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## IN THE FAIR WORK COMMISSION

Matter No: B2019/5259

Matter Name: Review of certain C14 rates in modern awards (**C14 Review**)

### SUBMISSIONS – THE AUSTRALIAN WORKERS’ UNION

#### Broad view

1. The Australian Workers’ Union (**AWU**) submits that the Full Bench should give continued consideration to increasing any modern award (adult) minimum rates that are below the C13 / national minimum wage (**NMW**) rate of \$23.23 per hour.<sup>1</sup>
2. The need to lift sub-C13 rates is particularly apparent, for example, where an award provides for two progressive levels, both of which are below the C13 rate (for example, ‘Aquaculture Attendant Level 1’ and ‘Aquaculture Attendant Level 2’ under the *Aquaculture Industry Award 2020*). In these instances, the AWU submits that, at the very least, the Level 2 rate should be increased to the C13 rate.
3. In the alternative, where it is not determined to lift sub-C13 rates, the AWU is strongly supportive of the provisional view expressed at paragraph [8] of the Full Bench’s Statement of 22 September 2023 (**Statement**).
4. In light of the decision of the Expert Panel in the *Annual Wage Review Decision 2022-2023*<sup>2</sup> (**AWR 2023 decision**), and the C14 rate now falling below the NMW or C13, any remaining modern award classifications paid at below the C13 rate should be clearly delineated as being of a genuinely transitional, non-ongoing nature. After a maximum fixed period on any remaining sub-C13 rate, progression to at least the NMW should be automatic.
5. The AWU submits that both of these approaches are justified as being necessary to achieve the modern awards objective of providing a fair and relevant minimum safety net of terms and conditions, in accordance with s 157(1) of the *Fair Work Act 2009* (**FW Act**), and having regard to the considerations in s 134(1). They may also be found to be justified

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<sup>1</sup> Note that an exception to this proposal is the joint submission made in relation to the *Dry Cleaning and Laundry Industry Award 2020*.

<sup>2</sup> [2023] FWCFB 3500.

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by 'work value reasons', as required under ss 157(2)-(2B), and consistent with the minimum wages objective of establishing and maintaining a safety net of fair minimum wages, in accordance with s 284.

### **Proposals in respect of specific awards**

#### **Horticulture Award 2020**

6. Submissions with respect to the Horticulture Award are supported by the witness statements of Mr Shane Roulstone (AWU National Organising Director, dated 3 November 2023), Mr Steven Carter (AWU, NSW North Coast Organiser, dated 2 November 2023), and Mr Anthony Beven (AWU, Tasmanian Branch, Organiser, dated 2 November 2023).
7. The Horticulture Award should be varied to ensure that employees in the Horticulture industry cease to be paid at the Level 1 (C14) rate altogether or, in the alternative, cease to be paid at that rate on a routine and ongoing basis.
8. The AWU agrees with observations made in Attachment D to the Statement that the current classification structure in Schedule A of the Horticulture Award does not include any hard requirement to transition from Level 1 to Level 2 after 3 months, and that Levels 1 and 2 have distinct duties, independent of the training requirement.

#### ***Option 1 (preferred) - Vary Level 1 and Level 2 rates***

9. Clause 15.1 of the Horticulture Award should be varied to provide that Level 1 employees are paid at the C13 rate. This is proposed for the following reasons:
  - a) It is well documented and was accepted by a Full Bench of the Commission in *Application by The Australian Workers' Union to vary clause 15 of the Horticulture Award 2020* [2020] FWCFB 5554 (***Piece rates decision***) that workers in the horticulture industry are particularly vulnerable to exploitation.<sup>3</sup> The work is labour intensive and predominantly seasonal. There is a high proportion of casual and contract labour and more than half of the seasonal harvesting workforce are temporary migrant workers.<sup>4</sup>
  - b) The current classification structure does not provide for any clearly defined or secure pathway from Level 1 to Level 2. Level 1 employees are said to include "a new employee"<sup>5</sup> but that term is left undefined, and "a new employee" may not be undertaking structured training.<sup>6</sup> The reference to having "completed up to 3 months structured training" in the description of a Level 2 employee does not

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<sup>3</sup> *Piece rates decision* at [36]-[48], [280], [362], [429].

<sup>4</sup> *Ibid.*

<sup>5</sup> Horticulture Award, cl A.1.2.

<sup>6</sup> Horticulture Award, cl A.1.3.

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guarantee that the completion of any period of training will result in progression to Level 2.

- c) The existing structure provides ample scope to engage employees to undertake ongoing and productive work at the Level 1 classification. Level 1 employees are “responsible for the quality of their own work”, which may include, for example, “work of a manual nature”, “general labouring duties”, “fruit or vegetable picking, thinning or pruning”, “sorting, packing or grading of produce...”, or “operating a small towing tractor”.
- d) The “induction training” described in the first bullet point of clause A.1.2 is predominantly introductory and enterprise specific.
- e) Employees in the horticulture industry are not usually provided with structured training prior to undertaking ongoing and productive work.

10. Having regard to the *AWR 2023 decision*, the Statement and the above considerations, making this variation outside of the system of annual wage reviews is necessary to achieve the modern awards objective of providing a fair and relevant minimum safety net of terms and conditions, in accordance with s 157(1) of the FW Act and having regard to the considerations in s 134(1). The proposed variation is justified by ‘work value reasons’, as required under ss 157(2)-(2B), and is consistent with the minimum wages in s 284.

11. If that approach is amenable to the Full Bench, it is proposed that clause 15.1(a) also be amended to lift the Level 2 rate from \$23.23 to \$23.55. This is an increase of 1.38 per cent and would ‘split the difference’ as between the existing Level 2 and Level 3 rates.

12. In the AWU’s submission, raising the Level 2 rate outside of the system of annual wage reviews is consistent with the statutory requirements referred to above, particularly having regard to the labour intensive nature of the work and the level of skill and responsibility involved in working at the Level 2 level, as is evident from the existing classification structure.

13. A level 2 employee has necessarily undergone three months of structured training. Their indicative duties include, for example, the set up and operation of equipment, assembling/dismantling components using diagrammatic instructions, irrigation, spraying or pruning under general supervision, sorting, packing and grading beyond the scope of Level 1 duties, operating tractors with engine capacity of up to 70 kW, product testing, assisting other employees, and assisting in the provision of on-the-job training. Such duties clearly warrant a level of payment above the NMW.

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## **Option 2 - Vary classification structure**

14. If the Full Bench does not favour the approach of varying the Level 1 and Level 2 rates as part of the C14 Review, then in the alternative, the AWU submits that it is necessary to vary the classification structure in Schedule A to ensure that employees progress to Level 2 automatically, after completing 76 hours of work in the industry.
15. This approach is supported by the considerations referred to above at paragraph 9, above.
16. It is also consistent with the *AWR 2023 decision*, the Statement and the relevant statutory requirements referred to at paragraph 10, above.
17. This proposal would achieve the objects of the FW Act, the modern awards objective and the minimum wages objective because it serves to maintain a fair and relevant minimum safety net.<sup>7</sup> In particular, it would support the “relative living standards and the needs of the low paid”,<sup>8</sup> and the need to ensure modern awards are “simple”, “easy to understand”<sup>9</sup> and “enforceable”<sup>10</sup>.
18. The proposal also finds support in the decision of a Full Bench in the *Piece rates decision* to vary clause 15.2 to include a new definition of “piecemaker competent at the piecework task”, as follows:<sup>11</sup>
- piecemaker competent at the piecework task*** means a pieworker who has at least 76 hours’ experience performing the task (for example, picking apples, picking strawberries or pruning grape vines).
19. A strong implication from this variation is that workers in the horticultural industry become competent at their work after 76 hours of performing the task.
20. The *Piece rates decision* culminated from comprehensive evidence provided by government, employee and employer organisations, employees, employers and experts.
21. Evidence from multiple growers, led by the National Farmers’ Federation, indicated that it can take as little as a day, or 2-3 days, before a worker is able to start picking at the rate of a competent worker.<sup>12</sup>

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<sup>7</sup> Ss 134 and 284 of the FW Act.

<sup>8</sup> Ss 134(1)(a) and 284(1)(c).

<sup>9</sup> S 134(1)(g).

<sup>10</sup> S (3)(b).

<sup>11</sup> Horticulture Award, cl 15.2(a)(iv); *Piece rates decision* at [559] and [564]; see also *Application by The Australian Workers’ Union to vary clause 15 of the Horticulture Award 2020* [2022] FWCFB 4 (*Second piece rates decision*) at [66]-[74].

<sup>12</sup> *Piece rates decision* at [415].

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22. For example, the evidence of Ms Anna Reardon, a farmer in Tasmania, dated 9 June 2021, included: <sup>13</sup>

*“It usually takes a cherry Picker about a day to start picking at the rate of a competent worker and it usually takes an apple Picker about two days to start picking at the rate of a competent worker.”*

23. Evidence of Mr Brent McClintock, a Senior Orchard Manager in Tasmania, dated 9 June 2021, included: <sup>14</sup>

*“Fruit picking is certainly not an ‘unskilled’ role. It is possible to become highly proficient through experience, fitness and practiced technique. I expect most pickers will reach a competent skill level within about a week, although this may vary from picker to picker. The difference between a worker who is not competent, who is competent, and who is proficient mostly comes down to their economy of movement and use of time for example knowing how to move about the tree and down the row, and use of techniques to minimise time such as placement of bags and ladders.”*

24. Evidence of Mr Anthony Kelly, Chief Financial Officer for the N&A Group – a growing, distributing, wholesaling and exporting business, with operations for growing apples and berries in Batlow, NSW – dated 9 June 2021, included: <sup>15</sup>

*Our casual pickers reach competency with a few days and our pruners are generally competent within a day. Some workers are on hourly rates until they become competent. ...*

*Pruning is a skill that can be learned to a reasonable level of competence and productivity within a day.*

25. Evidence of Mr Richard Eckersley, farmer in Western Australia, dated 9 June 2021, included: <sup>16</sup>

*Citrus fruit must be carefully picked or snipped off at the stem with some technique involved. Usually, it takes 2-3 days for a picker to become competent. We rely on the*

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<sup>13</sup> *Piece rates decision* at [415]; Court Book ref CB2775 at [18]; the Court Book is available here: <https://www.fwc.gov.au/documents/awards/variations/2020/am2020104-courtbook-120721.pdf> ; Attachment SR-1 to Statement of Shane Roulstone, dated 3 November 2023.

<sup>14</sup> *Piece rates decision* at [415]; Court Book ref CB2958 at [16]; Attachment SR-2 to Statement of Shane Roulstone, dated 3 November 2023.

<sup>15</sup> *Piece rates decision* at [415]; Court Book ref CB2780 at [13] and CB2781 at [22]; Attachment SR-3 to Statement of Shane Roulstone, dated 3 November 2023.

<sup>16</sup> *Piece rates decision* at [415]; Court Book ref CB3056 at [19]; Attachment SR-4 to Statement of Shane Roulstone, dated 3 November 2023.

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*Australian Fresh Citrus Harvest Handbook to train our staff. A copy of the handbook is annexed hereto and marked "A". Some will need more training in technique and talking it through.*

26. The evidence of Mr Michelle Distill, who operates an orchard in Spreyton, Tasmania, was also referred to, as follows:<sup>17</sup>

*The orchard's seasonal pickers are all pieceworkers. When they arrive at the orchard, workers are told what the work is, what the piece rate is, and they sign a pieceworker agreement. They are inducted on site at the same time, and start work that day.*

27. It follows that in order to ensure the modern awards objective is met, after a short period of familiarization with the work, employees should be paid at least the equivalent of the NMW.

28. It is appropriate to vary the classification structure in Schedule A of the Horticulture Award to provide that Level 1 becomes a temporary 'Introductory level', akin to, for example, clause A.1 of Schedule A of the *Hospitality Industry (General) Award 2020*.

29. It was observed in *Fair Work Ombudsman v Hu (No 2)*<sup>18</sup> and in the *Piece rates decision*<sup>19</sup> that notwithstanding previous prescription for piece work rates to be negotiated or agreed to by workers, piece rates have generally been determined unilaterally by employers on a 'take it or leave it' basis.

30. Because similar considerations apply here and because of the transient and temporary nature of work in the industry, a cautious approach should be taken to varying the Level 1 classification. The Level 1 Introductory level should therefore not include any ability to be extended beyond the minimum period of 76 hours by agreement and should recognize prior experience in the industry.

31. The variation sought would also reflect that individual fruit harvest seasons may be as short as 2 weeks.<sup>20</sup>

32. When considering draft variations following the *Piece rates decision*, a Full Bench rejected various proposals made by employer organisations to require the 76 hours' experience to have been acquired with the particular employer's enterprise.<sup>21</sup>

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<sup>17</sup> *Piece rates decision* at [341].

<sup>18</sup> [2018] FCA 1034 at [25].

<sup>19</sup> *Piece rates decision* at [94], [97] and [336]-[338].

<sup>20</sup> *Second piece rates decision* at [73].

<sup>21</sup> *Ibid* at [70]-[74].

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33. Consequential amendments to the description and indicative duties for Level 2 would be required.
34. It is acknowledged that a difficulty with this approach is that it may result in inequities between relatively new entrants to the horticultural industry and more experienced workers as both cohorts would become entitled to the same Level 2 rate. The issue could be revisited at a later stage. Note that Option 1 avoids the problem.
35. Draft proposed variations, implementing Option 2, are included at **Annexure A**.

#### **Dry Cleaning and Laundry Industry Award 2020**

36. A separate joint submission has been made by the Drycleaning Institute of Australia, Laundry Association Australia, Australian Business Industrial and the NSW Business Chamber (**ABI and NSWBC**), Construction, Forestry, Mining and Energy Union (Manufacturing Division), the AWU and the United Workers' Union (**UWU**).

#### **Funeral Industry Award 2020**

37. As referred to at paragraph [17] of the Statement, prior to the *AWR 2023 decision*, the UWU, AWU, Australian Funeral Directors Association and ABI and NSWBC reached a joint proposed position.
38. That position was outlined in correspondence from the UWU to the Chambers of Deputy President Hampton, dated 8 December 2022.<sup>22</sup> It involved:
- a) the creation of a new Introductory Level (clause 12.1), paid at the C14 rate, for new entrants to the funeral industry, under which they undergo appropriate training, including induction, for “up to (6) months” to enable them to achieve the level of competence required to be classified at Grade 1;
  - b) a variation to the description of the Grade 1 classification (clause 12.2), referring to an “adult employee with at least six (6) months’ experience in the funeral industry who is not mentioned elsewhere in any of Grades 2 to 6”;
  - c) a proposal that Grade 1 then be paid at 50% of the difference between the old C14 rate / NMW and Grade 2 rate, which would then have amounted to \$21.68 per hour.

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<sup>22</sup> Correspondence from the UWU to the Commission, dated 8 December 2022, is available here: <https://www.fwc.gov.au/documents/sites/rates-c14-review/c20195259-corr-uwu-ors-reply-fwc-091222.pdf>

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39. Given the finding by the Expert Panel in the *AWR 2023 decision* that the C14 rate “does not constitute a proper minimum wage safety net for award/agreement free employees in ongoing employment”,<sup>23</sup> there are difficulties with maintaining this approach.

40. The AWU submits that it would be appropriate to vary the Funeral Award, as follows:

- a) Continue to create a new Introductory Level paid at the C14 rate (\$22.61) but limit its application to employees with less than 3 months’ experience in the funeral industry;
- b) Grade 1 to be paid at the new C13 / NMW rate (a movement from \$22.61 to \$23.23);
- c) Grade 2 to be paid at 50% of the difference between the Grade 2 and Grade 3 rates (a movement from \$23.23 to \$23.66).

### **Concrete Products Award 2020 and Sugar Industry Award 2020**

41. Submissions in relation to the Sugar Industry Award are supported by the Statement of Mr Travis Phillips (AWU, Organiser, Queensland Branch, dated 2 November 2023).

42. As referred to at paragraphs [18] to [20] of the Statement, the AWU reached a conditional consensus with Ai Group and ABI and NSWBC on proposed variations to the Concrete Products Award and the Sugar Industry Award.

43. The proposals are set out in a submission of the AWU, dated 17 March 2023,<sup>24</sup> and are broadly to create a new introductory C14 classification for employees undertaking initial training duties or training to gain competency to progress to the next classification, and move existing C14 classification descriptions into a new ‘C13.5’ level. It was understood that the Ai Group’s and ABI and NSWBC’s support for the variations was conditional upon them commencing to operate from six months after a variation decision.

44. Given the finding by the Expert Panel in the *AWU 2023* concerning the C14 rate,<sup>25</sup> this approach needs to be reconsidered.

45. The simplest way to address the issue would be to replace the non-transitional C14 rates in both awards with the C13 rate and then increase the current C13 rates by 50% of the difference between that rate and the next highest rate.

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<sup>23</sup> *AWR 2023 decision* at [8].

<sup>24</sup> The AWU’s submission, dated 17 March 2023, is available here:

<https://www.fwc.gov.au/documents/sites/rates-c14-review/c20195259-sub-awu-170323.pdf>

<sup>25</sup> *AWR 2023 decision* at [8].



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46. This could be viewed as necessary to achieve both the modern awards objective, consistent with the minimum wages objective, and justified by work value reasons, in light of the imperative of avoiding employees being paid below the NMW.
47. In the alternative, should the focus of the C14 Review remain on ensuring that sub-C13 rates are genuinely transitional, then the AWU is content to maintain the position set out in its earlier submission of 17 March 2023, subject to the following qualifications:
- a) The new Introductory Level C14 classification should be limited in its application to employees with up to a maximum of 76 hours' experience in the industry – there is currently no upper limit, which is inconsistent with the preliminary view set out in the Full Bench's Statement;
  - b) The definitions of 'standard hourly rate' and 'standard weekly rate' in clause 2 of the Concrete Products Award, which apply for the purpose of calculating certain allowances, should refer to the Level C13 / Level 1 rate, not the Introductory Level C14 rate;
  - c) There should not be a 6 month 'lag time' between the variation decision and the commencement of the variations.
48. Under the Concrete Products Award, the new Introductory Level minimum hourly rate to be included at cl 16.2 would be \$22.61 (C14). The Level 1 rate would become \$23.23 (C13). The Level 2 rate would in turn become \$23.66 (an increase based on half the difference between the Level 2 and Level 3 rates).
49. Under the Sugar Industry Award, the new Introductory level minimum hourly rate at clause 19.1 would be \$22.61 (C14/L1). The L2 rate (currently, the lowest rate at \$22.61) would become \$23.23. The L3 rate would in turn become \$23.66 (an increase based on half the difference between the L4 and L3 rates).
50. Under the Sugar Industry Award, the junior rates in cl 19.5 should continue to be calculated on the basis of the Level 2 rate but this would be based on the C13, rather than C14 rate.

### **Rail Industry Award 2020**

51. The AWU continues to support the position of the Rail, Tram and Bus Union, which we understand to be that the C14 classification in the Rail Industry Award (Level 1 Rail Worker (op)) should be limited in its application to a period of one month.
52. It is noted that the minimum hourly rate for a Level 1 Rail Worker (TCI) at clause 15.1(c) is currently referred to as being \$23.22, one cent below the NMW.

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### **Meat Industry Award 2020**

53. The AWU continues to support the position of the Australian Meat Industry Employees Union, which is to remove the C14 classification from the Meat Industry Award or, alternatively, limit its application to a period of one week's experience in the industry.

### **Travelling Shows Award 2020**

54. The Showmen's Guild of Australia has proposed to limit the application of the Grade 1/C14 classification in the Travelling Shows Award to new entrants to the industry and to a period of three months.<sup>26</sup>

55. The Grade 2 classification currently attracts a minimum hourly rate of \$24.08.

56. The AWU supports the proposal for progression to Grade 2, following 3 months' experience in the industry.

57. On this approach, further amendments to the Grade 2 classification at clause 12.3 are likely to be needed to clarify that it incorporates 'ride attendants' with more than 3 months' experience in the industry, and is not limited to those employees that are engaged as assistants to Grade 3 employees.

### **Alpine Resorts Award 2020**

58. As indicated at Attachment D of the Statement, the Training Level at clause A.1 of the Alpine Resorts Award (paid at C14) applies for a maximum period of seven weeks while staff are:

- a) undergoing training prior to being deemed competent to undertake their substantive role at the appropriate Resort Worker Level; or
- b) attending orientation or induction programs.

59. Given the generally unskilled nature of the work described in the Resort Worker Level 1 classification, the AWU submits that application of the Training Level should be limited to a maximum period of one week for employees whose substantive role falls within the Resort Worker Level 1 classification.

### **Amusement, Events and Recreation Award 2020**

60. Clause A.1 of the Amusement, Events and Recreation Award provides that an 'Introductory level employee', paid at the C14 rate, means "an employee who enters the industry and who has not demonstrated the competency requirements of a Grade 1

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<sup>26</sup>Submission, Showmen's Guild Australasia, 8 June 2023, available here: <https://www.fwc.gov.au/hearings-decisions/major-cases/review-certain-c14-rates-modern-awards>

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employee. An employee at this level will undergo training for up to 3 months before progressing to Grade 1” (emphasis added).

