to demonstrate that they have good social practices in place for their workers' (NZGAP Activity Report 2020, p. 21). This standard will be benchmarked to GlobalG.A.P-based certification to enable labour hire contractors to provide their services to multiple growers (NZGAP Activity Report 2020, p 18). According to the 2012 annual report of GLOBALG.A.P., there are 1,516 accredited producers in NZ and only 153 in Australia (more recent data would be useful, but appears to be unavailable). Horticulture NZ notes that about 80 per cent of the produce grown in New Zealand is covered by a third-party assurance certification program (Horticulture New Zealand, 2017, p. 13).

- Labour hire firms are now required to be registered in three states. The registration process in Victoria, for example, [requires the applicant](#) to prove they are a fit and proper person, show that the operator has complied with a range of legal obligations, and show they can meet obligations in relation to accommodation and transport. National legislation has been proposed, but is yet to be put into place.
- The industry association representing labour hire services, Recruitment, Consulting and Staffing Association of Australia & New Zealand (RCSA), has developed a third-party audited quality assurance certification called [StaffSure](#). [SGS](#), the world's largest certification firm, manages the StaffSure audit program, which involves a biennial program of audits aligned to international standards set as part of the StaffSure standard.
- In Australia, Coles and Woolworths now have codes of practice to require suppliers to prove they are following good employment practices. As the Coles 2020 Sustainability Report notes, the aim of their policy is 'to go beyond compliance to prevent harm in our value chain'. In Coles' case, this involves 'enhanced systems and controls', a 'revised ethical sourcing program' across the Coles group, and an 'assessment of human rights risks across Coles' value chain' (p 28). Woolworths 2020 Sustainability Report also explains its Responsible Sourcing Policy and use of third-party audits (p 49).
- Other third-party audited schemes focus more narrowly on good employment practices. One Australian example is Fair Farms, set up by the Queensland-based industry association Growcom 'to foster fair employment practices in the Australian horticulture industry'.
- Another, more established 'ethical audit platform' is [Sedex](#) which has 50,000 members across 155 countries. [Sedex Australia](#) is a 'not-for-profit membership organisation dedicated to supporting companies to manage responsible sourcing throughout their supply chains'. Its Sedex Members Ethical Trade Audit (SMETA) is described as 'an ethical audit methodology which encompasses all aspects of responsible business practice'.

Recommendation 3: *Employers should be approved to hire under the SWP if they have obtained certification under one of a number of pre-approved accreditation schemes.*

External auditing

One model for monitoring compliance would be to translate the SWP Deed of Agreement into a set of standards related to SWP program outcomes, compliance with which would be audited by third-party certifiers.

This will require first the development, in close consultation with the AEA, of auditable standards expected of an AE. The standards should also be consistent with the standards developed for the Social Practice add on module for GlobalG.A.P, Fair Farms and Sedex Australia.

The change would also require the development for a third-party auditors' guide and training based on these standards.

Growers and labour hire operators would be required to pay for the third-party audit. While this would be a cost to growers, costs could be limited by a system of random rather than universal audits, so that the audits would not be required each year. Good performance under an audit could be rewarded by the promise of no audit for some period into the future (e.g. 3 to 5 years).

The strength of this arrangement is that the auditors are likely to seek to resolve problems rather than to punish non-compliance. The weakness is the potential for collusion. However, other sources of feedback on a grower's performance will provide a strong disincentive to both the auditor and the grower to collude. These feedback loops include the media, the unions and a government-funded telephone hotline. The buyers at the end of the supply chain also have a key role in verifying that their suppliers are complying with the standards they have agreed to meet. Government should also fund regular surveys of workers and employers (see below).

Recommendation 4: *Give consideration to engaging external auditors for monitoring compliance with SWP requirements.*

Regular surveys

The New Zealand government commissions an annual survey of RSE employers. This survey's purpose is to monitor how well the RSE scheme is meeting the needs of New Zealand's horticulture and viticulture growers. The survey seeks feedback from employers on up to seven areas of RSE performance. An annual survey of SWP workers should also be undertaken. These two surveys would allow both employers and workers to raise concerns which could then become priorities for all stakeholders in the coming year. This could be extended beyond the SWP to the PLS.