61. Clause A.2 (Grade 1), by contrast provides that “[a]n employee at this level is an employee who has completed at least 3 months training which will include successfully undertaking accredited courses of study or on-the-job training in all of the relevant day-to-day operating processes so as to enable the employee to perform work within the scope of this level” (emphasis added).

62. The AWU submits that the above two clauses should be varied to ensure internal consistency and to clarify that:

- a) an employee must automatically progress from the Introductory level to Grade 1 after a period of 3 months in the industry;
- b) an employee can be classified as Grade 1 on the basis of demonstrated competency prior to undertaking 3 months of training.

#### **Animal Care and Veterinary Services Award 2020**

63. In the AWU’s view, the Introductory Level at clause A.2.1 of Schedule A of the Animal Care and Veterinary Services Award (paid at the C14 rate) is appropriately qualified. It is limited to new entrants to the industry and to a maximum duration of 3 months. There is also scope for faster competency-based progression.

64. Nonetheless, the Commission may still consider it appropriate and consistent with the relevant statutory requirements to vary the minimum rates in clause 15.2 (Practice managers, Veterinary nurses, Receptionists, Animal attendants and Assistants) such that the Introductory level would be lifted from C14 to C13, and Level 1 would be lifted from C13 to \$24.17 (i.e. by half the difference between the Level 2 and Level 1 rates).

#### **Aquaculture Industry Award 2020**

65. Submissions in relation to the Aquaculture Industry Award are supported by the Statement of Mr Danny Munday (AWU Organiser, Tasmanian Branch, dated 2 November 2023).

66. The classification structure in the Aquaculture Award should be broadly retained but the rates for Aquaculture Attendant Level 1 and Aquaculture Attendant Level 2, both of which are below the C13 / National Minimum Wage, should be lifted.

67. On this approach clause 16.1 would be amended to lift the Level 1 classification from C14 to C13 and the Level 2 classification from \$22.93 to \$23.95 (i.e. half the difference between the Level 3 and Level 2 rates).

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68. At a minimum, the Level 2 rate should be lifted to the C13 rate. This is because the Level 2 classification squarely applies to ongoing work, and progression from Level 2 to Level 3 is not based on time spent in the role or industry.
69. Further amendments should also be made to Schedule A to ensure progression from Level 1 to Level 2 occurs after a maximum of 3, rather than 4 months.
70. Clause A.1.1 (Level 1 - Finfish stream) should be amended to refer to employment “in the industry” to ensure consistency with cl A.1.2 (Level 1 – Shellfish stream) but noting that the same purpose may be achieved by the words “with one or more employer” [sic] in cl A.2.1.
71. Clause A.2.2 should be amended to replace the words “and in addition is capable of performing, without constant supervision, some or all of the following functions” with the words “and who performs some or all of the following functions”. This would ensure there is no requirement to establish competency at the end of the maximum period in order to progress from Level 1.

#### **Seafood Processing Award 2020**

72. The Seafood Processing Award also includes two rates below the C13 or NMW rate, Process Attendant Level 1 (C14) and Process Attendant Level 2 (\$22.92).
73. Employees remain at Level 1 “for the first 3 months or until they are capable of demonstrating competency in the tasks required at this level so as to enable them to progress to Level 2”.<sup>27</sup>
74. Clause 12.1(c) should be amended to make clear that 3 months is the maximum period and that it applies to 3 months’ work in the industry, rather than with a particular employer.
75. The Commission should give consideration to lifting both rates, in which case Process Attendant Level 1 would be increased to C13 and Process Attendant Level 2 would be increased to \$23.95 (i.e. by half the difference between the Level 2 and the Level 3 rates).
76. At a minimum, the AWU submits that the Level 2 rate should be lifted to C13, given that no timeframe is provided for progression from Level 2.

#### **Asphalt Industry Award 2020**

77. Other than the broad contention that sub-C13 rates would ideally be removed from all modern awards, the AWU makes no submission in relation to the Asphalt Industry Award.
78. Skill Level 1 (paid at the C14 rate) is limited in its application to employees undertaking up to 38 hours of induction training.<sup>28</sup> As noted in Schedule D to the Statement, the all-

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<sup>27</sup> Seafood Processing Award, cl 12.1(c).

<sup>28</sup> Asphalt Industry Award, cls 12.4(a) and 15.1.

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purpose industry allowance and inclement weather allowance in clauses 17.2(b) and (c) also lift the Level 1 rate above C13.

#### **Cement, Lime and Quarrying Award 2020**

79. Aside from the broad contention that sub-C13 rates should be removed, the AWU makes the following submissions in relation to the Cement, Lime and Quarrying Award.
80. Clause A.1.1 (Level 1 – Cement and lime industry) and clause B.1.1 (Grade 1 – Quarrying industry), paid at the C14 rate, should be amended to limit their application to employees with no experience in the industry and who are undertaking up to 38 hours of induction training. It is noted that these classifications are paid above C13 if the industry allowances in clause 18.2(b) are accounted for.
81. Note also that the rate payable for Grade 2 (Quarrying industry) is \$23.22, one cent lower than the NMW.

#### **Cemetery Industry Award 2020**

82. The AWU intends to support the position of the Australian Services Union in relation to the Cemetery Industry Award. The Cemetery Employee Class 1 classification can currently apply for up to 6 months or longer if certain accreditations are not obtained and it is paid at C14 (excluding the additional industry allowance). This is inconsistent with the Full Bench's preliminary view.

#### **Fitness Industry Award 2020**

83. The Fitness Industry Award currently requires the completion of 456 hours of training, as well as the achievement of certain competencies, qualifications or accreditations to progress beyond the Level 1 classification, which is paid at C14.
84. In the alternative to the broad contention that C14 rates should be removed, the AWU submits that payment at C14 under the Fitness Industry Award should be limited to a maximum of no more than three months' employment in the industry.

#### **Food, Beverage and Tobacco Manufacturing Award 2020**

85. In the alternative to the broad contention for removing C14 rates, the AWU submits that payment at the Level 1 (C14) rate under the Food, Beverage and Tobacco Manufacturing Award should continue to be limited to fixed maximum periods (including for seasonal employees and casuals) that include prior industry experience.
86. Clause A.2.2 should be amended to make clear that an employee automatically progresses to Level 2 after the relevant maximum period of "experience in the industry", rather than when they have "recognised enterprise or industrial experience".

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### **Gardening and Landscaping Services Award 2020**

87. In the alternative to the broad contention referred to above, the AWU submits that payment at the Introductory Level (C14) under the Gardening and Landscaping Services Award should continue to be limited to a fixed maximum period.

### **Horse and Greyhound Training Award 2020**

88. In the alternative to the broad contention referred to above, the AWU submits that payment at the 'Stable employee' (C14) rate under the Horse and Greyhound Training Award should continue to be limited to a fixed maximum period.

89. Clauses A.1.1 to A.2.3 should be amended to provide that progression from Stable employee to 'Stablehand Grade 1' occurs after a period of experience in the industry, rather than a period of "continuous employment with the employer".<sup>29</sup>

### **Hospitality Industry (General) Award 2020**

90. In the alternative to the broad contention for removing C14 rates, the AWU submits that payment at the Introductory Level under the Hospitality Industry (General) Award, insofar as it attracts the C14 rate, should not be capable of being extended for a further period by agreement between the employer and employee in order for the employee to achieve the necessary competency.<sup>30</sup>

### **Manufacturing and Associated Industries and Occupations Award 2020**

91. In the alternative to the broad contention referred to above, the AWU submits that payment at the C14/VI classification level under the Manufacturing and Associated Industries and Occupations Award should be clearly delineated as being limited to employees who are undertaking up to 38 hours of induction training. Progression to the C13 rate should be automatic upon the completion of that training.

92. This is likely to require the removal of, or amendment to, the last bullet point in clause A.4.3(a)(ii), which refers to an Engineering/Manufacturing Employee, Level 1, "undertaking structured training so as to enable them to work at the C13 level", as well as clause A.4.4(a)(i) and (ii), which refers to a Level 2 employee having completed up to 3 months' structured training and having achieved certain skills and competencies.

93. The same issue arises and similar amendments would be required in relation to clauses B.2.2(d) and B.3.1-B.3.2 (Vehicle industry/production employees Levels 1 and 2).

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<sup>29</sup> Horse and Greyhound Training Award, cl A.1.1.

<sup>30</sup> Hospitality Industry (General) Award, cls 18.1 and A.1.

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### **Nursery Award 2020**

94. In the alternative to the broad referred to above, the AWU submits that payment at the Grade 1A, C14 classification rate under the Nursery Award should continue to be limited to a fixed maximum period of experience in the industry.

### **Oil Refining and Manufacturing Award 2020**

95. The AWU makes no submission in relation to this Award but notes that the sub-C13 weekly rates for 'Trainee operator (level 1) and 'Trainee (level 1)', at clause 16.1, and as referred to in Attachment D to the Statement, are based on a 35 hour week. If reduced to minimum hourly rates, they are higher than C13. The Level 1 classifications are limited in their application to employees undergoing necessary orientation and training, albeit that progression is dependent on achieving certain competencies, including relevant certificates.

### **Pastoral Award 2020**

96. The AWU's submissions in relation to the Pastoral Award are supported by the Statement of Shane Roulstone (AWU National Organising Director, dated 3 November 2023).

97. In the alternative to the broad contention for removing instances of sub-C13 rates from modern awards, the AWU submits as follows.

98. For the 'Farm and livestock hand level 1' classification, paid at the C14 rate:<sup>31</sup>

- a) Station hands should only fall under the classification if they have less than 3 months' experience in the industry (rather than the current 12 month threshold);
- b) Station cooks (for whom there is currently no progression) should be paid at C13 upon commencement;
- c) Station cook's offsiders should only fall under the classification if they have less than 3 months' experience in the industry;
- d) Cattle farm workers, Grade A, should similarly be limited to less than 3 months' experience in the industry;
- e) Dairy operators, Grade 1A, should be limited to less than 3 months' experience in the industry (rather than the current 12 month threshold).

99. The application of the 'Piggery attendant level 1' classification, paid at C14,<sup>32</sup> should continue to be limited to 38 hours' induction training and clause 36.3(a) should be

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<sup>31</sup> Pastoral Award, cls 31.1 and 32.1.

<sup>32</sup> Pastoral Award, cls 36.2, 36.3 and 37.1

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amended to make clear that progression to 'Piggery attendant level 2 (PA2)' is not dependent on the completion of structured training or obtaining competencies.

100. The rate paid for the PA2 classification (currently between C14 and C13, at \$23.22) should be lifted to at least C13.

101. The application of the 'Poultry farm worker level 1 (PW1)' classification,<sup>33</sup> paid at C14, should be limited to employees with less than 3 months' experience in the industry (rather than the current 12 months).

### **Wine Industry Award 2020**

102. The AWU's submissions in relation to the Wine Industry Award are supported by the Statement of Shane Roulstone (AWU National Organising Director, dated 3 November 2023).

103. The Grade 1 classification, which attracts a minimum hourly rate of \$22.93 (between C14 and C13) is included in the Bottling stream, Cellar stream, Cellar door sales stream, Laboratory stream, Vineyard stream, Warehouse and supply stream and Coopers stream.<sup>34</sup>

104. In all cases, the Grade 1 designation applies to a trainee undertaking a 3 month induction training program, followed by further training, and an assessment to be completed within 12 months from the date of employment, the passing of which is a pre-requisite for progressing to Grade 2.

105. Given the extensive provisions for training and assessment set out in this classification structure, the AWU submits that the simplest approach to implementing the Full Bench's provisional view, as set out in the Statement, is to retain the structure but lift the Grade 1 classification to C13.

106. If needed, a new Introductory Level could be introduced for any period in which an employee is undertaking structured induction or training prior to performing productive work. In the AWU's view, for similar reasons as set out above in relation to the Horticulture Award, any such Introductory Level should be limited in its application to employees with up to 76 hours' experience the industry.

### **Racing Clubs Events Award 2020**

107. In the alternative to the broad contention for removing C14 rates from modern awards, the AWU submits that clause 13.1 of the Racing Clubs Events Award should be

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<sup>33</sup> Pastoral Award, cls 46.1, 46.2 and 47.1.

<sup>34</sup> Wine Industry Award, Sch A.



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amended to remove the ability for an employee and employer to agree to extend the 3 month period in which the employee remains at the Introductory Level.

#### **Racing Industry Ground Maintenance Award 2020**

108. In the alternative to the broad contention referred to above, the AWU submits that clause A.1 of the Racing Industry Ground Maintenance Award should be amended to remove the ability for an employee and employer to agree to delay progression from the Introductory Level to Level 1 for a further period of up to 3 months.

#### **Registered and Licensed Clubs Award 2020**

109. In the alternative to the broad contention referred to above, the AWU submits that clause A.1.1 of the Registered and Licensed Clubs Award should be amended to remove the ability for an employee and employer to agree to delay progression from the Introductory Level to Grade 1 for a further period of up to 3 months.

#### **Timber Industry Award 2020**

110. In the alternative to the broad contention that C14 rates should be removed, the AWU submits that the following changes should be made to the Timber Industry Award:

- a) Clause A.1.1 should be varied to remove the ability for an employer, employee and union (where relevant) to agree to a 3 month extension of the period in which the employee remains at 'General Timber Stream: Level 1', and to ensure that progression to Level 2 is automatic following 3 months of experience in the industry;
- b) Clause B.1 should be amended to remove any competency based requirements for progression from 'Wood and Timber Furniture Stream: Level 1', such that progression becomes automatic following 3 months' experience in the industry.

#### **Cotton Ginning Award 2020**

111. The 'Cotton ginning employee level 1 (CG1)' classification is paid at \$22.83 (between C14 and C13) and is described at clause 13.1 as involving "cleaning of the yard and gin, general delivery work or manual labour" and requiring "minimal training or experience to competently function in the role". There is no clear pathway for progression from CG1 to CG2.

112. Accordingly, the AWU submits that the CG1 rate should be increased to C13.

113. Alternatively, employees should remain at the existing sub-C13 CG1 rate for a very short period, for example, a maximum of 16 hours' work in the industry.

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114. It is noted that the CG1 rate is higher than C13 if the all purpose disabilities allowance in cl19.2(b) is accounted for.

**Electrical, Electronic and Communications Contracting Award 2020**

115. The 'Electrical worker grade 1' classification attracts a rate of \$22.93 (between C14 and C13) and is described as "a labourer not otherwise provided for in this award, who is doing labouring work and employed as such".<sup>35</sup> It is noted that if the all purpose industry allowance in clause 18.3(a) is accounted for, the hourly rate exceeds C13.

116. Given there is no clear pathway for progression to 'Electrical worker grade 2', the AWU submits that the 'Electrical worker grade 1' rate should be lifted to C13.

**Marine Tourism and Charter Vessels Award 2020**

117. In the alternative to the broad contention for removing sub-C13 rates, the AWU makes the following submissions in relation to the Marine Tourism and Charter Vessels Award:

- a) Clauses 12.1 to 12.2 should be varied to ensure that an employee automatically progresses from 'Crew Level 1' (paid \$22.65 per hour, i.e., between C14 and C13) to 'Crew Level 2' after a maximum period of 3 months' work in the industry, rather than with a particular employer;
- b) there should be no competency or qualification-based requirements for progression beyond the sub-C13 rate.

**Pest Control Industry Award 2020**

118. In the alternative to the broad contention referred to above, the AWU makes the following submission in relation to the Pest Control Industry Award:

- a) Clause 12.1 should be varied to ensure that employees automatically progress from the 'Level 1' classification (\$22.84 per hour) after obtaining 3 months' experience in the industry (rather than the current threshold of 6 months);
- b) There should be no requirement to have applied for a licence as a Fumigator or Pest Control Technician in order to progress from Level 1 to Level 2 (noting that licensing only becomes a hard requirement under the Level 3 classification).

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<sup>35</sup> Electrical, Electronic and Communications Contracting Award 2020, cl A.2.1.

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### **Premixed Concrete Award**

119. In the alternative to the broad contention for removing sub-C13 rates, the AWU makes the following submission in relation to the Premixed Concrete Award:

- a) Clause 12.4(a) should be varied to provide that an employee automatically progresses from the 'Level 1' classification (\$23.22 per hour) after 3 months' experience in the industry (rather than the current 6 months of work threshold).

120. It is noted that if the industry allowance in clause 18.2(b) is accounted for, then the 'Level 1' rate exceeds C13.

### **Wool Storage, Sampling and Testing Award 2020**

121. In the alternative to the broad contention for removing sub-C13 rates, the AWU makes the following submissions in relation to the Wool Storage, Sampling and Testing Award:

- a) As there is no clear time-based pathway for progression from the 'Wool Industry Worker Level 1 (Wool Storage)' classification (\$23.12 per hour), the rate should be increased to C13, or clause A.3.1(c) should be amended to provide that employees progress automatically after obtaining 3 months' experience in the industry;
- b) Clause 16.1 and/or clause A.3.7 should be amended to clarify that progression from 'Wool Industry Worker Level 1 (Wool Testing) – First 3 months' (\$23.12 per hour) occurs automatically after obtaining 3 months' experience in the industry (rather than 3 months of employment with a particular employer);
- c) Clause 16.1 and/or clause A.3.12 should be amended to clarify that progression from 'Wool Industry Worker Level 1 (Skin and Hide Stores) – First 3 months' (\$23.12 per hour) occurs automatically after obtaining 3 months' experience in the industry (rather than 3 months of employment with a particular employer).

THE AUSTRALIAN WORKERS' UNION

3 November 2023

## Annexure A

### A.1 **Level 1 – Introductory Level**

**A.1.1** Introductory level is for an employee who enters the horticulture industry and does not demonstrate the competency requirements of Level 2. The employee remains at the Introductory level until they have 76 hours' experience undertaking work or training in the industry. At the end of that period, the employee must move to Level 2. Level 1 employee means an employee classified in accordance with the following criteria:

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#### A.1.2 **General description**

An employee at this level:

- undertakes induction training which may include information on the enterprise, conditions of employment, introduction to supervisors and fellow workers, training and career opportunities, plant layout, work and documentation procedures, work health and safety, equal employment opportunity and quality control/assurance;
- performs routine duties essentially of a manual nature and to the level of their training;
- exercises minimal judgment;
- works under direct supervision;
- is responsible for the quality of their own work;
- is a new employee with less than 76 hours' experience undertaking work or training in the industry; or is an existing employee performing work within this grade who is undertaking training so as to enable advancement to Level 2.

#### A.1.3 **Indicative duties**

Indicative of the duties an employee may perform at this level are:

- performing general labouring duties;
- fruit or vegetable picking, thinning or pruning;
- operating small towing tractor engaged in transfer of produce bins and other containers during harvest;
- performing a range of housekeeping tasks in premises and grounds;
- sorting, packing or grading of produce where this requires the exercise of only minimal judgment;

- performing basic recording functions related to work performed at this level;
- providing assistance within the scope of this level to other employees as required;
- undertaking structured or on-the-job training ~~so as to enable advancement to Level 2.~~

## **A.2 Level 2 employee**

**A.2.1** Level 2 employee means an employee classified in accordance with the following criteria:

### **A.2.2 General description**

An employee at this level:

- has 76 hours' experience undertaking work or training in the industry completed up to 3 months structured training so as to enable the performance of work within the scope of this level;
- works under direct or general supervision either individually or in a team environment;
- works with established routines, methods and procedures;
- performs a range of tasks involving the use of skills above and beyond those of Level 1 and to the level of their training;
- exercises limited discretion;
- is responsible for the quality of their own work;
- receives training in work health and safety standards and practices relevant to the site;
- performs lower level tasks as required without loss of pay ~~unless re-engaged to perform tasks at predominantly a lower skill level.~~

### **A.2.3 Indicative duties**

Indicative of the duties an employee may perform at this level are:

- performing general labouring duties
- fruit or vegetable picking, thinning or pruning
- performing a range of housekeeping tasks in premises and grounds;
- performing a range of tasks involving the set up and operation of production and/or packaging or picking equipment, labelling and/or consumer picking equipment;

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- repetition work on automatic, semi-automatic or single purpose machines or equipment;
- assembling/dismantling components using basic written, spoken and/or diagrammatic instructions in an assembly environment;
- irrigation, spraying or pruning under general supervision;
- sorting, packing ~~or~~ grading ~~of produce beyond the scope of Level 1 duties;~~
- maintaining simple records;
- using hand trolleys, pallet trucks or other mechanical or power driven lifting or handling devices not requiring a licence;
- operating tractors with engine capacity of up to 70 kW;
- general and routine product testing;
- providing assistance within the scope of this level to other employees as required;
- assisting in the provision of on-the-job training in conjunction with supervisors, tradespersons or trainers;
- undertaking further training so as to enable advancement to Level 3.

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## **IN THE FAIR WORK COMMISSION**

Matter No: B2019/5259

Matter Name: Review of certain C14 rates in modern awards (**C14 Review**)

### **STATEMENT OF SHANE ROULSTONE**

I, Shane Roulstone, of 16 Good Street Granville NSW, National Organising Director with the Australian Workers' Union (**AWU**), make the following statement:

#### **Background**

1. I commenced employment with the AWU, National Office, in October 2017.
2. My current position is National Organising Director.
3. I have recently been seconded to undertake an organising campaign in the Pilbara.

#### **Knowledge of the horticulture industry**

4. Between March 2018 and October 2023 I regularly engaged with and assisted workers in the horticulture industry.
5. My duties included campaigning, planning, organising, enforcement and stakeholder engagement in the horticulture industry.
6. My role required regular engagement with horticultural members, employees and employers.
7. I am keenly aware of the issues workers in the horticulture industry face and the ways in which employers respond to these issues.
8. Between March 2018 and October 2023, I attended many farms including horticultural farms in every major horticultural region, including
  - a) Central Western NSW, apple and cherry farms in 2018, 2020 and 2021;
  - b) Bundaberg Queensland, potato, sugar farms in 2018, 2020, 2022 and 2023.
  - c) New England NSW, vegetable farms in 2018, 2019 and 2022.
  - d) Yarra Valley Victoria, vegetable and strawberry farms in 2018 and 2019;
  - e) Wide Bay region Queensland, citrus and vegetable farms in 2019 and 2023.
  - f) Stanthorpe Queensland, stone fruit and vegetable farms in 2019, 2021 and 2023
  - g) Shepparton Victoria, apple farms in 2019, 2020, 2021 and 2023

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- h) Mildura Victoria, citrus and grape farms in 2019, 2020, 2022 and 2023.
  - i) Northern Rivers NSW, blueberry and vegetable farms in 2020 and 2023.
  - j) The Atherton Tablelands Queensland in 2020, 2021, 2022 and 2023.
  - k) Darwin and Surrounding areas in 2021.
9. I have been involved in a number of industry bodies including
- a) The Agriculture Production Horticulture Industry Reference Committee;
  - b) Multiple PALM Workers Stakeholder Groups;
  - c) The Agricultural Workforce Working Group; and
  - d) Farm Safe Australia committee.

### **Working conditions**

10. A large proportion of the thousands of workers in the horticultural industry that I have engage with over the past five and half years are vulnerable to exploitation due to being of non-English speaking backgrounds, visa conditions, casualization, labour hire arrangements, working in remote locations and the itinerant and temporary nature of their work.
11. Employees in the horticultural sector come from mixed backgrounds with the permanent employees typically coming from local Australian or recently arrived migrant backgrounds.
12. The majority of casual employees are overseas workers, which are mainly backpackers, followed by recently arrived migrants, seasonal worker program participants, pacific labour scheme participants, overseas students and local Australians making up the rest.
13. Horticulture employment turnover is very high with the employer/employee relationships changing frequently depending on the type of work being undertaken.
14. Permanent employees will tend to develop normal productive employment relationships. Good farm hands, maintainers, packers and planters are normally relatively well looked after and will often stay with one farm for several years.
15. For pickers, the work is normally casual and seasonal by nature. Seasonal work is normally intensive and physically demanding. A minority of casual horticultural employees will return to the same employer each year as they know that this farmer/employer will pay and treat them well.



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16. Unfortunately, most casual employees will need to move from farm to farm in search of good employers and this means the majority of casual pickers will never develop a mutually productive employment relationship in horticulture.
  17. The horticultural industry routinely employs tens of thousands of undocumented workers who have questionable work rights. These workers are nearly always engaged effectively as casuals on a cash-in-hand basis. Most of these workers are paid between \$10 and \$14 an hour without any superannuation payments or workers' compensation cover.
  18. Fruit and vegetable picking by its nature is very physically demanding work, that requires long hours for consecutive days over the picking season.
  19. In my role with the AWU I have observed that horticultural pickers routinely work in excess of 10 hours a day for six days a week.
  20. Accommodation and transport costs are often used by employers in the industry to offset/deduct payments made to workers.
  21. Casual workers who raise concerns around working conditions are routinely starved of work until they leave. This is the standard practice across the industry.

### **Training**

22. In my discussions with horticultural workers, I have found that the vast majority do not receive any structured training when they commence in the industry.
23. Horticultural workers and are typically expected to work productively from the first day or two of their employment.

### **Continued engagement at Level 1**

24. The vast majority of horticultural workers that I have had discussions with remain engaged at the Level 1 level or have piece rates based on Level 1 while they are engaged to work for an employer in the industry.
25. A worker's level is sometimes unclear due to the prevalence of pieceworkers, underpaid workers, itinerant workers and employers that do not keep clear or proper employee records.
26. Prior to the decision in *Application by the Australian Workers' Union to vary clause 15 of the Horticulture Award 2020* [2020] FWCFB 554 (**Piece rates decision**) coming into effect in early 2022 and creating a minimum wage floor for pieceworkers, in my discussions, the vast majority of piece rates workers were being paid between \$8 and \$12 per hour.

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### **Piece rates decision material**

27. I made a Statement in support of the AWU's application in the *Piece rates decision*.
28. I have had regard to the Statements of several employers or managers that were submitted by the National Farmers' Federation in that matter.
29. The Statement of Ms Anna Reardon, a farmer in Tasmania, dated 9 June 2021, is attached to this Statement and marked **SR-1**.
30. The Statement of Mr Brent McIntock, a Senior Orchard Manager in Tasmania, dated 9 June 2021, is attached to this Statement and marked **SR-2**.
31. The Statement of Mr Anthony Kelly, Chief Financial Officer of the N&A Group, dated 9 June 2021, is attached to this Statement and marked **SR-3**.
32. The Statement of Mr Richard Eckersley, a farmer in Western Australia, dated 9 June 2021, is attached to this Statement and marked **SR-4**.

### **Pastoral industry**

33. My role with the AWU has included regularly engaging with and assisting workers in the pastoral industry across the country.
34. This has included attending pastoral operations, stations and farms in Western NSW, the Riverina in NSW, the Mallee region in Victoria, the WA Wheatbelt, South Western Queensland, Western Queensland, and Tasmania.
35. In my experience, lower-level workers in the pastoral industry frequently undertake difficult work, in harsh conditions and are often from low socio-economic backgrounds with limited career opportunities.
36. Entry-level pay rates are often insufficient to attract workers to the industry.
37. Ideally, there should be no rates in the Pastoral Award 2020 beneath the National Minimum Wage. Otherwise, below National Minimum Wage rates should be limited to employees with less than 3 months' work experience in the industry.
38. Three months should be the absolute upper limit for the amount of time required for new entrants to the industry to achieve competency.

### **Wine industry**

39. My role with the AWU has also included regular engagement with and assisting workers in the wine industry.
40. This has included attending vineyards in the Hunter Valley, Swan Hill, Barossa Valley, Margaret River and Tasmania.

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41. In my experience, a large proportion of lower-level workers in the wine industry are vulnerable to exploitation on account of being casuals and/or from non-English speaking backgrounds.

42. To become a competent and productive entry-level worker in the wine industry, particularly in viticulture, should require no more than 76 hours of work in the industry.



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Shane Roulstone

3 November 2023

**IN THE FAIR WORK COMMISSION****Matter No.: AM2020/104****Re Application by Australian Workers Union****Statement of Anne Kathleen Reardon**

On 9 June 2021, I, Anne Kathleen Reardon, farmer, of [REDACTED] in the State of Tasmania, STATE

1. I run a farm business (**the Farm**) in partnership with my husband Anthony Michael Reardon under the name AM & AK Reardon (ABN 11 655 014 156), growing apples and cherries across about 10 hectares and 3 farms in the Huon Valley, in Southern Tasmania.
2. I have been working on the Farm continuously since 1976 when I married my husband, Anthony.
3. Prior to working on the Farm, I was a full-time schoolteacher and I have a bachelor's degree in Special Education.

*My duties*

4. While my principal responsibility is the Farm's the administration, bookkeeping and business management, I will also work in the orchard, supervising staff and doing 'hands-on' farm work when necessary.
5. The Farm's annual turnover is roughly \$1,000,000, and our annual wage bills is roughly \$250,000.
6. The Farm's picking season starts at the end of December and runs through March/April of the following year.
7. There is a roughly one-week window within which our apples and cherries have matured and must be picked in order for them to be acceptable to a buyer. As a summary:
  - a. apples – we have mainly Fuji and Galas as our apple varieties. These mature fairly close together in timeframe: the Fujis are generally sold almost immediately – and Galas are put into storage. Our destination for apples has altered over the years: we used to sell all of our produce into Victoria, and since the pandemic this has not been possible; and
  - b. cherries – this varies a bit, being usually in January, but is very seasonal and dependent on weather. Some years (if the weather is cool) we don't start picking until February.
8. We also need to be careful about the weather and other conditions when we pick. For example, cherries will split if they are picked when there is a lot of moisture in the

atmosphere and will get soft in high heat so can only be picked when the moisture levels and temperature is right. That we have very small windows in which to harvest the fruit and so need sufficient motivated workers (at the right particular time) who can get the fruit picked within those timeframes.

9. Not including myself and my husband, the Farm has two permanent employees:
  - a. One of those two employees works fulltime managing the orchards; and
  - b. The other of those two employees works part-time permanent doing ‘odd jobs’ such as spraying, running the cattle, etcetera.
10. To do the thinning/pruning of the fruit trees and picking the cherries and apples the Farm engages roughly 72 casual employees over the course of the harvest season, an average of 20 casual employees at any one-time.

#### *Picking*

11. Depending on a number of external factors such as weather and temperature and other considerations such as access to freight and transport, picking on the Farm usually starts at about 7am and finishes at about 2pm.
12. We pay piece rates to the seasonal/casual workers who pick cherries and apples (**Pickers**), but pay hourly rates for thinning and pruning.
13. Before this last harvest season, about 90% of the Pickers were backpackers, mostly from Europe, Asia, and in recent years from Argentina, Brazil and Chile. The remainder are drawn from the local community and include students during school holiday, retirees, and occasionally (but rarely) the otherwise unemployed.
14. Before this last harvest season, we directly employed all of our seasonal workers but because of the border closures there have been fewer backpacker and other workers available so we have had to rely on labour hire providers who access worker through the seasonal worker program.
15. There is some skill involved in the picking work to ensure the fruit is kept to a marketable standard; for example, to prevent bruising and ensure that the stems on the fruit are intact.
16. When picking cherries the Picker’s thumb and forefinger are positioned at the very top of the cherry stalk, the stem is carefully pinched away leaving the buds intact — without being pulled or yanked to avoid bud damage of future crops — and the cherries are placed in the lug carefully to avoid bruising.
17. When picking apples, the Pickers hold the apples in the palm of their hand without undue pressure from their fingers (which can cause bruising). They twist the apple to remove it from the branch without dislodging the stalk, and then place it into a padded picking bag. When the bag is full, the picker empties it very carefully into a bin with his/her name on it.

18. It usually takes a cherry Picker about a day to start picking at the rate of a competent worker and it usually takes an apple Picker about two days to start picking at the rate of a competent worker.
19. Each Picker is trained by the farm in how to pick for approximately an hour when he/she starts work and is paid at the hourly rate for that time spent in training.
20. Cherries are picked into a 9 kg 'lugs' (which is essentially a rectangular shaped plastic boxes) and apples are picked into a 46 square inches bins.
21. Pickers move down rows of fruit, from tree to tree, and their bins or lugs are transported with them by another employee who is operating a tractor.
22. Sometimes the Pickers have to use ladders to reach fruit at the top of trees, but this is rare because the trees are kept small.
23. Usually, Pickers are supervised by one of the permanent staff. If there is more than about 22 Pickers working at the same time then they are divided into two (or more) teams and we assign a returning worker to supervise the other team.
24. In determining the piece rate for apple picking, the Farm is assisted by indicative guidance based on past years' performance which is published each harvest season by Primary Employers Tasmania (**PET**), as follows:
  - a. PET is a not-for-profit organisation that provides industrial relations advice to farmers who operate in Tasmania.
  - b. This year PET's guidance indicates that in order to ensure the average competent Pickers can earn a rate which exceed the requirements of clause 15.2 of the Horticulture Award 2020:
    - i. "Strip picking" (that is picking all apples from the tree regardless of their condition) should be paid at a rate of about \$43.00 per bin; and
    - ii. "Select picking" (that is where the picker only picks apples of a specific type e.g. specified by colour or size) should be paid at a rate of \$47 per bin.
  - c. Based on that guidance and the conditions on the Farm we determined that the average competent picker could earn an hourly rate which *exceeds* \$27.78 (i.e. 15% more than the minimum wage) if they were paid \$47 per bin when *strip* picking and so offered our Pickers that rate.
25. That said, we will make other adjustments to the piece rate depending on the picking conditions. For example, in the 2020 harvest season we grew apples on an older orchard where the trees are taller and so the picking was slower. We added an additional 10% on the piece rate, which I knew was more than enough to account for these slower picking conditions.
26. To determine the piece rate for cherry picking which will exceeds the rate required by the clause 15.2 of the Award, at the beginning of each season the Farm:

- a. Directs a worker who we have assessed to represent the average competent worker on our farm to pick cherries for an hour
  - b. Divide the amount of \$30.42 — which is the minimum casual rate plus 15% plus another 10% — by the number of lugs the worker picked.
27. This year we pay cherry pickers \$9.85 per lug.
  28. Annexed and marked “A” is a copy of the piece rate agreement we use.
  29. The Farm monitors the rate at which the Farms’ our pickers work. If they are being too slow then a supervisor will draw it to their attention and suggest how they may increase their work rate. For example, if they are being more careful than is required then the supervisor would let them know that the level of caution should not be necessary.
  30. If they are still working too slow then we will usually suggest they move on to work, for example, in one of the local packing sheds.
  31. We do not use piece rates where the rate would have to be unprofitable high because the rate of picking would be very slow irrespective of the competency of the worker. For example, we do not pick apples from the pollinator trees, which are dispersed throughout the orchards amongst the usual growing trees, until the end of the harvest season. Because the trees are spread out, the picking rate is very slow so we pay hourly rates for that work.
  32. When I started working on the Farm, I found Pickers to be quite competitive amongst themselves as to the work rate and number of lugs or bins they picked. They would celebrate when they have picked more than their co-workers.
  33. However, I have noticed this has changed in the past decade or so. There is very little competition and celebrating at being the fastest or best. This may be because most backpackers are now primarily motivated to qualify for a 2<sup>nd</sup> or 3<sup>rd</sup> year visa rather than by earnings.
  34. The Farm use piece rates to promote productivity. In addition to helping the Farm manage its wages bill, it also helps to make sure that produce is picked, packed and shipped when it is at its best: fruit is perishable and therefore needs to be harvested within a small window. That means that we need motivated employees who are incentivised to work their fastest during that window.
  35. Our experience is that pickers who are on hourly rate are significantly less productive. For example, on 19 March 2021 (the last day of picking) we paid 4 employees hourly rates because they wanted to work together as a group and we were very short staffed so the orchard manager agreed. This meant that we could not pay them piece rates. Those employees only picked a total of 2 bins when I would have expected those same employees to each pick 3 or 4 bins individually. Unfortunately, we had to leave fruit on the trees at the end of the day.
  36. If the AWU application to install a floor on piece rates was successful, we would probably look at using more automation. For example, we would start using picking

platforms which cost about \$150,000 each but would allow us to use much fewer pickers who we would be able to pay by the hour. We would also be much less tolerant of less-productive workers.

.....

Anne Kathleen Reardon

.....

Date



"A"

**AM & AK REARDON**

**CASUAL PIECEWORK AGREEMENT**

This agreement is made between (NAME) .....

who is engaged as a casual piecework apple picker

and the Employer AM & AK Reardon, [REDACTED]

**AWARD:** Horticulture Award 2010

**CLASSIFICATION:** Casual Pieceworker

**DUTIES:** Picking apples

**RATE OF PAY:** The casual pieceworker will be paid \$47 for each bin picked.  
**Fruit must meet the supervisor's requirements.**

**PIECEWORK LOADING:** The piecework rate fixed by agreement between the employer and the employee must enable the average competent worker to earn at least 15% more per hour than the minimum hourly rate prescribed in the award for the type of employment and the classification level of the employee.

**PIECEWORK AGREEMENT:** The piecework agreement must be in writing, made without coercion or duress, signed by both employer and employee and the employee must receive a copy of the agreement.  
**Nothing in the Award or this agreement guarantees an employee on a piecework rate will earn at least the minimum ordinary time hourly wage in the award for the type of employment and the classification level of the employee, as the employee's earnings depend on their productivity.**

**ACCEPTANCE OF POSITION:** This is a casual position without any guarantee of ongoing employment or fixed hourly rate. It is conditional upon you being capable of performing the duties as required to a satisfactory standard.

I have read and understand the Employment Agreement and I accept the position and agree to follow the requirements of the job.

Employee:

Signed: ..... Date: .....

Employer:

Signed: ..... Date .....

**IN THE FAIR WORK COMMISSION****Fair Work Act 2009 (Cth)****Matter No.: AM2020/104****Re Application by:** Australian Workers Union

In respect of the MA000028 Horticultural Award

**STATEMENT OF BRENT RUSSELL MCCLINTOCK**

On 9 June 2021, I, Brent Russell McClintock, Senior Orchard Manager, of [REDACTED]  
[REDACTED] in the State of Tasmania, **STATE:**

*Background*

1. I am currently the Senior Orchard Manager for Pinnacle Fine Foods ('**Pinnacle**') based in Tamar Valley, Northern Tasmania.
2. I possess a Diploma of Horticulture and I am the current Treasurer for an association of fruit growers in Tasmania, Fruit Growers Tasmania Inc.
3. I have been working on orchards for 27 years, growing apples, cherries and berries in Australia and New Zealand. I have worked in Australia for approximately 9 years and for Pinnacle for almost 4 years.
4. The primary orchard for which I am responsible consists of approximately 100 hectares, with two other properties: one of about 70 hectares and another of about 30 hectares. The farms are located in the Tamar Valley in Tasmania.

*Farm finances*

5. The turnover of our orchards is approximately \$10 million per annum.

6. Our expenditure on wages, including for the labour of pickers and packers is usually in the range of 30-50% of our annual turnover. Labour costs for Pinnacle are pretty typical for horticulture – it is by far the largest expense in the growing cycle.

*Peak Seasons and Seasonal Work*

7. Our peak season for the cherry harvest runs from December to January. Peak season for apples is primarily from March to May, with a minor secondary peak from November to December.

*Employment details*

8. We currently employ 15 to 20 permanent workers during any given year who primarily perform management, supervisory and support (e.g. spraying or driving) tasks. They will occasionally pick fruit if the farm is orchards are short of workers. In previous years, this picking by permanent employees amounted to about one or two days per season, but given the worker shortages we are experiencing this season it has amounted to a couple of weeks.
9. In addition to the permanent workers, Pinnacle hires a substantial number of temporary casual workers over the course of the year for peak seasonal work.
10. The core component of our casual orchard workforce is made up of local residents. This usually consists of some 30 people working as orchard workers and packers.
11. To pick apples we engage a further 50 to 60 temporary workers. To pick and pack cherries we engage approximately 200 more temporary workers. Most of those temporary workers are backpackers and working holidaymakers These make up the vast majority of our workforce during harvest times.
12. All of our cherry pickers are sourced through labour hire arrangements with labour hire providers, Link Employment and AgriLabour. Those labour hire providers are the employers of the cherry pickers, have piece work agreements with the pickers, and pay them directly. The business pays the labour hire providers the piece rates which were agreed to with the picker, plus the ‘on cost’ (which include super, tax, and commission) of roughly 30%.

13. We do not currently utilise workers sourced through the Seasonal Worker Program, but we anticipate that we may aim to do so in the future.
14. All fruit is hand-picked with ladder and containers provided.
15. Cherry pickers are paid by kilogram of cherries picked, and apple pickers are paid per bin of apples. A bin holds 360-440kg of apples depending on variety and dimensions. We use 46-inch bins that typically hold 360-400kg of fruit.
16. Fruit picking is certainly not an 'unskilled' role. It is possible to become highly proficient through experience, fitness and practiced technique. I expect most pickers will reach a competent skill level within about a week, although this may vary from picker to picker. The difference between a worker who is not competent, who is competent, and who is proficient mostly comes down to their economy of movement and use of time for example knowing how to move about the tree and down the row, and use of techniques to minimise time such as placement of bags and ladders.

*Use of Piece Rates and Employee Earnings*

17. All of our pickers, and approximately 50% of our packers are on piece rates.
18. We shifted towards piece rates over the past year predominantly as a means of attracting workers and increasing productivity with our available workforce.
19. An average, competent worker of reasonable skills is capable of harvesting 6-8 bins of apples in a working day within 2 weeks of commencing.
20. For some people, 6-8 bins will simply not be possible due to the required physicality and level of technique involved. In particular, the work requires reasonably high levels of fitness and strength to move about the trees and up and down ladders, carry 400g buckets, and stay on their feet all day.
21. To set piece rates:
  - a. At the beginning of each season we set what we believe to be a rate which complies with the Horticulture Award, informed by our knowledge and experience and the guidance which is published by industry bodies such as Primary Employers Tasmania.