Recommendation 5: *The Australian government should commission annual or biannual surveys of SWP and PLS employers and workers.*

Question 3. What additional flexibility might be added to the programs? What are the potential risks associated with greater program flexibility?

In addition to points addressed elsewhere in this submission, we would advocate for two main types of flexibility:

(a) Removing the focus on regional Australia

As long as labour-market testing is preserved, there is no justification for restricting PLS to regional areas. Removing geographic constraints would improve worker welfare, including by helping workers connect to diaspora communities. It would make the PLS more inclusive (since it would offer a greater range of jobs), and would provide more semi-skilled and skilled opportunities under the PLS.

Recommendation 6: *Remove the restriction on PLS to regional areas.*

(b) Introducing pathways to permanency

A key policy challenge for Australia is to increase the size of the diaspora of underrepresented Pacific communities in Australia. Research shows that Pacific countries with a larger diaspora are more stable and have better economic prospects. At the moment neither the SWP nor the PLS does anything to build the diaspora. While the SWP will remain a seasonal labour mobility program, the PLS could facilitate permanent migration. At a minimum, workers who are able to find work under another visa-eligible category should not have to leave the country, and workers who want to work for a second stint of three years should be allowed to without having to return home for a year. Better, workers should be allowed to migrate permanently provided that their employer is willing to sponsor them for a second third-year work stint.

Allowing Pacific workers to stay permanently will be an expense to the government, since permanent residents have eligibility to various welfare programs. These costs could be limited by applying the rules applied to New Zealand citizens, or they could be accepted as the price for promoting Pacific integration.

A further advantage of introducing a pathway to permanency is that it would make family separation a temporary rather than on-going aspect of the life of PLS participants. Without this pathway, families could be separated for repeated three-year stints, with only single years of reunion in between.

Recommendation 7: *Introduce pathways to permanency into the PLS.*

Question 7. Do you have any other comments?

To allow improved evaluation and evidence-based policy, data on Pacific and Timor-Leste temporary migration needs to be made more readily available. Limited information is available publicly or readily accessible to academic and policy researchers, which unnecessarily constrains the level and rigour of research on these initiatives. Program information is not linked to other administrative data, as is now best practice at other agencies (e.g., through BLADE, MADIP, and LEED in the ABS Data Lab).

Recommendation 8: *Make anonymised SWP and PLS data available to researchers directly and automatically from government, and place non-anonymised data into the key Australian Government data integration products.*

SECTION 2: RESPONSES TO SPECIFIC ISSUES

Issue 1. Supply of appropriate workers by Pacific countries and Timor-Leste

This section draws on the 2020 Devpolicy report by Richard Curtain and Stephen Howes, [Governance of the Seasonal Worker Programme in Australia and sending countries](#).

Seasonal Worker Programme (SWP) participation rates vary enormously across sending countries. The SWP is not an aid program, and has no country quotas. If nationality was irrelevant, we would expect SWP participation to be proportional to sending-country size. But nothing could be further from the truth, with Vanuatu and Tonga sending many times more workers than Solomon Islands and Papua New Guinea (PNG), despite their much smaller populations.

There are a range of country-specific factors that have disadvantaged some countries and benefited others. In particular, some sending countries have benefited from an “early-mover advantage”, with their early participation in the SWP workforce giving them an advantage over latecomers. However, not all early movers have succeeded, and Timor-Leste, a relative latecomer, is now the third biggest sending country.

The more successful sending countries have two things in common. First, they have attracted large employers. The SWP hiring market is extremely concentrated with the top four approved AEs hiring 48 per cent of workers between 2012 and 2019, and the top ten hiring 70 per cent. All top four employers are labour hire companies, which can increase their workforces rapidly by signing up more farmers. Attracting one or two of these companies opens up a large and potentially rapidly growing demand for a country’s workers. These employers, or their representatives or agents, are also able to take on a lot of the transaction costs associated with SWP hiring and travel.