- b. With the employees' agreement, we make adjustments to the rate at the being of each workday and on the basis of difficulty, weather conditions, etc.
  - c. Pickers will be monitored from start to finish, and we are highly responsive to standards and conditions in the orchards.
  - d. We will then check the amounts which each worker has earned on a daily basis and if a significant number of the workforce, roughly half, are not earning the minimum hourly rate then we increase the piece rate for all workers to ensure at least half do make the minimum rate.
  - e. This is not just a concern from the perspective of ensuring that the business complies with its legal obligations. It is also important to ensure the business maintains a reputation as a good employer to attract an adequate workforce.
22. In the case of underperformance or lower-than-desirable productivity, we will provide oversight and retraining to ensure employees receive the necessary attention to be capable of earning at a higher rate. Those who are not capable of doing so are generally offered an option to remain or leave.

*AWU Application*

23. Piece rates are used and favoured because they attract motivated workers with a high rate of retention due to the high potential for earning when compared to the ordinary hourly rate.
24. If the Fair Work Commission were to set a 'floor' on the piece rate payments as the AWU's application contemplates then it would have a significant impact on the management, and ultimately the viability of the business. We would certainly have to consider whether to continue to offer piece rates. On the one hand, we would have access to smaller labour pool because fewer potential workers would accept a job on hourly rate but on the other hand, we know that workers on hourly rates are roughly 30% less productive than the same workers on piece rates.
25. Australian residents are typically sceptical of piece rates initially but prefer them once they have realised the higher earning potential they offer.

- 26. Previous attempts to start workers on an hourly rate before moving them onto piece rates once proficient has led to a loss of workers in the past and led to productivity issues.

*Introduction of a minimum hourly rate*

- 27. The introduction of a minimum ‘floor’ rate for piece rates would cause a major loss of productivity and significantly increase the demand for workers.
- 28. If the AWU application were to succeed, it would add significantly to the administrative burden of managing the workforce as it would require us to check the earnings of every worker each day to ensure they earned at least the minimum hourly rate. I would estimate about 2 to 3 minutes for each worker per week which at its peak could amount to about 9 or 10 hours per week during harvest season.
- 29. If the AWU application succeeds, then it is likely that Pinnacle would increase its high density farming (essentially planting more trees per acre) which is less labour intensive but also result in smaller yields. In addition to impacting our profitability it would mean that we would not have sufficient quantity of produce to justify maintaining a packing shed.
- 30. This would represent a major threat to the continuing viability of our business, as a productivity loss of 10-20% (with substantial labour costs) would eat into our margin.

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**Brent Russell McClintock**

Date

**IN THE FAIR WORK COMMISSION****Matter No.: AM2020/104****Re Application by: Australian Workers Union****Statement of Anthony Thomas Kelly**

On 9 June 2021, I, Anthony Thomas Kelly, Chief Financial Officer, of Building Q, First Avenue, Sydney Markets, Homebush West in the State of New South Wales, **STATE:**

*Background*

1. I am currently the Chief Financial Officer for the N&A Group, a position which I have held since November 2006, but I have more than 15 years of experience with fruit and vegetable farming.
2. The N & A Group is a vertically integrated growing, distributing, wholesaling, and exporting business, which has been operating since 1956 and has been owned and operated by the same family for three generations.
3. We primarily grow apples and berries out of our growing operation in Batlow. There are three separate properties within a roughly 10km radius. This consists of a total of 400 hectares of which approximately 100 hectares is currently farmed.
4. The turnover of the farming component of N & A Group is approximately \$6m per annum.
5. Our employment costs, including wages, is usually at least 50% of our annual costs of production.
6. Apples and berries are a time sensitive product. Apples have around 10 days and berries have about 2 days from the time they mature until the time they have to be picked.

*Peak Seasons and Seasonal Work*

7. Our peak seasons for apple harvest are from mid-February through to mid-May.

8. Most of our harvest workers will work from 7am to 3pm. On occasions this will include weekends and public holidays depending on fruit maturity and weather conditions. This involves variable hours and days, depending on weather and other factors.

#### *Employee details*

9. We employ 15 full-time permanent employees in management, administrative roles, and as long-term senior farm workers.
10. We use a combination of labour hire and casual employees through the year for picking, as well as pruning and thinning work. This is similar to picking – but without working to as tight a timeframe as picking.
11. During harvest, picking season our pickers are a mixture of directly employed casual employees, and labour hire contractors.
12. Our casual workers are sourced from a variety of backgrounds. At present we have 13 local residents, with the remainder typically consisting of overseas, itinerant workers and backpackers.
13. Our casual pickers reach competency with a few days and our pruners are generally competent within a day. Some workers are on hourly rates until they become competent.
14. We have recently struggled to get the numbers of workers that we ordinarily might as a result of the COVID-19 pandemic.

#### *Use of Piece Rates and Employee Earnings*

15. At present our pickers are mostly paid piece rates.
16. Apple pickers pick by hand. Each picker is allocated a ladder and an apron (satchel) which hangs from their neck, the satchel is periodically emptied into a bin (each picker has its own bin). The pickers use a ladders to access the higher fruit, although some of our fruit is grown on trellises which minimises the need to climb ladders
17. We are currently trialling the use of motorised ‘platforms’ which can be raised and lowered. A set of two employees (four employees total) are stationed on each side of



the platform, and a large bin resides between them where the picked fruit is stored. The platform rolls between rows of apple trees, setting the pace at which the picker work. Pickers working on platforms are paid by the hour because their productivity is determined by the speed of the machine rather than how good the individual is. The work is less physically demanding, making it suitable to a large number of people. At present the platforms can only operate in some areas of the orchards,

18. Determination of the rate to be paid for apples is made by consultation with senior supervisors who has an extensive history with the industry and is knowledgeable of the crop, the terrain, and the conditions in the field on a given day.
19. A rate is assigned which would allow the average competent worker to earn well above the 15% hourly rate on that basis.
20. We are constantly monitoring the work rate of our pickers. We also vary the piece rates depending on the location within the orchard, the variety of the fruit, the orchard structure and the load on the trees.
21. Our pruners are also paid by piece rates.
22. Pruning is a skill that can be learned to a reasonable level of competence and productivity within a day.
23. Trees are planted and grown in 'blocks' with each block being of the same variety, planted at the same time, grown under similar conditions, and managed in the same way. As such, each tree in a block is very similar. In addition, the process of pruning across one block of trees is the same but may be different from block to block. For that reason, we set piece rates by blocks, varying the rate depending on the work load, from block to block
24. In having reviewed back-calculations on piece rate earnings amongst pickers, very rarely does anyone earn below the award minimum rate, and typically 80% earned above the award minimum rate +15%.
25. We use piece rates because they remove the need to supervise the productivity of our pickers. We are happy for them to work at their own rate and are comfortable if they are not picking at a rate we would consider competent, although we are also confident

that they will generally work in their own interest at a good rate of productivity and that those who do not meet this standard will not incur excessive expense.

26. Some of our more experienced pickers earn at a rate in excess of \$50 per hour. Now produced to me and marked 'A' is a sample wages spreadsheet which incorporates piece rate workers for the period 28 April to 3 May 2021.
- Column 'C' indicates whether the person is an employee or contractor.
  - Column 'G' indicates the type of work performed. 'PI' means that it is picking piece-rate work. There are also codes for work paid on an hourly basis, with 'PR' indicating pruning, etc.
  - Column 'J' identifies the particular farm or property where the individual is working.
  - Column 'K' indicates the code used in our payroll system. This data from our accounting system (ERP) creates a file used in the payment process.
  - Column 'AJ' and the post-mortem rate refer to the mid-point rate earned – the 50% mark.
27. At present, if a picker is not working at a pace which we consider adequate then, after trying to assist them to increase their pace, we will try to move them to an area of work which is paid hourly and individual productivity is not such a factor. In addition to taking care of the worker and ensuring our compliance with the Award requirements, this helps us control our costs as a less productive worker gives us a worse return on our wage investment and brings down the work rate of the “average competent worker” which means that we have to increase the piece rate across the board.

*Introduction of a minimum hourly rate*

28. The introduction of a minimum floor would have a negative impact on N&A group and our existing model of self-managed productivity.
29. Even if we were move largely to a picking-platform model in which workers are paid an hourly rate, we will always need piece workers as these platforms cannot be used in all areas on farm.

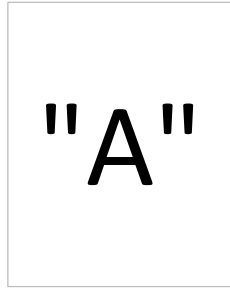
- 30. Our expectation is that if the ‘floor’ was introduced, the productivity levels of many of the pickers who are content with the minimum wage would fall drastically as there is little incentive for them to pick at a faster rate.
- 31. In addition, we would move all workers who are unproductive into work which is paid by the hour if we could, for example into picking-platform work or, if we couldn’t find any of hourly work for them, we would let them go. .
- 32. If the AWU application is successful, then our relationship to the labour used in picking changes. Where a worker is not productive, and yet is entitled to a minimum hourly rate, this becomes a management issue, that we need to do something about. That something might include alternative work (if that work is available). There is limited other work opportunities on N&A properties. Formerly, we had a packing shed, but this is the first year we don’t have that work available. If productivity became an issue, we would need:
  - a. more supervision in the orchard, to check on the progress of pickers. This is so, as the pickers are spread over a reasonably large area.
  - b. in some instances, to terminate those employees who were not productive, so as not to enlarge the cost of labour for the whole of the picking season.
- 33. I note the AWU’s earlier assertion that most piece rate workers earn well below the minimum hourly rate, which contrasts starkly with a separate statement asserting that many farm businesses pay piece workers above the minimum wage. This seems contradictory.

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Anthony Thomas Kelly

Date



Level 1 casual rate	\$24.80	Piece target (total all records)	\$27,393.46
Piece work target hourly rate (LVL1CAS+15%)	\$28.52	Piece actual (total all records)	\$33,395.00
Piece work average hourly rate (all records)	\$34.77	Variance (total all records)	\$6,001.54 22%
Piece work minimum average hourly rate	\$15.00	Piece actual (total all records)	\$33,395.00
Piece work maximum average hourly rate	\$73.33	Piece post mortem (all records)	\$27,446.00
Piece work median average hourly rate	\$35.00	Variance (total all records)	\$5,920.72 18%

Percentage of payroll records paid above Piece target	76.0%
Percentage of payroll records paid below piece target	24.0%

*Note: the Piece target is calculated as what would be required to pay all piece work at 15% above the level 1 casual rate.  
Based on the award we are only required to make sure half the people working on a given task reach this threshold.  
The post mortem amount is what we could have paid (all things being equal) for each task to meet the award*

Records	
Clarissa	14
Rob	72
Steve	85
	<hr/> 171

\$27,446.00

Work Date	Transaction Description	Block	Dimens	Quantity	Rate	Unit of Me	Start Time	Finish Time	Break	Payment type	Start time V2	Finish time V2	Approx amt	Orig order	Calc hours	Round hrs	Piece target	Piece actual	Piece variance	Piece result	Pieces per hr	Piece equiv hourly	Post mortem rank	Post mortem rate	Post mortem total	Post mortem hourly	Post mortem result
28/04/2021	Picking Bins	AR-01-RL		2.5		45 BIN	12:00 00 PM	3:30 00 PM	30	PIECE	12:00:00 PM	3:30:00 PM	\$112.50	174	3.00	3.00	\$85.56	\$112.50	\$26.94	Above targ	0.83	\$37.50	1	\$48.00	\$120.00	\$40.00	Above target
28/04/2021	Picking Bins	AR-01-RL		2.5		45 BIN	12:00 00 PM	3:30 00 PM	30	PIECE	12:00:00 PM	3:30:00 PM	\$112.50	175	3.00	3.00	\$85.56	\$112.50	\$26.94	Above targ	0.83	\$37.50	2	\$48.00	\$120.00	\$40.00	Above target
28/04/2021	Picking Bins	AR-01-RL		2.5		45 BIN	12:00 00 PM	3:30 00 PM	30	PIECE	12:00:00 PM	3:30:00 PM	\$112.50	179	3.00	3.00	\$85.56	\$112.50	\$26.94	Above targ	0.83	\$37.50	3	\$48.00	\$120.00	\$40.00	Above target
28/04/2021	Picking Bins	AR-01-RL		2.5		45 BIN	12:00 00 PM	3:30 00 PM	30	PIECE	12:00:00 PM	3:30:00 PM	\$112.50	178	3.00	3.00	\$85.56	\$112.50	\$26.94	Above targ	0.83	\$37.50	4	\$48.00	\$120.00	\$40.00	Above target
28/04/2021	Picking Bins	AR-01-RL		2		45 BIN	12:00 00 PM	3:30 00 PM	30	PIECE	12:00:00 PM	3:30:00 PM	\$90.00	177	3.00	3.00	\$85.56	\$90.00	\$4.44	Above targ	0.67	\$30.00	5	\$48.00	\$96.00	\$32.00	Above target
28/04/2021	Picking Bins	AR-01-RL		2		45 BIN	12:00 00 PM	3:30 00 PM	30	PIECE	12:00:00 PM	3:30:00 PM	\$90.00	173	3.00	3.00	\$85.56	\$90.00	\$4.44	Above targ	0.67	\$30.00	6	\$48.00	\$96.00	\$32.00	Above target
28/04/2021	Picking Bins	AR-01-RL		2		45 BIN	12:00 00 PM	3:30 00 PM	30	PIECE	12:00:00 PM	3:30:00 PM	\$90.00	180	3.00	3.00	\$85.56	\$90.00	\$4.44	Above targ	0.67	\$30.00	7	\$48.00	\$96.00	\$32.00	Above target
28/04/2021	Picking Bins	AR-01-RL		2		45 BIN	12:00 00 PM	3:30 00 PM	30	PIECE	12:00:00 PM	3:30:00 PM	\$90.00	176	3.00	3.00	\$85.56	\$90.00	\$4.44	Above targ	0.67	\$30.00	8	\$48.00	\$96.00	\$32.00	Above target
28/04/2021	Picking Bins	AR-10-RL		3		55 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$165.00	167	5.00	5.00	\$142.60	\$165.00	\$22.40	Above targ	0.60	\$33.00	9	\$48.00	\$144.00	\$28.80	Above target \$7.00 OVER
28/04/2021	Picking Bins	AR-10-RL		3		55 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$165.00	162	5.00	5.00	\$142.60	\$165.00	\$22.40	Above targ	0.60	\$33.00	10	\$48.00	\$144.00	\$28.80	Above target
28/04/2021	Picking Bins	AR-10-RL		3		55 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$165.00	168	5.00	5.00	\$142.60	\$165.00	\$22.40	Above targ	0.60	\$33.00	11	\$48.00	\$144.00	\$28.80	Above target
28/04/2021	Picking Bins	AR-10-RL		3		55 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$165.00	159	5.00	5.00	\$142.60	\$165.00	\$22.40	Above targ	0.60	\$33.00	12	\$48.00	\$144.00	\$28.80	Above target
28/04/2021	Picking Bins	AR-10-RL		3		55 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$165.00	161	5.00	5.00	\$142.60	\$165.00	\$22.40	Above targ	0.60	\$33.00	13	\$48.00	\$144.00	\$28.80	Above target
28/04/2021	Picking Bins	AR-10-RL		2.5		55 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$137.50	166	5.00	5.00	\$142.60	\$137.50	-\$5.10	Below targ	0.50	\$27.50	14	\$48.00	\$120.00	\$24.00	Below target
28/04/2021	Picking Bins	AR-10-RL		2.5		55 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$137.50	164	5.00	5.00	\$142.60	\$137.50	-\$5.10	Below targ	0.50	\$27.50	15	\$48.00	\$120.00	\$24.00	Below target
28/04/2021	Picking Bins	AR-10-RL		1.5		55 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$82.50	170	5.00	5.00	\$142.60	\$82.50	-\$60.10	Below targ	0.30	\$16.50	16	\$48.00	\$72.00	\$14.40	Below target
28/04/2021	Picking Bins	AR-10-RL		1.5		55 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$82.50	172	5.00	5.00	\$142.60	\$82.50	-\$60.10	Below targ	0.30	\$16.50	17	\$48.00	\$72.00	\$14.40	Below target
28/04/2021	Picking Bins	AR-15-RL		8		45 BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$360.00	181	8.00	8.00	\$228.16	\$360.00	\$131.84	Above targ	1.00	\$45.00	1	\$39.00	\$312.00	\$39.00	Above target
28/04/2021	Picking Bins	AR-15-RL		8		45 BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$360.00	185	8.00	8.00	\$228.16	\$360.00	\$131.84	Above targ	1.00	\$45.00	2	\$39.00	\$312.00	\$39.00	Above target
28/04/2021	Picking Bins	AR-15-RL		8		45 BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$360.00	187	8.00	8.00	\$228.16	\$360.00	\$131.84	Above targ	1.00	\$45.00	3	\$39.00	\$312.00	\$39.00	Above target
28/04/2021	Picking Bins	AR-15-RL		8		45 BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$360.00	186	8.00	8.00	\$228.16	\$360.00	\$131.84	Above targ	1.00	\$45.00	4	\$39.00	\$312.00	\$39.00	Above target
28/04/2021	Picking Bins	AR-15-RL		8		45 BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$360.00	188	8.00	8.00	\$228.16	\$360.00	\$131.84	Above targ	1.00	\$45.00	5	\$39.00	\$312.00	\$39.00	Above target
28/04/2021	Picking Bins	AR-15-RL		8		45 BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$360.00	182	8.00	8.00	\$228.16	\$360.00	\$131.84	Above targ	1.00	\$45.00	6	\$39.00	\$312.00	\$39.00	Above target
28/04/2021	Picking Bins	AR-15-RL		6		45 BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$270.00	184	8.00	8.00	\$228.16	\$270.00	\$41.84	Above targ	0.75	\$33.75	7	\$39.00	\$234.00	\$29.25	Above target \$6.00 OVER
28/04/2021	Picking Bins	AR-15-RL		6		45 BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$270.00	183	8.00	8.00	\$228.16	\$270.00	\$41.84	Above targ	0.75	\$33.75	8	\$39.00	\$234.00	\$29.25	Above target
28/04/2021	Picking Bins	AR-15-RL		5.5		45 BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$247.50	189	8.00	8.00	\$228.16	\$247.50	\$19.34	Above targ	0.69	\$30.94	9	\$39.00	\$214.50	\$26.81	Below target
28/04/2021	Picking Bins	AR-15-RL		5.5		45 BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$247.50	190	8.00	8.00	\$228.16	\$247.50	\$19.34	Above targ	0.69	\$30.94	10	\$39.00	\$214.50	\$26.81	Below target
28/04/2021	Picking Bins	AR-15-RL		4		45 BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$180.00	191	8.00	8.00	\$228.16	\$180.00	-\$48.16	Below targ	0.50	\$22.50	11	\$39.00	\$156.00	\$19.50	Below target
28/04/2021	Picking Bins	AR-15-RL		4		45 BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$180.00	192	8.00	8.00	\$228.16	\$180.00	-\$48.16	Below targ	0.50	\$22.50	12	\$39.00	\$156.00	\$19.50	Below target
29/04/2021	Picking Bins	AR-01-RL		2		45 BIN	12:00 00 PM	2:00 00 PM	30	PIECE	12:00:00 PM	2:00:00 PM	\$90.00	221	1.50	1.50	\$42.78	\$90.00	\$47.22	Above targ	1.33	\$60.00	1	\$29.00	\$58.00	\$38.67	Above target
29/04/2021	Picking Bins	AR-01-RL		2		45 BIN	12:00 00 PM	2:00 00 PM	30	PIECE	12:00:00 PM	2:00:00 PM	\$90.00	222	1.50	1.50	\$42.78	\$90.00	\$47.22	Above targ	1.33	\$60.00	2	\$29.00	\$58.00	\$38.67	Above target
29/04/2021	Picking Bins	AR-01-RL		1.5		45 BIN	12:00 00 PM	2:00 00 PM	30	PIECE	12:00:00 PM	2:00:00 PM	\$67.50	223	1.50	1.50	\$42.78	\$67.50	\$24.72	Above targ	1.00	\$45.00	3	\$29.00	\$43.50	\$29.00	Above target \$16.00 OVER
29/04/2021	Picking Bins	AR-01-RL		1.5		45 BIN	12:00 00 PM	2:00 00 PM	30	PIECE	12:00:00 PM	2:00:00 PM	\$67.50	224	1.50	1.50	\$42.78	\$67.50	\$24.72	Above targ	1.00	\$45.00	4	\$29.00	\$43.50	\$29.00	Above target
29/04/2021	Picking Bins	AR-01-RL		1		45 BIN	12:00 00 PM	2:30 00 PM	30	PIECE	12:00:00 PM	2:30:00 PM	\$45.00	225	2.00	2.00	\$57.04	\$45.00	-\$12.04	Below targ	0.50	\$22.50	5	\$29.00	\$29.00	\$14.50	Below target
29/04/2021	Picking Bins	AR-15-RL		6		45 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$270.00	219	5.00	5.00	\$142.60	\$270.00	\$127.40	Above targ	1.20	\$54.00	1	\$36.00	\$216.00	\$43.20	Above target
29/04/2021	Picking Bins	AR-15-RL		5		45 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$225.00	220	5.00	5.00	\$142.60	\$225.00	\$82.40	Above targ	1.00	\$45.00	2	\$36.00	\$180.00	\$36.00	Above target
29/04/2021	Picking Bins	AR-15-RL		4		45 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$180.00	216	5.00	5.00	\$142.60	\$180.00	\$37.40	Above targ	0.80	\$36.00	3	\$36.00	\$144.00	\$28.80	Above target \$9.00 OVER
29/04/2021	Picking Bins	AR-15-RL		2.5		45 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$112.50	217	5.00	5.00	\$142.60	\$112.50	-\$30.10	Below targ	0.50	\$22.50	4	\$36.00	\$90.00	\$18.00	Below target
29/04/2021	Picking Bins	AR-15-RL		2.5		45 BIN	7:00:00 AM	12:00 00 PM		PIECE	7:00:00 AM	12:00:00 PM	\$112.50	218	5.00	5.00	\$142.60	\$112.50	-\$30.10	Below targ	0.50	\$22.50	5	\$36.00	\$90.00	\$18.00	Below target
29/04/2021	Picking Bins	GC-3-RL		6.5		50 BIN	7:00:00 AM	3:30 00 PM		PIECE	7:00:00 AM	3:30:00 PM	\$325.00	131	8.50	8.50	\$242.42	\$325.00	\$82.58	Above targ	0.76	\$38.24	1	\$41.00	\$266.50	\$31.35	Above target
29/04/2021	Picking Bins	GC-3-RL		6.5		50 BIN	7:00:00 AM	3:30 00 PM		PIECE	7:00:00 AM	3:30:00 PM	\$325.00	137	8.50	8.50	\$242.42	\$325.00	\$82.58	Above targ	0.76	\$38.24	2	\$41.00	\$266.50	\$31.35	Above target
29/04/2021	Picking Bins	GC-3-RL		6		50 BIN	7:00:00 AM	3:30 00 PM		PIECE	7:00:00 AM	3:30:00 PM	\$300.00	132	8.50	8.50	\$242.42	\$300.00	\$57.58	Above targ	0.71	\$35.29	3	\$41.00	\$246.00	\$28.94	Above target
29/04/2021	Picking Bins	GC-3-RL																									



30/04/2021	Picking Bins	AR-13-RL	9	50	BIN	7:00:00 AM	4:00 00 PM	30	PIECE	7:00:00 AM	4:00:00 PM	\$450.00	243	8.50	8.50	\$242.42	\$450.00	\$207.58	Above targ	1.06	\$52.94	1	\$36.00	\$324.00	\$38.12	Above target
30/04/2021	Picking Bins	AR-13-RL	8	50	BIN	7:00:00 AM	4:00 00 PM	30	PIECE	7:00:00 AM	4:00:00 PM	\$400.00	244	8.50	8.50	\$242.42	\$400.00	\$157.58	Above targ	0.94	\$47.06	2	\$36.00	\$288.00	\$33.88	Above target
30/04/2021	Picking Bins	AR-13-RL	4.5	50	BIN	10:30:00 AM	4:00 00 PM	30	PIECE	10:30:00 AM	4:00:00 PM	\$225.00	248	5.00	5.00	\$142.60	\$225.00	\$82.40	Above targ	0.90	\$45.00	3	\$36.00	\$162.00	\$32.40	Above target
30/04/2021	Picking Bins	AR-13-RL	4.5	50	BIN	10:30:00 AM	4:00 00 PM	30	PIECE	10:30:00 AM	4:00:00 PM	\$225.00	249	5.00	5.00	\$142.60	\$225.00	\$82.40	Above targ	0.90	\$45.00	4	\$36.00	\$162.00	\$32.40	Above target
30/04/2021	Picking Bins	AR-13-RL	4	50	BIN	10:30:00 AM	4:00 00 PM	30	PIECE	10:30:00 AM	4:00:00 PM	\$200.00	246	5.00	5.00	\$142.60	\$200.00	\$57.40	Above targ	0.80	\$40.00	5	\$36.00	\$144.00	\$28.80	Above target
30/04/2021	Picking Bins	AR-13-RL	4	50	BIN	10:30:00 AM	4:00 00 PM	30	PIECE	10:30:00 AM	4:00:00 PM	\$200.00	247	5.00	5.00	\$142.60	\$200.00	\$57.40	Above targ	0.80	\$40.00	6	\$36.00	\$144.00	\$28.80	Above target
30/04/2021	Picking Bins	AR-13-RL	3.5	50	BIN	11:00:00 AM	4:00 00 PM	30	PIECE	11:00:00 AM	4:00:00 PM	\$175.00	250	4.50	4.50	\$128.34	\$175.00	\$46.66	Above targ	0.78	\$38.89	7	\$36.00	\$126.00	\$28.00	Below target
30/04/2021	Picking Bins	AR-13-RL	3.5	50	BIN	11:00:00 AM	4:00 00 PM	30	PIECE	11:00:00 AM	4:00:00 PM	\$175.00	251	4.50	4.50	\$128.34	\$175.00	\$46.66	Above targ	0.78	\$38.89	8	\$36.00	\$126.00	\$28.00	Below target
30/04/2021	Picking Bins	AR-13-RL	3	50	BIN	11:00:00 AM	4:00 00 PM	30	PIECE	11:00:00 AM	4:00:00 PM	\$150.00	252	4.50	4.50	\$128.34	\$150.00	\$21.66	Above targ	0.67	\$33.33	9	\$36.00	\$108.00	\$24.00	Below target
30/04/2021	Picking Bins	AR-13-RL	5	50	BIN	7:00:00 AM	4:00 00 PM	30	PIECE	7:00:00 AM	4:00:00 PM	\$250.00	245	8.50	8.50	\$242.42	\$250.00	\$7.58	Above targ	0.59	\$29.41	10	\$36.00	\$180.00	\$21.18	Below target
30/04/2021	Picking Bins	GC-3-RL	3	50	BIN	7:00:00 AM	11:00:00 AM		PIECE	7:00:00 AM	11:00:00 AM	\$150.00	138	4.00	4.00	\$114.08	\$150.00	\$35.92	Above targ	0.75	\$37.50	1	\$40.00	\$120.00	\$30.00	Above target
30/04/2021	Picking Bins	GC-3-RL	2.5	50	BIN	7:00:00 AM	10:30:00 AM		PIECE	7:00:00 AM	10:30:00 AM	\$125.00	139	3.50	3.50	\$99.82	\$125.00	\$25.18	Above targ	0.71	\$35.71	2	\$40.00	\$100.00	\$28.57	Above target
30/04/2021	Picking Bins	GC-3-RL	2.5	50	BIN	7:00:00 AM	10:30:00 AM		PIECE	7:00:00 AM	10:30:00 AM	\$125.00	141	3.50	3.50	\$99.82	\$125.00	\$25.18	Above targ	0.71	\$35.71	3	\$40.00	\$100.00	\$28.57	Above target
30/04/2021	Picking Bins	GC-3-RL	2.5	50	BIN	7:00:00 AM	10:30:00 AM		PIECE	7:00:00 AM	10:30:00 AM	\$125.00	140	3.50	3.50	\$99.82	\$125.00	\$25.18	Above targ	0.71	\$35.71	4	\$40.00	\$100.00	\$28.57	Above target
30/04/2021	Picking Bins	GC-3-RL	2.5	50	BIN	7:00:00 AM	10:30:00 AM		PIECE	7:00:00 AM	10:30:00 AM	\$125.00	142	3.50	3.50	\$99.82	\$125.00	\$25.18	Above targ	0.71	\$35.71	5	\$40.00	\$100.00	\$28.57	Above target
30/04/2021	Picking Bins	GC-3-RL	2	50	BIN	7:00:00 AM	11:00:00 AM		PIECE	7:00:00 AM	11:00:00 AM	\$100.00	143	4.00	4.00	\$114.08	\$100.00	-\$14.08	Below targ	0.50	\$25.00	6	\$40.00	\$80.00	\$20.00	Below target
30/04/2021	Picking Bins	GC-3-RL	2	50	BIN	7:00:00 AM	11:00:00 AM		PIECE	7:00:00 AM	11:00:00 AM	\$100.00	144	4.00	4.00	\$114.08	\$100.00	-\$14.08	Below targ	0.50	\$25.00	7	\$40.00	\$80.00	\$20.00	Below target
30/04/2021	Picking Bins	WB-K-RL	2	55	BIN	7:00:00 AM	8:30:00 AM		PIECE	7:00:00 AM	8:30:00 AM	\$110.00	29	1.50	1.50	\$42.78	\$110.00	\$67.22	Above targ	1.33	\$73.33	1	\$43.00	\$86.00	\$57.33	Above target
30/04/2021	Picking Bins	WB-K-RL	1.5	55	BIN	7:00:00 AM	8:30:00 AM		PIECE	7:00:00 AM	8:30:00 AM	\$82.50	30	1.50	1.50	\$42.78	\$82.50	\$39.72	Above targ	1.00	\$55.00	2	\$43.00	\$64.50	\$43.00	Above target
30/04/2021	Picking Bins	WB-K-RL	1	55	BIN	7:00:00 AM	8:30:00 AM		PIECE	7:00:00 AM	8:30:00 AM	\$55.00	31	1.50	1.50	\$42.78	\$55.00	\$12.22	Above targ	0.67	\$36.67	3	\$43.00	\$43.00	\$28.67	Above target
30/04/2021	Picking Bins	WB-K-RL	1	55	BIN	7:00:00 AM	8:30:00 AM		PIECE	7:00:00 AM	8:30:00 AM	\$55.00	32	1.50	1.50	\$42.78	\$55.00	\$12.22	Above targ	0.67	\$36.67	4	\$43.00	\$43.00	\$28.67	Above target
30/04/2021	Picking Bins	WB-K-RL	1	55	BIN	7:00:00 AM	8:30:00 AM		PIECE	7:00:00 AM	8:30:00 AM	\$55.00	34	1.50	1.50	\$42.78	\$55.00	\$12.22	Above targ	0.67	\$36.67	5	\$43.00	\$43.00	\$28.67	Above target
30/04/2021	Picking Bins	WB-K-RL	1	55	BIN	7:00:00 AM	8:30:00 AM		PIECE	7:00:00 AM	8:30:00 AM	\$55.00	33	1.50	1.50	\$42.78	\$55.00	\$12.22	Above targ	0.67	\$36.67	6	\$43.00	\$43.00	\$28.67	Above target
30/04/2021	Picking Bins	WB-K-RL	3	55	BIN	7:00:00 AM	1:30 00 PM	30	PIECE	7:00:00 AM	1:30:00 PM	\$165.00	37	6.00	6.00	\$171.12	\$165.00	-\$6.12	Below targ	0.50	\$27.50	7	\$43.00	\$129.00	\$21.50	Below target
30/04/2021	Picking Bins	WB-K-RL	0.5	55	BIN	7:00:00 AM	8:30:00 AM		PIECE	7:00:00 AM	8:30:00 AM	\$27.50	36	1.50	1.50	\$42.78	\$27.50	-\$15.28	Below targ	0.33	\$18.33	8	\$43.00	\$21.50	\$14.33	Below target
30/04/2021	Picking Bins	WB-K-RL	0.5	55	BIN	7:00:00 AM	8:30:00 AM		PIECE	7:00:00 AM	8:30:00 AM	\$27.50	35	1.50	1.50	\$42.78	\$27.50	-\$15.28	Below targ	0.33	\$18.33	9	\$43.00	\$21.50	\$14.33	Below target
30/04/2021	Picking Bins	WB-K-RL	0.5	55	BIN	7:00:00 AM	8:30:00 AM		PIECE	7:00:00 AM	8:30:00 AM	\$27.50	38	1.50	1.50	\$42.78	\$27.50	-\$15.28	Below targ	0.33	\$18.33	10	\$43.00	\$21.50	\$14.33	Below target
30/04/2021	Picking Bins	WB-L-PL	4	60	BIN	8:30:00 AM	3:00 00 PM	30	PIECE	8:30:00 AM	3:00:00 PM	\$240.00	43	6.00	6.00	\$171.12	\$240.00	\$68.88	Above targ	0.67	\$40.00	1	\$49.00	\$196.00	\$32.67	Above target
30/04/2021	Picking Bins	WB-L-PL	4	60	BIN	8:30:00 AM	3:00 00 PM	30	PIECE	8:30:00 AM	3:00:00 PM	\$240.00	45	6.00	6.00	\$171.12	\$240.00	\$68.88	Above targ	0.67	\$40.00	2	\$49.00	\$196.00	\$32.67	Above target
30/04/2021	Picking Bins	WB-L-PL	4	60	BIN	8:30:00 AM	3:00 00 PM	30	PIECE	8:30:00 AM	3:00:00 PM	\$240.00	44	6.00	6.00	\$171.12	\$240.00	\$68.88	Above targ	0.67	\$40.00	3	\$49.00	\$196.00	\$32.67	Above target
30/04/2021	Picking Bins	WB-L-PL	4	60	BIN	8:30:00 AM	3:00 00 PM	30	PIECE	8:30:00 AM	3:00:00 PM	\$240.00	47	6.00	6.00	\$171.12	\$240.00	\$68.88	Above targ	0.67	\$40.00	4	\$49.00	\$196.00	\$32.67	Above target
30/04/2021	Picking Bins	WB-L-PL	3.5	60	BIN	8:30:00 AM	3:00 00 PM	30	PIECE	8:30:00 AM	3:00:00 PM	\$210.00	40	6.00	6.00	\$171.12	\$210.00	\$38.88	Above targ	0.58	\$35.00	5	\$49.00	\$171.50	\$28.58	Above target
30/04/2021	Picking Bins	WB-L-PL	3.5	60	BIN	8:30:00 AM	3:00 00 PM	30	PIECE	8:30:00 AM	3:00:00 PM	\$210.00	39	6.00	6.00	\$171.12	\$210.00	\$38.88	Above targ	0.58	\$35.00	6	\$49.00	\$171.50	\$28.58	Above target
30/04/2021	Picking Bins	WB-L-PL	1	60	BIN	1:30 00 PM	3:30 00 PM		PIECE	1:30:00 PM	3:30:00 PM	\$60.00	48	2.00	2.00	\$57.04	\$60.00	\$2.96	Above targ	0.50	\$30.00	7	\$49.00	\$49.00	\$24.50	Below target
30/04/2021	Picking Bins	WB-L-PL	2.5	60	BIN	8:30:00 AM	3:00 00 PM	30	PIECE	8:30:00 AM	3:00:00 PM	\$150.00	42	6.00	6.00	\$171.12	\$150.00	-\$21.12	Below targ	0.42	\$25.00	8	\$49.00	\$122.50	\$20.42	Below target
30/04/2021	Picking Bins	WB-L-PL	2.5	60	BIN	8:30:00 AM	3:00 00 PM	30	PIECE	8:30:00 AM	3:00:00 PM	\$150.00	41	6.00	6.00	\$171.12	\$150.00	-\$21.12	Below targ	0.42	\$25.00	9	\$49.00	\$122.50	\$20.42	Below target
30/04/2021	Picking Bins	WB-L-PL	2	60	BIN	8:30:00 AM	3:00 00 PM	30	PIECE	8:30:00 AM	3:00:00 PM	\$120.00	46	6.00	6.00	\$171.12	\$120.00	-\$51.12	Below targ	0.33	\$20.00	10	\$49.00	\$98.00	\$16.33	Below target
1/05/2021	Picking Bins	AR-13-RL	8	50	BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$400.00	264	8.00	8.00	\$228.16	\$400.00	\$171.84	Above targ	1.00	\$50.00	1	\$36.00	\$288.00	\$36.00	Above target
1/05/2021	Picking Bins	AR-13-RL	7	50	BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$350.00	263	8.00	8.00	\$228.16	\$350.00	\$121.84	Above targ	0.88	\$43.75	2	\$36.00	\$252.00	\$31.50	Above target
1/05/2021	Picking Bins	AR-13-RL	7	50	BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$350.00	267	8.00	8.00	\$228.16	\$350.00	\$121.84	Above targ	0.88	\$43.75	3	\$36.00	\$252.00	\$31.50	Above target
1/05/2021	Picking Bins	AR-13-RL	7	50	BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$350.00	268	8.00	8.00	\$228.16	\$350.00	\$121.84	Above targ	0.88	\$43.75	4	\$36.00	\$252.00	\$31.50	Above target
1/05/2021	Picking Bins	AR-13-RL	6.5	50	BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM	\$325.00	269	8.00	8.00	\$228.16	\$325.00	\$96.84	Above targ	0.81	\$40.63	5	\$36.00	\$234.00	\$29.25	Above target
1/05/2021	Picking Bins	AR-13-RL	6.5	50	BIN	7:00:00 AM	3:30 00 PM	30	PIECE	7:00:00 AM	3:30:00 PM															