Second, in general, the more successful sending countries show a higher reliance on return workers. In any one year, fewer than half of SWP workers are working in Australia for the first time. Return workers are key to making the SWP work; the average SWP worker works in Australia for about four seasons. Not only are return workers more productive than new ones, they are also trusted by their employer to recommend new workers. It is a mistake to think of return and new workers from the same country as competing for jobs. Rather the evidence suggests that a high reliance on return workers makes it more likely that employers will hire more new workers from the country concerned.

The ways in which sending countries govern labour mobility differ greatly. Prior to the pandemic, sending countries could be characterised as taking either one of three approaches to governance. The “government-light” approach is the one Tonga and Vanuatu have taken. This is one in which the government plays a minimalist role, largely outsourcing to employers or their representatives the responsibility for not only recruitment but also many of the supportive functions, such as helping workers to get a visa or health test, as well as worker welfare. The “government-central” approach is at the other end of the spectrum. Here, although employers make the final recruitment choice, they have to select from the work-ready pool. Timor-Leste, PNG, Kiribati, Tuvalu and Nauru all require hiring from the work-ready pool. Finally, there are three countries – Fiji, Samoa and Solomon Islands – which take a “mixed” or “in between” approach: there is a significant work-ready pool, but employers either do not have to use it, or can nominate the workers they want to hire into it.

The diversity and complexity of country experiences should caution us against nominating any one approach as “best practice”. However, there is much that countries can learn from each other, and from their own experience.

Two surveys of employers confirm that they do not like having to hire from the work-ready pool because of the high level of uncertainty they have about workers' reliability. Employers prefer to either directly select workers themselves, or to take advice from a trusted intermediary, such as a selected return worker or agent. In the past, Timor-Leste has allowed employers to hire workers they wanted even if they were not originally in the work-ready pool; recent announcements by government have indicated that this will no longer be possible. If Timor-Leste maintains its stance, we predict this will erode its SWP success. More generally, countries need to bear in mind that limiting the extent to which employers can rely on return workers (both for work and for recruitment) will lead employers to divert their employment efforts to other countries.

While relying on a work-ready pool may be necessary during the pandemic due to travel protocols, it is not sustainable as a long-term model.

Recommendation 9: *Sending governments should avoid exclusive reliance on a work-ready pool.*

The government should take a regulatory and monitoring role, not a processing one. Governments should ensure that briefings are of good quality, that intermediaries are not charging workers, and so on. But much of the actual work of visa facilitation, travel arrangements and briefing delivery can be done by employer representatives or agents. If governments try to take on all these tasks, they risk being overwhelmed, and unable to manage growth in worker numbers. The result might be delays in dispatching workers, or workers travelling poorly prepared.

Recommendation 10: *Sending governments should use the private sector to take on governance functions.*

As labour mobility becomes a major business, governments need to treat it as such. With growth, government responsibilities obviously become more expensive to fulfil, but also more important. Critical government functions which are often under-resourced include: record-keeping; pre-departure briefings (the low quality of which is a constant complaint of employers); enforcement of blacklisting rules in response to worker misconduct; and troubleshooting when problems arise abroad. No countries systematically collect and publish feedback from employers and workers, but major sending countries should, regularly.

In terms of in-country presence, Country Liaison Officers should be appointed by major sending countries (some but not all already have). They play an important role supporting the wellbeing of Pacific seasonal workers in both Australia and NZ. It is essential they are well resourced (funded as a full-time position) so that they can perform an effective role in worker wellbeing, especially when covering large numbers of workers who are widely geographically dispersed. Country Liaison Officers need to be approachable, with a good grasp of the relevant language and cultural knowledge, and trusted by workers if they are to be considered a useful intermediary. Once experienced, they can quickly identify potential problems that workers or employers may have in a particular workplace and help those involved to resolve the issue early. Liaison officers can also help with promoting their country to employers as a reliable source of workers, and help undertake due diligence of new or existing employers. Smaller countries could also consider remote liaison officers, with staff (perhaps experienced returned workers) in the sending country staffed to provide information and respond to queries via various messaging services (as some labour sending units already do informally).