2/05/2021 Picking Bins	AR-03-RL	2	50 BIN	9:30:00 AM	3:30 00 PM	30 PIECE	9:30:00 AM	3:30:00 PM	\$100.00	293	5.50	5.50	\$156.86	\$100.00	-\$56.86	Below targ	0.36	\$18.18	8	\$40.00	\$80.00	\$14.55	Below target
2/05/2021 Picking Bins	AR-13-RL	1	50 BIN	7:00:00 AM	8:00:00 AM	PIECE	7:00:00 AM	8:00:00 AM	\$50.00	278	1.00	1.00	\$28.52	\$50.00	\$21.48	Above targ	1.00	\$50.00	1	\$29.00	\$29.00	\$29.00	Above target
2/05/2021 Picking Bins	AR-13-RL	1	50 BIN	7:00:00 AM	8:00:00 AM	PIECE	7:00:00 AM	8:00:00 AM	\$50.00	282	1.00	1.00	\$28.52	\$50.00	\$21.48	Above targ	1.00	\$50.00	2	\$29.00	\$29.00	\$29.00	Above target
2/05/2021 Picking Bins	AR-13-RL	1	50 BIN	7:00:00 AM	8:00:00 AM	PIECE	7:00:00 AM	8:00:00 AM	\$50.00	283	1.00	1.00	\$28.52	\$50.00	\$21.48	Above targ	1.00	\$50.00	3	\$29.00	\$29.00	\$29.00	Above target
2/05/2021 Picking Bins	AR-13-RL	1	50 BIN	7:00:00 AM	8:00:00 AM	PIECE	7:00:00 AM	8:00:00 AM	\$50.00	280	1.00	1.00	\$28.52	\$50.00	\$21.48	Above targ	1.00	\$50.00	4	\$29.00	\$29.00	\$29.00	Above target
2/05/2021 Picking Bins	AR-13-RL	1	50 BIN	7:00:00 AM	8:00:00 AM	PIECE	7:00:00 AM	8:00:00 AM	\$50.00	281	1.00	1.00	\$28.52	\$50.00	\$21.48	Above targ	1.00	\$50.00	5	\$29.00	\$29.00	\$29.00	Above target
2/05/2021 Picking Bins	AR-13-RL	1	50 BIN	7:00:00 AM	8:00:00 AM	PIECE	7:00:00 AM	8:00:00 AM	\$50.00	279	1.00	1.00	\$28.52	\$50.00	\$21.48	Above targ	1.00	\$50.00	6	\$29.00	\$29.00	\$29.00	Above target
2/05/2021 Picking Bins	AR-13-RL	2	50 BIN	7:00:00 AM	9:30:00 AM	PIECE	7:00:00 AM	9:30:00 AM	\$100.00	285	2.50	2.50	\$71.30	\$100.00	\$28.70	Above targ	0.80	\$40.00	7	\$29.00	\$58.00	\$23.20	Below target
2/05/2021 Picking Bins	AR-13-RL	1	50 BIN	7:00:00 AM	9:00:00 AM	PIECE	7:00:00 AM	9:00:00 AM	\$50.00	284	2.00	2.00	\$57.04	\$50.00	-\$7.04	Below targ	0.50	\$25.00	8	\$29.00	\$29.00	\$14.50	Below target
2/05/2021 Picking Bins	WB-G-RL	4.5	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$292.50	90	7.50	7.50	\$213.90	\$292.50	\$78.60	Above targ	0.60	\$39.00	1	\$62.00	\$279.00	\$37.20	Above target
2/05/2021 Picking Bins	WB-G-RL	4.5	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$292.50	91	7.50	7.50	\$213.90	\$292.50	\$78.60	Above targ	0.60	\$39.00	2	\$62.00	\$279.00	\$37.20	Above target
2/05/2021 Picking Bins	WB-G-RL	4	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$260.00	93	7.50	7.50	\$213.90	\$260.00	\$46.10	Above targ	0.53	\$34.67	3	\$62.00	\$248.00	\$33.07	Above target
2/05/2021 Picking Bins	WB-G-RL	4	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$260.00	87	7.50	7.50	\$213.90	\$260.00	\$46.10	Above targ	0.53	\$34.67	4	\$62.00	\$248.00	\$33.07	Above target
2/05/2021 Picking Bins	WB-G-RL	4	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$260.00	88	7.50	7.50	\$213.90	\$260.00	\$46.10	Above targ	0.53	\$34.67	5	\$62.00	\$248.00	\$33.07	Above target
2/05/2021 Picking Bins	WB-G-RL	4	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$260.00	92	7.50	7.50	\$213.90	\$260.00	\$46.10	Above targ	0.53	\$34.67	6	\$62.00	\$248.00	\$33.07	Above target
2/05/2021 Picking Bins	WB-G-RL	3.5	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$227.50	89	7.50	7.50	\$213.90	\$227.50	\$13.60	Above targ	0.47	\$30.33	7	\$62.00	\$217.00	\$28.93	Above target
2/05/2021 Picking Bins	WB-G-RL	3.5	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$227.50	96	7.50	7.50	\$213.90	\$227.50	\$13.60	Above targ	0.47	\$30.33	8	\$62.00	\$217.00	\$28.93	Above target
2/05/2021 Picking Bins	WB-G-RL	3	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$195.00	86	7.50	7.50	\$213.90	\$195.00	-\$18.90	Below targ	0.40	\$26.00	9	\$62.00	\$186.00	\$24.80	Below target
2/05/2021 Picking Bins	WB-G-RL	3	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$195.00	85	7.50	7.50	\$213.90	\$195.00	-\$18.90	Below targ	0.40	\$26.00	10	\$62.00	\$186.00	\$24.80	Below target
2/05/2021 Picking Bins	WB-G-RL	3	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$195.00	97	7.50	7.50	\$213.90	\$195.00	-\$18.90	Below targ	0.40	\$26.00	11	\$62.00	\$186.00	\$24.80	Below target
2/05/2021 Picking Bins	WB-G-RL	2.5	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$162.50	95	7.50	7.50	\$213.90	\$162.50	-\$51.40	Below targ	0.33	\$21.67	12	\$62.00	\$155.00	\$20.67	Below target
2/05/2021 Picking Bins	WB-G-RL	2.5	65 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$162.50	94	7.50	7.50	\$213.90	\$162.50	-\$51.40	Below targ	0.33	\$21.67	13	\$62.00	\$155.00	\$20.67	Below target
3/05/2021 Picking Bins	AR-10-RL	5.5	55 BIN	7:00:00 AM	3:00 00 PM	30 PIECE	7:00:00 AM	3:00:00 PM	\$302.50	307	7.50	7.50	\$213.90	\$302.50	\$88.60	Above targ	0.73	\$40.33	1	\$46.00	\$253.00	\$33.73	Above target
3/05/2021 Picking Bins	AR-10-RL	5.5	55 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$302.50	300	8.00	8.00	\$228.16	\$302.50	\$74.34	Above targ	0.69	\$37.81	2	\$46.00	\$253.00	\$31.63	Above target
3/05/2021 Picking Bins	AR-10-RL	5.5	55 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$302.50	305	8.00	8.00	\$228.16	\$302.50	\$74.34	Above targ	0.69	\$37.81	3	\$46.00	\$253.00	\$31.63	Above target
3/05/2021 Picking Bins	AR-10-RL	5.5	55 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$302.50	302	8.00	8.00	\$228.16	\$302.50	\$74.34	Above targ	0.69	\$37.81	4	\$46.00	\$253.00	\$31.63	Above target
3/05/2021 Picking Bins	AR-10-RL	5	55 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$275.00	298	8.00	8.00	\$228.16	\$275.00	\$46.84	Above targ	0.63	\$34.38	5	\$46.00	\$230.00	\$28.75	Above target
3/05/2021 Picking Bins	AR-10-RL	5	55 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$275.00	313	8.00	8.00	\$228.16	\$275.00	\$46.84	Above targ	0.63	\$34.38	6	\$46.00	\$230.00	\$28.75	Above target
3/05/2021 Picking Bins	AR-10-RL	5	55 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$275.00	315	8.00	8.00	\$228.16	\$275.00	\$46.84	Above targ	0.63	\$34.38	7	\$46.00	\$230.00	\$28.75	Above target
3/05/2021 Picking Bins	AR-10-RL	4	55 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$220.00	309	8.00	8.00	\$228.16	\$220.00	-\$8.16	Below targ	0.50	\$27.50	8	\$46.00	\$184.00	\$23.00	Below target
3/05/2021 Picking Bins	AR-10-RL	4	55 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$220.00	311	8.00	8.00	\$228.16	\$220.00	-\$8.16	Below targ	0.50	\$27.50	9	\$46.00	\$184.00	\$23.00	Below target
3/05/2021 Picking Bins	AR-10-RL	3	55 BIN	7:00:00 AM	2:00 00 PM	30 PIECE	7:00:00 AM	2:00:00 PM	\$165.00	296	6.50	6.50	\$185.38	\$165.00	-\$20.38	Below targ	0.46	\$25.38	10	\$46.00	\$138.00	\$21.23	Below target
3/05/2021 Picking Bins	WB-G-RL	5.5	65 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$357.50	113	8.00	8.00	\$228.16	\$357.50	\$129.34	Above targ	0.69	\$44.69	1	\$51.00	\$280.50	\$35.06	Above target
3/05/2021 Picking Bins	WB-G-RL	5.5	65 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$357.50	114	8.00	8.00	\$228.16	\$357.50	\$129.34	Above targ	0.69	\$44.69	2	\$51.00	\$280.50	\$35.06	Above target
3/05/2021 Picking Bins	WB-G-RL	4.5	65 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$292.50	110	8.00	8.00	\$228.16	\$292.50	\$64.34	Above targ	0.56	\$36.56	3	\$51.00	\$229.50	\$28.69	Above target
3/05/2021 Picking Bins	WB-G-RL	4.5	65 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$292.50	109	8.00	8.00	\$228.16	\$292.50	\$64.34	Above targ	0.56	\$36.56	4	\$51.00	\$229.50	\$28.69	Above target
3/05/2021 Picking Bins	WB-G-RL	4.5	65 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$292.50	111	8.00	8.00	\$228.16	\$292.50	\$64.34	Above targ	0.56	\$36.56	5	\$51.00	\$229.50	\$28.69	Above target
3/05/2021 Picking Bins	WB-G-RL	4	65 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$260.00	112	8.00	8.00	\$228.16	\$260.00	\$31.84	Above targ	0.50	\$32.50	6	\$51.00	\$204.00	\$25.50	Below target
3/05/2021 Picking Bins	WB-G-RL	3.5	65 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$227.50	108	8.00	8.00	\$228.16	\$227.50	-\$0.66	Below targ	0.44	\$28.44	7	\$51.00	\$178.50	\$22.31	Below target
3/05/2021 Picking Bins	WB-G-RL	3	65 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$195.00	116	8.00	8.00	\$228.16	\$195.00	-\$33.16	Below targ	0.38	\$24.38	8	\$51.00	\$153.00	\$19.13	Below target
3/05/2021 Picking Bins	WB-G-RL	3	65 BIN	7:00:00 AM	3:30 00 PM	30 PIECE	7:00:00 AM	3:30:00 PM	\$195.00	115	8.00	8.00	\$228.16	\$195.00	-\$33.16	Below targ	0.38	\$24.38	9	\$51.00	\$153.00	\$19.13	Below target

**IN THE FAIR WORK COMMISSION****Fair Work Act 2009 (Cth)****Matter No.: AM2020/104****Re Application by:** Australian Workers Union

In respect of the MA000028 Horticultural Award

**STATEMENT OF RICHARD GURNEY ECKERSLEY**

On 9 June 2021, I, Richard Eckersley, farmer, of [REDACTED] in the State of Western Australia, **STATE**

*Background*

1. I currently own and operate Yambellup Estate, a horticultural operation in Harvey WA.
2. I am a 4<sup>th</sup> generation farmer, was born on the farm, and have been working on farms for 26 years and have owned and operated the farm since 2008.
3. I currently possess a Certificate III in Horticulture.
4. I have previously been the Chair of WA Citrus and have stood on the Regional Horticulture Advisory Committee.
5. The farm consists of approximately 100 hectares of citrus fruit (mandarins, oranges and lemons), avocados and wine grapes. Of the citrus fruit, the main one is mandarins.

*Farm finances*

6. The annual turnover of my farming interests is approximately \$2m per annum.
7. Our employment expenses are about 30-40% of our annual turnover.

*Peak Seasons and Seasonal Work*

8. Our peak seasons for harvest citrus and avocados are from May through to November for citrus and avocados, with pruning and thinning of grapes taking place June/July.
9. Generally speaking, Citrus has about a 4 week period from the time it is mature to the time it has to be sold. We attempt to have the crop picked and shipped within 48 hours. Unlike apples, which can be picked and stored, citrus fruit are not forgiving.

*Employment details*

10. All administrative work on the farm is handled by me.
11. We currently employ three permanent employees as supervisors and plant (tractor) operators.
12. For the citrus fruit and avocado, we employ 20 to 30 temporary workers as pickers and about 10 temporary packers on a seasonal basis.
13. Most of our seasonal pickers are engaged through labour hire operators, whereas the packers are directly employed.
14. Prior to the closing of international borders as a result of COVID 19, the vast majority of the temporary workers that we employ are backpackers. However, given border closures there are few backpackers looking for picking work and so we have also recently begun using the Seasonal Worker Program to source workers via the labour hire provider, the Job Shop.
15. Pickers general start work at around 7am and end at about 4pm. This strict start time and end time is dependent upon weather, and particularly rain. Because citrus is a winter harvest, winter rain can affect us.
16. We generally do not struggle to find employees, and usually have a good number of multi-year backpackers who return for multiple seasons. This is advantageous, as the more experienced they are, the more productive and highly paid they are.
17. Pickers and pruners are provided with tractors equipped with trailers, bins, ladders, and clippers.



18. Pruners maintain trees, which are kept from growing too tall by a canopy. This allows for safer conditions for pickers.
19. Citrus fruit must be carefully picked or snipped off at the stem with some technique involved. Usually, it takes 2-3 days for a picker to become competent. We rely on the Australian Fresh Citrus Harvest Handbook to train our staff. A copy of the handbook is annexed hereto and marked "A". Some will need more training in technique and talking it through.
20. Pruning is a more specialised role, for which we have a multi-season team of workers of permanent migrants from Afghanistan who return season-on-season. In addition to these workers, we have some others, including Tongans.

#### *Use of Piece Rates and Employee Earnings*

21. Our permanent staff are all paid an hourly rate, as are packing shed staff.
22. The work picking citrus fruit and avocados and pruning the grape vines paid piece rates.
23. Annexed hereto and marked "B" is a copy of the piece rate agreement we use.
24. The initial piece rates are established with reference to what we have paid in previous seasons, what is industry standard, as well as our own experience and knowledge of what is achievable for an average competent worker. However, we review the rate we are paying regularly — on a daily basis at the start of the season — with the use of spreadsheets which track hours worked and the quantity of fruit picked by bin.
25. Less productive workers will be provided with the opportunity to retrain, and if there is no improvement, they will be advised that they may want to take the opportunity to move on to more suitable work.
26. It is generally disadvantageous to have someone picking at a lower rate, although piece rates make it more feasible to keep such workers on for a longer period and provide them with opportunities to improve.
27. We use piece rates because they stimulate productivity within our workforce, which is typically comprised of workers who do not have much experience with the work and

are not interested in long term employment with the farm, in a way that an hourly rate typically does not.

28. Annexed and marked “C” is a copy of sample pick and pay records.

*Introduction of a minimum hourly rate*

29. The introduction of a minimum floor for piece rates would impact negatively on our business. If the floor for piece rates caused picking to slow, given the narrow space of time, for citrus fruit, this could pose a danger to the viability of Yambellup Estate This poses a series of serious challenges.
30. The first is adjusting to a slower picking strategy. If workers including those currently paid piece rates pick slower (which is likely), then there is likely to be a move away from sensitive produce. Citrus given its narrow timeframe, would be likely to play no part in the future of Yambellup Estate. This is because we are a local market producer only, with no scale sufficient for wider distribution or export. The time and wages cost would be beyond what this farm could bear.
31. The fruit mix would be under considerable pressure if the cost of citrus fruit increased. Other fruit which could be explored – at great expense – includes wine grapes, table grapes and kiwifruit has much mechanisation. The investment necessary to move to different crops is substantial, and likely to be in the millions of dollars. Most farms won't survive it.
32. Prior to the global financial crisis 68% of our crops were wine grapes, and wine grape growers in the Margret River did a lot of exporting.
33. A 20 to 30% increase in our labour bill would absorb our profit margin and would make the business unviable.
34. Our productivity may be substantially reduced and it is highly likely that we would need to assess (and if necessary cease to employ) those employees who are not able to quickly achieve a high rate of productivity. In order to assess productivity, this would be an administrative burden –it would require some greater degree of supervision of work productivity, including examining how much work each individual picker is performing.

- 35. We would look at getting rid of citrus fruits and grow more grapes as the grapes are mechanically harvested whereas the citrus is very labour intensive.
  
- 36. In the area of southern WA where Yambellup Estate is located, there have been several farming and horticultural upheavals, such as is likely to follow from the undermining of piece rates in the AWU Application. One such was the dairy industry deregulation – in 2000. That saw many farmers cease making money from dairy and move to horticulture. Yambellup Estate ceased our family dairy operation in 2003 due to the deregulation in 2000. Dairy farmers at the beginning of the 21st century planted crops, some moved to fruit produce and others went to fodder for horses. It is likely that the undermining of piece rates will amount to a similar turning point for horticulture in my region.

.....

.....

Richard Gurney Eckersley

Date

# AUSTRALIAN FRESH CITRUS HARVEST HANDBOOK



**2016 Pre-release  
version**



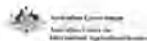
Department of  
Primary Industries

2016 Pre-release 19/4

## Australian Fresh Citrus Harvest Handbook

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and NSW Department of Primary Industries funded  
project.



Department of  
Primary Industries



Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (March 2016). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent advisor. Recognising that some of the information in this document is provided by third parties, the State of New South Wales, the author and the publisher take no responsibility for the accuracy, currency, reliability and correctness of any information included in the document provided by third parties.

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## Introduction

Harvesting citrus in Australia occurs mainly from late autumn to late spring. It requires special care to ensure that consumers receive a safe high quality fruit.

Citrus can be easily bruised or damaged by mishandling. This causes fruit blemish or rotting during transport to the market. Harvesting citrus involves working outdoors, around machinery and climbing ladders.

This booklet will provide the relevant information so you can successfully harvest citrus in the correct and safe manner.

This is a pre-release version to be used by citrus pickers, growers and packers in the 2016 harvest season. Please circulate and use this guide. The final version will be printed in March 2017. Please provide your suggestions and feedback to Steven Falivene: Ph 0427208611 Email steven.falivene@dpi.nsw.gov.au

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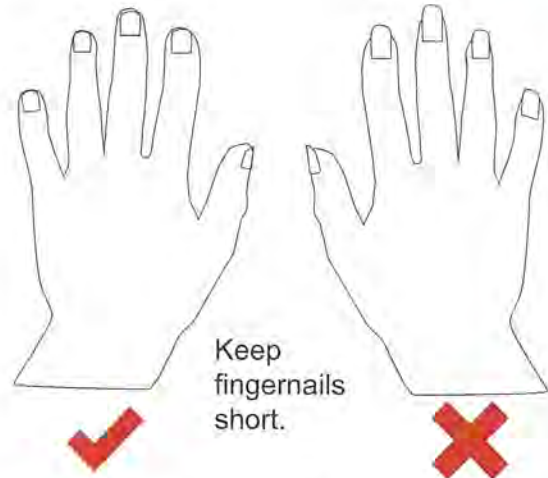
## Preparation Clothes, bags & gloves

Wear appropriate clothing



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Always wear gloves when handling fruit. Replace gloves when worn or broken. Gloves are either provided by the employer or can be purchased from an agricultural store.



Keep fingernails short.

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## On farm

Check with your supervisor of any special requirements to work in the orchard. This is normally in an farm induction document and includes information about:

- Specific safety requirements (i.e. Hi Vis clothing).
- Car parking areas.
- Emergency procedures.
- Behaviour & hygiene policy.
- Speed limits.



## No children on farm

- No children or pets.
- Children are at great danger from tractors and machinery.



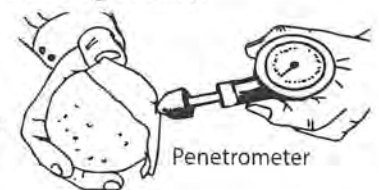
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## Start picking

Check with your supervisor each morning when and where to harvest. Conditions can change overnight and during the day.



- Only pick rows allocated to you, when finished ask for further instruction.
- On cold (i.e. winter) days harvest often starts between 10am to 12 pm until dew on trees has dried and favourable weather conditions are present.
- Harvest may cease any time due to changing weather conditions.
- On some days harvest may not occur (i.e. too cold, heavy dew/fog or rain).
- Orchardists often use a penetrometer to check if fruit are able to be harvested.
- Harvest can commence early morning in summer if fruit are dry.



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Fruit is damaged or weakened when harvested in unfavourable conditions (oleocellosis, p 52).



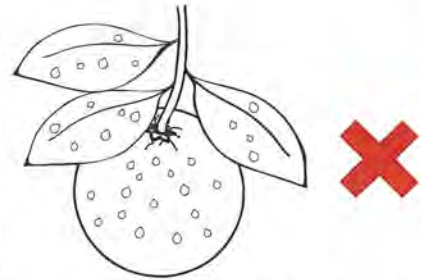
Do not harvest oranges when it is wet (rain or dew). Some snip picked (p16) mandarin varieties can be harvested when wet, check with your supervisor.

Fruit must be dry.



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If fruit are wet report it to your supervisor.



Do not harvest if temperature is less than 12°C. In summer start early morning to avoid the heat of the day and drink lots of water.



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## Picking Equipment

### Picking bags

Fruit must be picked into picking bags. Bags come in two sizes: 1 case (~ 16kg) and 1 ½ case (~ 22kg). Use a bag that suits your carrying capacity.



### Orchard Quarantine



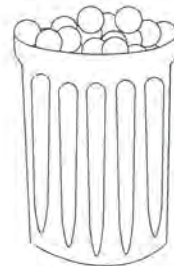
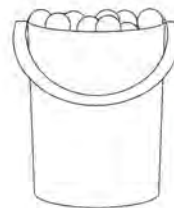
Orchard damaging insect can fall in bags. Shake out picking bags at the end of day or before moving onto a new block or farm.



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### Do not use buckets

Do not pick into buckets or garbage bins. Fruit can be damaged (p 52) when thrown into buckets or when buckets are unloaded into bins.



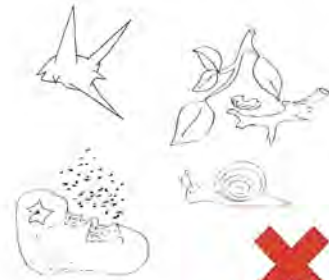
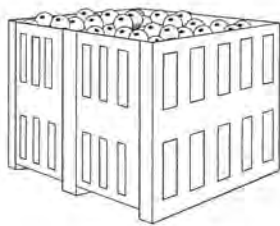
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### Bins

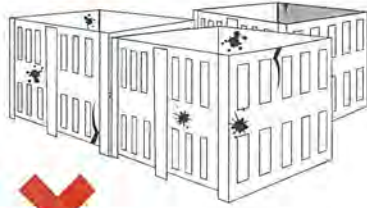
Fruit are unloaded from picking bags into plastic bins.



Remove any seed thorns, insects, sticks, mud, rubbish, pieces of old or damaged fruit etc.

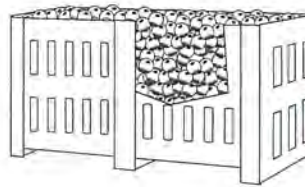


Put aside and report any broken, very dirty or chemically contaminated bins to your supervisor.

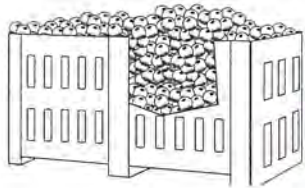


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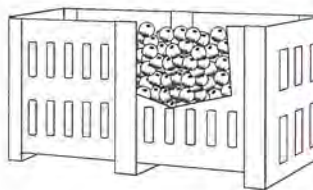
### Fill bins properly



Fruit should just reach top of bin (water level).



Do not overfill bins.



Do not under fill bins.

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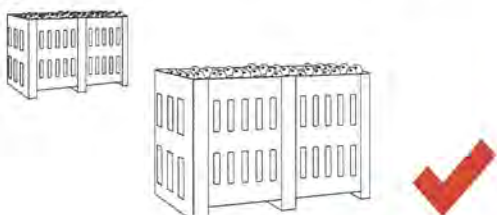
### Moving empty bins

Ask for a forklift if you need to move bins a considerable distance. Only attempt to move bins if within your safe lifting limit, if not ask for help.

Rolling bins on side can sometimes be easier than dragging.