Recommendation 11: *Most sending countries need to provide increased resourcing to the governance of labour mobility as numbers grow, both at home and abroad.*

It will not be easy for countries with small SWP numbers to gain market share. The large firms that dominate the SWP recruit from two, three or at most four countries. Nevertheless, the SWP has been

growing rapidly, and the case of Timor-Leste suggests that it is possible to be a latecomer and become a major player. Gaining a positive reputation among employers for responsiveness and reliability is the most important thing that countries sending few workers now can do to gain market share.

Recommendation 12: *The main priority for countries that have struggled to break into the SWP market has to be responsiveness to employer needs.*

The governance of a labour mobility scheme is more than its separate management by sending and receiving countries. The relationship between the two sets of governments is also critical. While multi-country dialogue opportunities have increased in recent years, what is still missing – and needed – are regular bilateral labour mobility meetings focused on improving each other’s performance.

A good practice system of labour mobility governance on both sides will only emerge when regular mutual feedback is offered on performance and needed changes made by those with the strongest interest in making the arrangements work well. Annual bilateral or trilateral mechanisms would provide an ongoing forum in which sending countries could raise their concerns about practices in receiving countries, and vice versa.

Recommendation 13: *Australia and New Zealand should initiate (separately or preferably jointly) bilateral or trilateral monitoring mechanisms with each sending country to address a range of operational issues in private.*

A large New Zealand hirer under the RSE has a permanent presence in Vanuatu. To improve equity in how workers are selected, and to make sure workers are well informed, we suggest large Australian AEs consider following suit. This would enable them to recruit workers directly and/or to work closely with their intermediaries to ensure that new workers are selected from under-represented areas. It would also help them better prepare their workers, and to ensure workers have specific information in their preferred language about the working and living arrangements in their workplace. To the extent that employers work through intermediaries, they should ensure that workers are not being charged fees – and should refuse to work with any intermediaries who do not comply with this requirement.

Recommendation 14: *Approved employers, either individually or jointly, should have an ongoing presence in the main sending countries, and should take more responsibility for compliance in relation to the recruitment and preparation of workers.*

Issue 4. Employer sponsorship arrangements

Flexibility to share workers between employers and regions is a key feature of the RSE scheme with significant uptake by RSE employers of the joint Approval to Recruit (ATR) option (see [this blog](#)), in which a number of employers jointly submit an RSE recruitment plan. Benefits include: maximising use of RSE labour across seasonal peaks, crops and regions; ensuring workers remain in full-time employment and can maximise the full seven months on their visa; enabling workers to gain skills and experience across a range of crops and tasks; giving workers the opportunity to engage with new employers, experience different accommodation and pastoral care support and gain experiences living in different communities; and reducing some costs for RSE employers (e.g. international and domestic travel costs may be split between employers).

In Australia, the SWP is dominated by labour hire companies who are responsible for 72 per cent of approved SWP positions according to the most recent data (Figure 2 of the [SWP governance report](#)). These labour hire companies offer many of the benefits of joint recruitment. However, some growers

do not want to work with labour hire companies, and it is important that the ATR option should be available to them.

A portability pilot, similar to the RSE ATR, has been trialled in Australia, but has been little used, perhaps due to complications associated with the COVID-19 pandemic. Once travel is easier again, a new portability option should once again be introduced.

Recommendation 15: *A portability (or joint approval to recruit) option should be introduced into the SWP post-pandemic.*

Issues 7 and 8. Accommodation and transport

In New Zealand, there has been a major push by government for RSE employers to build purpose-built accommodation for Pacific seasonal workers, in large part to reduce pressures on low-cost rental markets in key RSE regions. Standards of accommodation still vary, but, for the most part, there has been a significant improvement in recent years in quality of accommodation available to RSE workers, and RSE employers recognise good accommodation is a key part of meeting workers' wellbeing requirements. If SWP/PLS schemes are to grow significantly, AEs should consider this model.

Recommendation 16: *As in New Zealand, encourage employers to build their own accommodation for their SWP and PLS workers.*

With regard to both accommodation and transport, regular worker surveys would be useful in highlighting emerging issues and trends on these and other key welfare issues. The external audits proposed would also cover accommodation and transport.

Additional discussion on worker accommodation can be found in DPA In Brief 2018/24 by Rochelle Bailey, "[Suitable accommodation for Seasonal Worker Programs](#)", and additional analysis on transport issues in DPA In Brief 2019/12 also by Rochelle Bailey "[Limiting possible exploitation in transportation services for seasonal worker programs.](#)"

Issue 9. Welfare of workers

How best to support the welfare of PLS/SWP workers in Australia is a key consideration. Overall, the SWP and PLS experiences are positive ones for workers. The [only survey](#) we have of SWP workers showed that on average their level of satisfaction with the SWP was 8.6 out of 10, and that 91% would recommend the SWP to others. Nevertheless, both schemes face some challenges around the provision of well-being support for SWP and PLS workers, and these have become more acute during the pandemic.

Communicating with SWP/PLS workers and providing accurate, reliable information that workers trust is an ongoing challenge. Misinformation is often at the root of concerns raised by labour mobility participants. As shown in [previous work](#), good communication is essential for workers' well-being. Information about civic services available to support workers needs to be given by phone, internet, in-person and/or in writing during arrival induction sessions. Building the cultural competency of employers and pastoral care hosts to better understand their workers would also be of value and would support more effective cross-cultural communication.

The SWP and PLS have worker hotlines for assistance and, since border closures, the usage of these has increased. However, workers are often reluctant to use these systems due to fears of being identified or due to language and cultural barriers.

Local diaspora groups play an important role in supporting worker well-being, when available, but cannot be expected to continuously provide support.

Some Labour Sending Units (from the workers' home countries) have made themselves available via Facebook messenger or WhatsApp to assist with workers' concerns.

Some countries have Country Liaison Officers based in Australia, who can provide information. Those that do not have relied heavily on diplomatic staff in Australia for general information, assistance to access services and repatriation assistance. As per our earlier recommendation (Recommendation 11) all major sending countries should appoint Country Liaison Officers.

Another key gap under both SWP and PLS is the lack of an independent mechanism for workers to share perspectives and experiences directly. Worker issues are always reported via an intermediary (e.g. Country Liaison Officers, employers). As mentioned, the NZ RSE has an annual RSE employer survey which captures data on a wide range of RSE arrangements, including worker well-being, health, and behaviour. It would be useful to have a similar survey for SWP/PLS workers where they can provide direct feedback on their employment arrangements, living conditions etc. (see Recommendation 5).

A common survey of PLS and SWP employers and employees would be a valuable form of alignment between the two programs. More broadly, there are also opportunities to amalgamate welfare and community engagement functions for the PLS and SWP.

Recommendation 17: *Empower SWP and PLS workers with access to reliable information from a range of trusted sources, greater voice through regular surveys and aligned services.*

Issue 15. Recognition of performance and sharing best practice.

In New Zealand, the annual RSE conference is a key forum for sharing knowledge between employers and debating ideas. Topics such as the operation of regional quotas for RSE workers, challenges around worker accommodation and living conditions, the impacts of the scheme on Pacific communities and labour markets, among many others, are regularly traversed at the conference. These annual events have become the primary mechanism for continuous co-creation of the RSE scheme. SWP would benefit from a similar forum.

An AE rating system was suggested in the RSE impact study (see [synthesis report](#), p. 27), and one is also under consideration by RSE industry leaders. Criteria under consideration for assessment range from accommodation standards to the recruitment of women. In the case of Australia, if the auditing system we recommend is adopted, good audit performance could be a basis for recognition. Any scheme adopted should come out of consultations with the Approved Employer Association.

Recommendation 18: *Support an annual conference bringing key SWP stakeholders together to analyse both good practice and problem.*