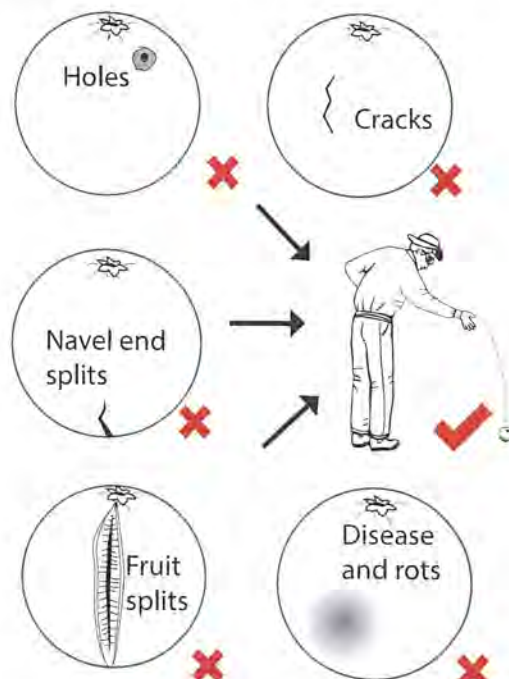
Ensure bin fork holes are facing along the row.



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### Picking Practices

Fruit with broken or opened skin must be thrown to the ground.



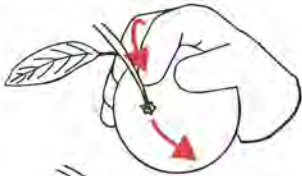
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### Snap picking

Mostly used with oranges, grapefruit, lemons, limes and some mandarins.



**TWIST.** Hold fruit firmly but do not squeeze fruit hard (fruit bruising p 52).



**TILT** to horizontal position.

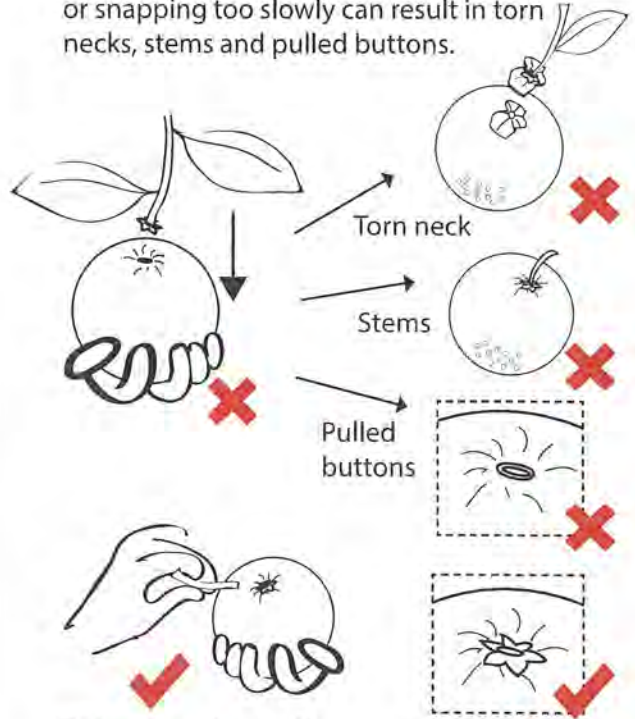


**SNAP** sharply at right angles to stem by pulling quickly downwards.



The twist, tilt and snap action is done in one swift quick action.

Inadequate twisting and/or tilting of fruit or snapping too slowly can result in torn necks, stems and pulled buttons.

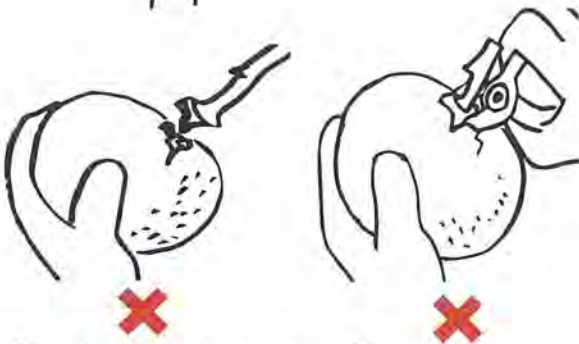


Twist, tilt and pull off the stem if on the fruit.

Buttons must remain on the fruit

### Single snip picking

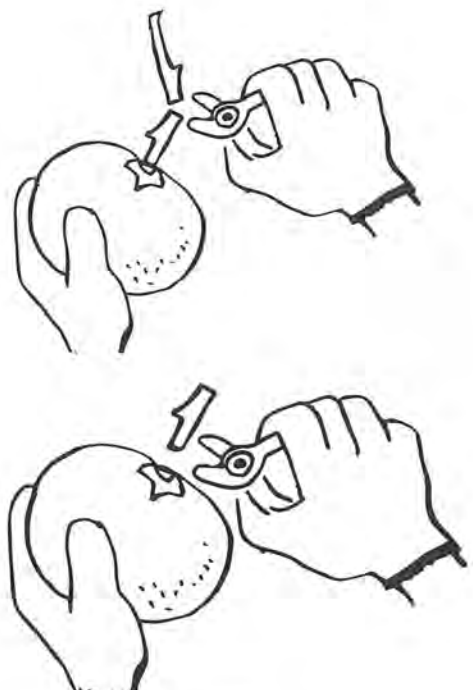
Most mandarins are snip picked and check with your supervisor if required for other varieties.



Do not to tear, scrape or cut fruit.

### Double snip picking

Use when first learning snip picking and or when fruits are not within comfortable reach.

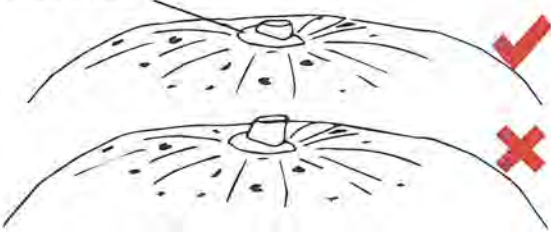




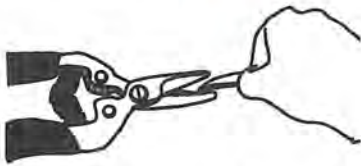
## Snip finish

Stems must be short, flat and about 1mm from base of button. Long stems can damage other fruit. Some stem (about 1mm) must remain on fruit because trying to cut stems too short risk cutting fruit.

Base of button



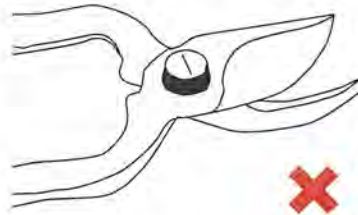
Cut must be flat.



Keep snips sharp.

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## Types of snips



Wide blade snips are not suitable. They are difficult to cut short stems and are prone to cut fruit.



Narrow, slightly curved and blunt end fruit and vegetable snips are suitable.



Blunt end narrow nose snips are best.

Snips can be provided by the employer or purchased from agriculture supply stores.

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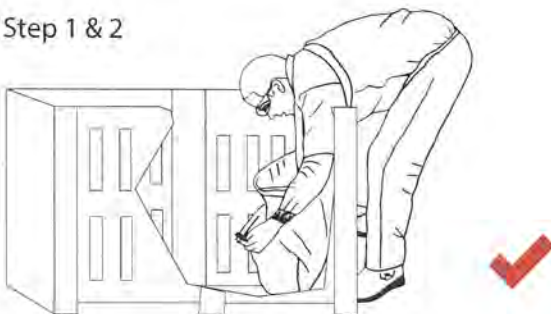
## Picking in bags

Citrus fruit can damage or bruise easily (oleocellosis p 52), handle fruit carefully.

### Place fruit gently into bins

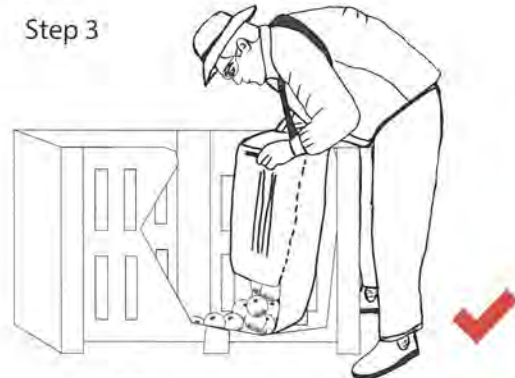
1. Bend over to place filled bag on bottom of bin or on fruit in bin.
2. When the bag is resting unhook the straps.
3. Lift the bag up slowly to allow fruit to roll out of the bag (use hand and leg support if required, p 22).
  - Do not let fruit drop/fall out, fruit should flow or roll out of the bag.

Step 1 & 2



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Step 3



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**Tip**

To help reduce the load on your back when unloading fruit you can hold onto the bin and bend your arms and legs as you lower the bag into the bin and raise the bag to unload fruit. Take the load off your back and onto your arms and legs. Unloading from the edge of the bin can sometime be easier, find what suits you best.



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Do not overfill bags.



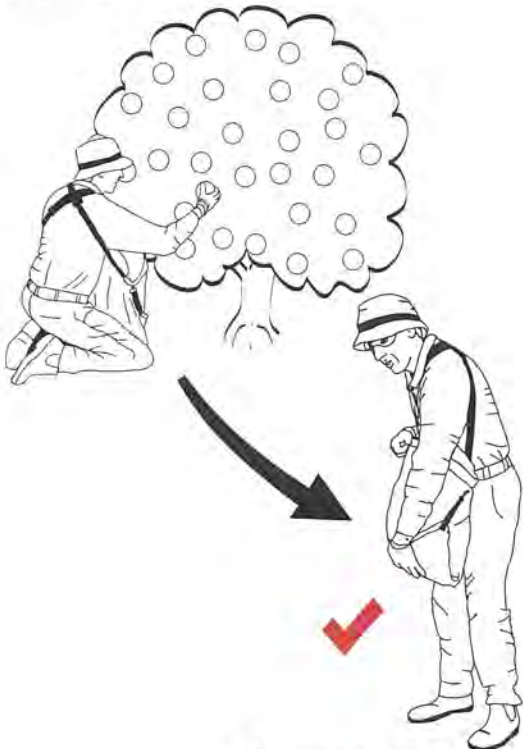
Do not place filled bags of fruit on the edge of the bin, place it directly and carefully into the bin (p 20).



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When picking small trees, brush underside of bag if it touches the ground to remove seed thorns and other debris.



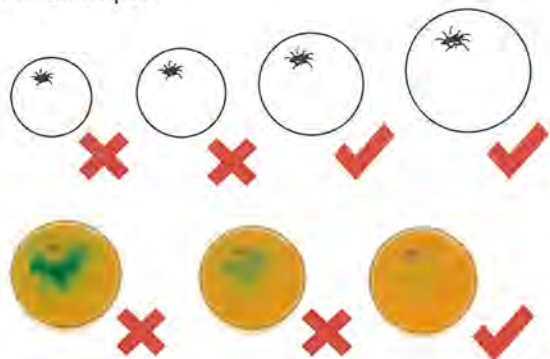
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**Select picking**

Sometimes fruit are picked according to colour (rind maturity) or size to better meet market requirements.

If select picking, your supervisor will demonstrate the fruit to pick and not to pick according to size and/or colour specifications.

For example:



Select picking is slower than strip picking (picking the whole tree at once).

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### Harvest practices

Pick all fruit within the reach of a ladder before moving to the next tree.



**Never** pick fruit off the ground. **Do not** pick up dropped fruit.



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Do not throw fruit into bins.

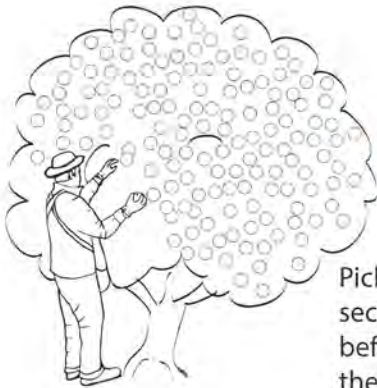


Climb up ladder with an empty bag and down with a filled bag to unload fruit.



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Pick bottom section of tree before using the ladder. The ladder can damage fruit on bottom section.



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Do not walk in between trees of unharvested fruit.



First harvest fruit to make a clear path and pick and complete one tree at a time.



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### Ladders

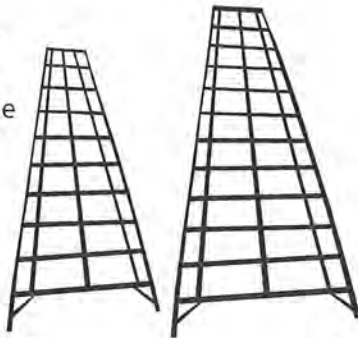
Use a ladder suitable for the size and strength of the trees.

Stool and platform ladders are commonly used on medium size trees and mandarins.

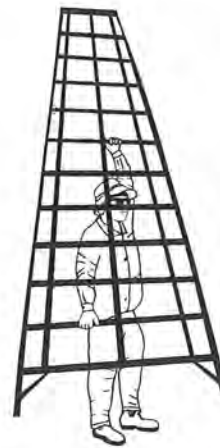


Tripod ladders are used for trees with weak or sparse branches that are too weak to support a bow ladder. Commonly used on mandarins.

Bow ladders are commonly used on mature orange trees. There are two common sizes, 3 m (10 rung) and 3.6 m (12 rung).



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Best to carry ladders in a upright position with one arm holding the lower rung and the other holding an upper rung.

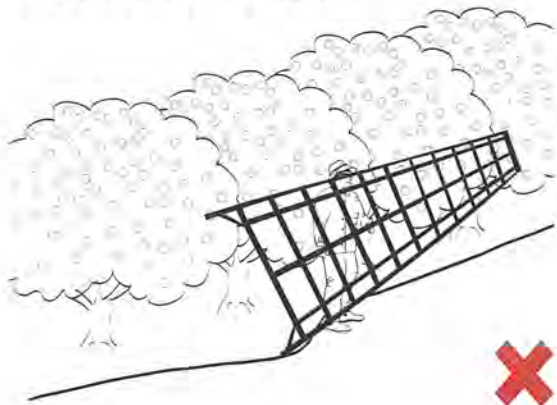


Ladders can be carried horizontally, however they can easily bump into other people or machinery.



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Be careful not to push over sprinklers or drag irrigation lines with ladders.



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Put back moved irrigation lines or pushed over sprinklers.



Be careful not to puncture irrigation lines with ladders. Report punctures.



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Place bow ladders with arch facing outwards and face the ladder towards the centre of the tree.



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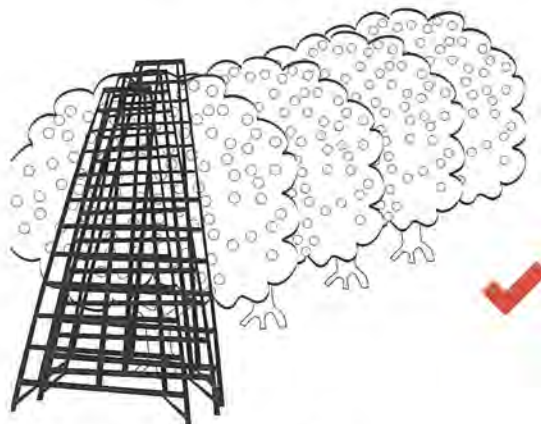
## Finishing the day

Report any broken equipment to supervisor.

Place ladders out of the way of tractors that need to pick up fruit in rows or move bins.

Ask supervisor where to put ladders:

- In between trees, or
- end of rows, or
- on ladder trailer or truck.



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## Machinery

### Tractors

Only operate a tractor after being authorised and trained by the supervisor.

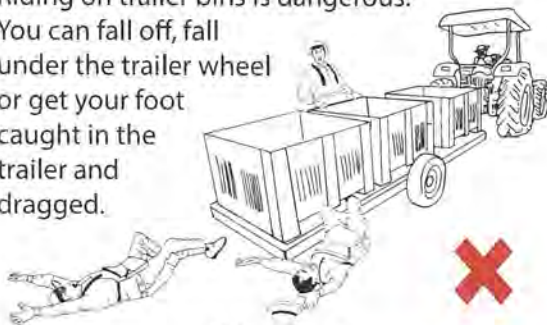
- Follow safe tractor use procedures indicated by the supervisor.
- Only one person to travel in a tractor
- Watch out for people and drive slowly and carefully down rows.
- Follow farm speed limits.

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Do not place personal items (e.g. lunch, drinks, hand bags) next to bins, tractor or forklift drivers may not see them.

Riding on trailer bins is dangerous.

You can fall off, fall under the trailer wheel or get your foot caught in the trailer and dragged.



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## Forklifts

Some states require a forklift licence to operate a tractor with a forklift mast implement. For other states only operate a forklift if authorised and trained by the supervisor.



- Follow tractor and or forklift safety requirements.
- All bins of fruit must be collected by the end of the day.
- If a bin is left overnight put it aside and advise the supervisor.

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# Safety

## Ladder & picking safety

### Position your ladder carefully

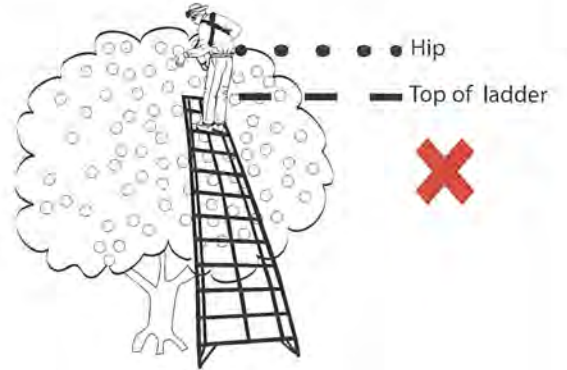
Use a ladder and position it in a stable manner. Ensure it is braced against strong branches and will not fall through the tree.

Do not bend over too far from the ladder.



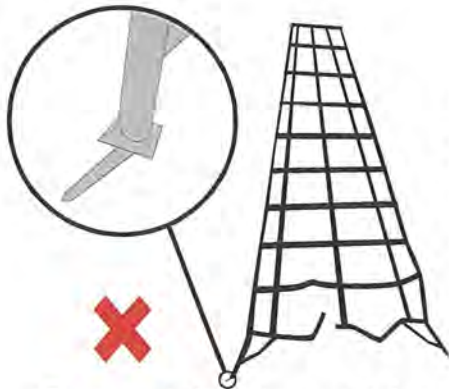
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Do not stand on the top rungs of the ladder. Top of ladder must not be below hip.



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Do not use a faulty or broken ladder.

Do not stand on bins to pick fruit, use a ladder.



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Do not place ladder feet on mounds. Ladder must be in a horizontal position.



Do not climb trees. Do not harvest fruit out of ladder reach.



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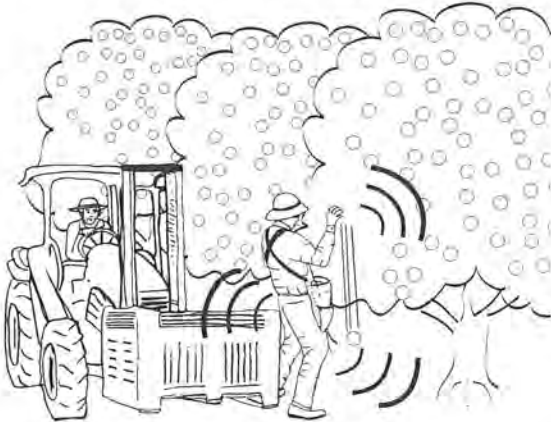
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## Machinery

### Watch out and listen for tractors and machinery

- Stay clear of tractors, assume they cannot see you.
- You are able to see and hear them before they can you.
- Be especially careful when tractors move down rows whilst you are picking.



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## Personal health



Do not work if injured, sick or incapable of manual work.

Do not work under the influence of drugs or alcohol.



Bring adequate food and plenty of water. Take regular breaks and keep hydrated.

An adult needs to drink 2-3 L of fluids per day and more if active or in hotter climates.  
<https://www.nrv.gov.au/nutrients/water>

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## Accidents

### In case of accident or injury:

1. Prior to starting work check with your supervisor who is responsible for first aid, how to contact them quickly and any other accident policy procedures.
2. Do not put yourself in danger to help an injured person, wait until the danger has been removed or stopped.
3. Take the injured person away from any danger. Try not to move them if they have a possible neck or spine injury, wait for professional first aid.
4. For a major injury immediately phone 000 and call the supervisor, for other injuries report to your supervisor and seek first aid.

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## Food safety

Wash hands with soap after using the toilet.



Cover all cuts and wounds.



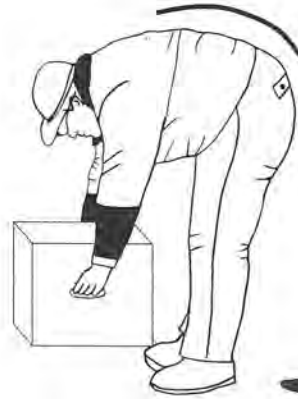
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## Manual lifting

- Warm up your muscles (i.e. stretching),
- Ensure the load does not exceed your acceptable lifting weight. If too heavy ask for help.
- Do not lift if you have an injury.
- Lift by bending your knees and keeping your back straight, do not lift by bending over and lifting with your lower back muscles.
- Keep the load close to your body.
- Do not twist your back whilst carrying the load, reposition legs to move around.
- Regularly stretch your back (stretching exercises p 48).

Do not curve the back.



Ask for help when necessary.



Back is straight, arms and legs lift the load (bend the knees).



## Exercises

Carrying fruit works the back muscles. Prior to starting work conduct stretching exercises. The "touch sky stretch" is advised to be conducted at least every hour.

Holding a stretch for 10 seconds starts to stretch the muscle (minimum time for stretch), 30 seconds is reasonable and 60 seconds or more is optimal.



### Touch sky stretch

Raise arms, stretch upward to "touch the sky" and arch back backwards. This exercise is good to conduct every hour during picking.



### Shoulder stretch

Hold back each arm.



### Arm stretch

Push arms forward.

### Calf stretch

Lean forward and stretch hamstring and calf for each leg.



The following exercises can be done at home.



or



Stretching before and after manual work can reduce muscle soreness (increased circulation).



## Harvest Tips

- Picking is physical work, do not be discouraged if your muscles ache in the first few days. Take your time to build up your pace and strength.
- Improving your fitness with daily exercise for at least 4 weeks before commencing work will help you adapt more quickly (i.e. walking up stairs/hills, jogging etc.)
- Follow the suggested fruit unloading arm bracing method when unloading fruit from bags to reduce the load on your back muscles (p 22).
- When commencing picking take your time in the first few days and then build up your pace.
- Work availability: Aust. Gov. website ([www.harvesttrail.org.au](http://www.harvesttrail.org.au)), there are other private harvest websites. See Harvest Trail Guide for more information on work, pay regulations and other harvest related matters.
- Harvest contractors are a popular source of employment. A harvest contractor

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arranges work for pickers. They charge a fee and some provide accommodation and transport.

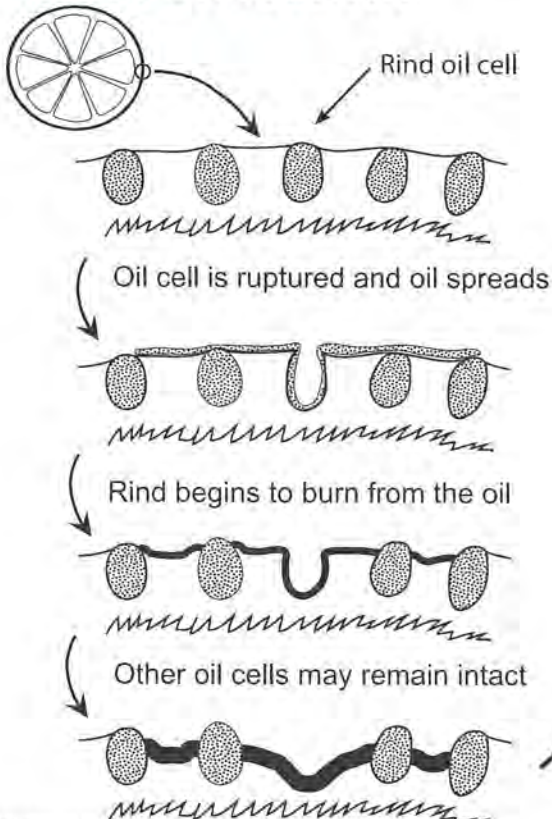
- Check if the employer is a registered Australian business at the ASIC web site <https://connectonline.asic.gov.au>
- Talk to others about employer reliability (i.e. pay and regularity of work).
- Clearly understand all employer charges (accommodation, transport, management fee etc.) and pay rates.
- Record bins picked or hours each day.
- For unresolved pay disputes contact the fair work ombudsman <http://www.fairwork.gov.au/> Ph 13 13 94 .

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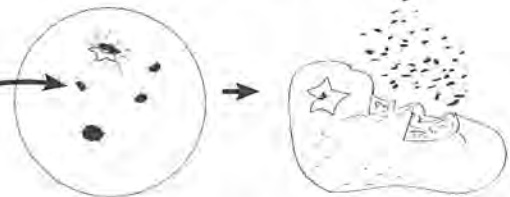
## Fruit bruising

### What is Oleocellosis?



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- Oleocellosis is a rind injury that can occur when harvesting too roughly (i.e. fruit squeezed or bumped) or during unsuitable weather conditions.
- It is caused when rind oil cells break and the oil burns the rind. A dark blemish on the rind with a slightly sunken surface appears within two to four days. Raised intact oil cells may be visible in the damaged area.



- Damage can lead to fruit decay.
- Fruit are most susceptible when the rind is turgid (swollen with water) from:
  - Cold weather,
  - Water on fruit (rain or morning dew),
  - Recent irrigation or rain (tree is charged with water).

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## Acknowledgements

Numerous growers and packers have contributed to this guide. The author is thankful and grateful for their contributions and recognises that without the support of these organisations, people and the citrus industry this guide would not be possible.

Thanks is provide to Andrew Creek (NSW DPI Citrus Development Officer, MIA) and Myles Parker (NSW DPI Leader Southern Horticulture) for their development and management support.

Thanks is provided to Clint Lamb (formerly NSW DPI Safety Specialist) for contributing to health and safety information and to Jennifer Cooke (Mildura Physiotherapy & Rehabilitation Clinic) for contributing to the exercise information.



# Piecework Agreement Casual Employee

Agreement between:

**HARVEST WORKFORCE**

(Employer)

and

**(Employee) (Print Full Name)**

The Employer and the Employee agree to enter into this Piecework Agreement (**Agreement**) under clause 15 (Pieceworkers) of the *Horticulture Award 2010 [MA000028]* (**Award**). The Employer and Employee mutually agree as follows:

1. The work to be performed under this Agreement is as described below (**Work**):

Fruit Picking

2. The minimum piecework rate/s which must be paid by the Employer to the Employee for performing the Work is as specified in **Schedule A, B & C** to the Agreement.
3. The Employee is employed as a: **CASUAL EMPLOYEE**
4. The date this agreement starts is: \_\_\_\_\_ (**Enter Date**)

**Employer Name:**

**Employee Print Full Name:**

\_\_\_\_\_

\_\_\_\_\_

X

X

Employer Signature

Employee Signature

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**SCHEDULE A****Piecework Rates**

Starting date of piece Rate: 01/07/2020

Property name: Yambellup Estate

Property address: [REDACTED]

	Piecework rate 1:	Piecework rate 2:	Piecework rate 3:
<b>\$ per unit</b>	<b>\$90 Per Bin</b>	<b>\$40 Per Bin</b>	<b>\$80 Per Bin</b>
<b>Crop type:</b>	<b>Imperial Mandarin</b>	<b>Hickson Mandarin (Pull Picking)</b>	<b>Afourer Mandarin</b>
<b>Variable(s)*</b>	<ul style="list-style-type: none"> <li>- Weather (Rainy / Very hot day</li> <li>- Slow pace of Work</li> <li>- Learning picker (inexperienced)</li> <li>- Sick</li> <li>- Bin type</li> <li>- Type of picking (Stripping)</li> <li>- Size of tree</li> <li>- Density of tree</li> <li>- Snip picking</li> </ul>	<ul style="list-style-type: none"> <li>- Weather (Rainy / Very hot day</li> <li>- Slow pace of Work</li> <li>- Learner picker (inexperienced)</li> <li>- Sick</li> <li>- Bin type</li> <li>- Type of picking (Stripping)</li> <li>- Size of tree</li> <li>- Density of tree</li> <li>- Snip picking</li> </ul>	<ul style="list-style-type: none"> <li>- Weather (Rainy / Very hot day</li> <li>- Slow pace of Work</li> <li>- Learning picker (inexperienced)</li> <li>- Sick</li> <li>- Bin type</li> <li>- Type of picking (Stripping)</li> <li>- Size of tree</li> <li>- Density of tree</li> <li>- Snip picking</li> </ul>
	Piecework rate 4:	Piecework rate 5:	Piecework rate 6:
<b>\$ per unit</b>	<b>\$40 Per Bin</b>	<b>\$40 Per Bin</b>	<b>_____ Per Bin</b>
<b>Crop type:</b>	<b>Mystique Mandarin</b>	<b>Oranges</b>	<b>Lemons</b>
<b>Variable(s)*</b>	<ul style="list-style-type: none"> <li>- Weather (Rainy / Very hot day</li> <li>- Slow pace of Work</li> <li>- Learning picker (inexperienced)</li> <li>- Sick</li> <li>- Bin type</li> <li>- Type of picking (Stripping)</li> <li>- Size of tree</li> <li>- Density of tree</li> <li>- Snip picking</li> </ul>	<ul style="list-style-type: none"> <li>- Weather (Rainy / Very hot day</li> <li>- Slow pace of Work</li> <li>- Learning picker (inexperienced)</li> <li>- Sick</li> <li>- Bin type</li> <li>- Type of picking (Stripping)</li> <li>- Size of tree</li> <li>- Density of tree</li> <li>- Snip picking</li> </ul>	<ul style="list-style-type: none"> <li>- Weather (Rainy / Very hot day</li> <li>- Slow pace of Work</li> <li>- Learning picker (inexperienced)</li> <li>- Sick</li> <li>- Bin type</li> <li>- Type of picking (Stripping)</li> <li>- Size of tree</li> <li>- Density of tree</li> <li>- Snip picking</li> </ul>

## How piece rate payment is determined

Piece Rate Min. Labour Rate					
FY 2020 /2021			38 HOUR WEEK		PER HOUR
Horticulture Award Rate		Statutory Req.	\$ 753.80		\$ 19.84 Per Hour
Casual Rate Loading	25%	Statutory Req.	\$ 188.45		\$ 4.96 Per Hour
Piece Rate Loading	15%	Statutory Req.	\$ 113.07		\$ 2.98 Per Hour
Workers Pay: Per Day /Week			\$ 1,055.32	Per Week	\$ 27.77 Per Hour
					\$ 211.06 Per Day Work

Average Bin Weight :	350			
Type of Fruit	Competent Worker Bins Picked in a 7.6 HR Day	KG	Bin Rate Paid To Workers	KG PRICE
Mandarin Bin 350kg	1	350	\$ 211.06	\$ 0.60
Mandarin Bin 350kg	1.5	525	\$ 140.71	\$ 0.40
Mandarin Bin 350kg	2	700	\$ 105.53	\$ 0.30
Mandarin Bin 350kg	2.5	875	\$ 84.43	\$ 0.24
Mandarin Bin 350kg	3	1050	\$ 70.35	\$ 0.20
Mandarin Bin 350kg	3.5	1225	\$ 60.30	\$ 0.17
Mandarin Bin 350kg	4	1400	\$ 52.77	\$ 0.15
Mandarin Bin 350kg	4.5	1575	\$ 46.90	\$ 0.13
Mandarin Bin 350kg	5	1750	\$ 42.21	\$ 0.12
Mandarin Bin 350kg	5.5	1925	\$ 38.38	\$ 0.11
Mandarin Bin 350kg	6	2100	\$ 35.18	\$ 0.10
Mandarin Bin 350kg	6.5	2275	\$ 32.47	\$ 0.09
Mandarin Bin 350kg	7	2450	\$ 30.15	\$ 0.09
Mandarin Bin 350kg	7.5	2625	\$ 28.14	\$ 0.08
Mandarin Bin 350kg	8	2800	\$ 26.38	\$ 0.08
Mandarin Bin 350kg	8.5	2975	\$ 24.83	\$ 0.07
Mandarin Bin 350kg	9	3150	\$ 23.45	\$ 0.07
Mandarin Bin 350kg	9.5	3325	\$ 22.22	\$ 0.06
Mandarin Bin 350kg	10	3500	\$ 21.11	\$ 0.06
Mandarin Bin 350kg	10.5	3675	\$ 20.10	\$ 0.06
Mandarin Bin 350kg	11	3850	\$ 19.19	\$ 0.05



## Example: Calculating piecework rates

Webber and Sons Orchards plan to enter into a piecework agreement with Fiona, an adult casual picker. The piecework rate for Fiona is calculated as follows:

- Weekly wage rate level 1 (see clause 14): \$694.90
- Plus 25% casual loading: \$173.73 (\$694.90 x 25%)
- Plus 15% piecework loading: \$104.24 (\$694.90 x 15%)
- Total: \$972.87
- Daily wage rate: \$194.57 (\$972.87 ÷ 5 days)

The daily rate is then divided by the bin or kilogram rate per day that an average competent pieceworker can achieve to determine the piecework rate.

For example, if an average competent pieceworker can pick 15 bins of fruit over a daily picking shift of 7.6 hours (approximately 2 bins per hour) the piecework rate is:

Daily wage rate (\$194.57) ÷ 15 bins = \$12.97 per bin.

If 2 bins are picked per hour by an average competent pieceworker, this is effectively \$25.94 per hour.

This is higher than the award hourly rate + (25% casual loading + 15% piecework loading) (\$25.60).

SAMPLE: Payslip related to (sample 2) 9 bins in 2 work days

**HARVEST WORKFORCE**

Harvest Workforce

ABN: 58727166500

Pay Period: 13/07/2020 to 19/07/2020

Paid on: 23/07/2020

Taxable Earnings	Rate	Hours	Amount
Normal	0.00	0.00	0.00
Afourer Bin - Yambellup Estate	80.00	9.00	720.00
<b>Total pay</b>			<b>\$720.00</b>
<b>Taxable earnings</b>			<b>\$720.00</b>
<b>Less PAYG</b>			<b>\$108.00</b>
<b>Take home pay</b>			<b>\$612.00</b>

**Employer Super Guarantee**

COMMONWEALTH ESSENTIAL SUPER

Member #



Contribution \$68.40

WK3 FY2020/2021

**Take home pay is paid to:**

CBA



612.00

Summary	This pay	YTD
Gross	\$720.00	\$2,971.20
PAYG	\$108.00	\$446.00
Take home	\$612.00	\$2,513.53

SAMPLE 1: Afourer mandarin timesheet 7.6-hour day, number of bins picked. \$82 Per Bin

Harvest Workforce Picking Sheet									
Week : 2	Date:	6/07/2020	7/07/2020	8/07/2020	9/07/2020	10/07/2020	11/07/2020	12/07/2020	
Picking Mandarin @ Yambellup Richard	Day:	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Employee Name									
<b>A TEAM TRACTOR</b>									
			3						3
			3	2					5
			3	2					5
									0
			3						3
			3						3
				2					2
			2						2
<b>A TEAM TRACTOR TOTAL</b>		0	17	6	0	0	0	0	23
<b>TRACTOR 1 GREEN TRACTOR</b>									
									0
			4	3					7
			3.5	2.5					6
			3.5	2.5					6
			5	3					8
			3	3					6
			3.5	3					6.5
			3.5	2					5.5
			1	2					3
<b>TRACTOR 1 GREEN TRACTOR</b>		0	27	21	0	0	0	0	48
<b>TRACTOR 2 BLUE TRACTOR</b>									
			3	1					4
				2					2
			5	3					8
				2					2
									0
			3	2					5
			2	1					3
			3	2					5
				2					2
<b>TRACTOR 2 BLUE TRACTOR TOTAL</b>		0	16	15	0	0	0	0	31



SAMPLE 2: Afourer mandarin timesheet 7.6-hour day, number of bins picked. \$82 Per Bin

Harvest Workforce Picking Sheet									
Week : 3	Date:	13/07/2020	14/07/2020	15/07/2020	16/07/2020	17/07/2020	18/07/2020	19/07/2020	
Picking Mandarin @ Yambellup Richard	Day:	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
<b>Employee Name</b>									
<b>A TEAM TRACTOR</b>									
							3	2	5
							3	3	6
							3	3	6
									0
									0
								3	3
									0
							3	2	5
								3	3
<b>A TEAM TRACTOR TOTAL</b>		0	0	0	0	0	12	16	28
<b>TRACTOR 1 GREEN TRACTOR</b>									
									0
							4	3	7
							3	2	5
							3	2	5
									0
									0
									0
							1.5	1.5	3
							1.5	1.5	3
							1.83	1.5	3.33
							2.34	2	4.34
							1.83	1.5	3.33
<b>TRACTOR 1 GREEN TRACTOR</b>		0	0	0	0	0	19	15	34
<b>TRACTOR 2 BLUE TRACTOR</b>									
							2	2	4
							3	2	5
							5	4	9
							3.5	2.5	6
									0
							3.5	2.5	6
									0
							3	2	5
									0
<b>TRACTOR 2 BLUE TRACTOR TOTAL</b>		0	0	0	0	0	20	15	35

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SAMPLE 3: **Afourer** mandarin timesheet 7.6-hour day, number of bins picked. \$82 Per Bin

**Harvest Workforce Picking Sheet**

Week : 4	Date:	20/07/2020	21/07/2020	22/07/2020	23/07/2020	24/07/2020	25/07/2020	26/07/2020	
Picking Mandarin @ Yambellup Richard	Day:	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Employee Name							SeedLess	SeedLess	
<b>A TEAM TRACTOR</b>									
		3		3	0.5				6.5
		3		3	2		3	4	15
		3		3	0.5		1.5	3	11
		3		3	2		3	3	14
		3		3	3		3	3	15
		3	3.25	3			3.83	3	16.08
							3.83	2	5.83
							2.34	2	4.34
		3		3	2		0		8
		3	2	3	2		1.5	3	14.5
<b>A TEAM TRACTOR TOTAL</b>		<b>24</b>	<b>5.25</b>	<b>24</b>	<b>12</b>	<b>0</b>	<b>22</b>	<b>23</b>	<b>110.25</b>
<b>TRACTOR 1 GREEN TRACTOR</b>									
			3	4	2		4	4	17
			3	3	2		3	3	14
			2	3	2		3	3	13
			2	2	1.5		2.5		8
			2	2	1.5		2.5		8
			2	2	1.5		2.5		8
			3	3	2		3		11
			2	2	1.5		2.5		8
<b>TRACTOR 1 GREEN TRACTOR</b>		<b>0</b>	<b>19</b>	<b>21</b>	<b>14</b>	<b>0</b>	<b>23</b>	<b>10</b>	<b>87</b>
<b>TRACTOR 2 BLUE TRACTOR</b>									
		2.5	2	2	1		3	2	12.5
			3	3	2		3		11
			4.25	4	3		4	4	19.25
			3	3	2		3.5	3	14.5
			3	3	2		3.5	3	14.5
		2.5	2	2	1				7.5
			3	3	2		3		11
<b>TRACTOR 2 BLUE TRACTOR TOTAL</b>		<b>5</b>	<b>20.25</b>	<b>20</b>	<b>13</b>	<b>0</b>	<b>20</b>	<b>12</b>	<b>90.25</b>
<b>TRACTOR 3 WHITE TRACTOR</b>									
		4	5	3	2.5		4		18.5
		3	3	3	1.5		3	3	16.5
		4	4	3	3		4	3	21
			3						3
			2						2
			3	3	2		3		11
			1.25	2	1.5		3		7.75
			1.25	2	1.5		3		7.75
			3	3081	2				8
<b>TRACTOR 3 WHITE TRACTOR TOTAL</b>		<b>11</b>	<b>25.5</b>	<b>19</b>	<b>14</b>	<b>0</b>	<b>20</b>	<b>6</b>	<b>95.5</b>



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SAMPLE 4: **Hickson** mandarin timesheet 7.6-hour day, number of bins picked. \$40 Per Bin

Harvest Workforce Picking Sheet									
Week : 7	Date:	10/08/2020	11/08/2020	12/08/2020	13/08/2020	14/08/2020	15/08/2020	16/08/2020	
Picking Mandarin HICKSON @ Yambellup Richard	Day:	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Employee Name: Location		OFF RAIN	OFF RAIN	HICKSON \$40 BIN	HICKSON \$40 BIN	HICKSON \$40 BIN			
				7					7
				5.5					5.5
				5.5					5.5
				6	7				13
				8.5					8.5
				3					3
									0
									0
				6.5					6.5
				6					6
									0
									0
									0
				3					3
				3					3
				4					4
				7					7
				3.5					3.5
				7	6				13
				6	5				11
				5	7				12
									0
				4.5					4.5
				5.5					5.5
									0
				3.5					3.5
				7					7
				6					6
									0
									0
NET TOTAL		0	0	113	25	0	0	0	138

3082

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## **IN THE FAIR WORK COMMISSION**

Matter No: B2019/5259

Matter Name: Review of certain C14 rates in modern awards (**C14 Review**)

### **STATEMENT OF Anthony Beven**

I, Anthony Beven, of 321-323 Main Road, Glenorchy in Tasmania, Organiser with the Australian Workers' Union (**AWU**), make the following statement:

#### **Background**

1. I commenced employment with the AWU, Tasmanian Branch, on 15 February 2018.
2. My current position is Organiser and my duties include negotiating agreements, recruiting members and attending work sites.

#### **Knowledge of the horticulture industry**

3. I have been responsible for assisting AWU members who work in the horticulture industry in Tasmania since I started with the AWU in February 2018.
4. During my employment, I have attended horticultural farms at locations including the following:
  - a) Costa Berries – a blueberry farm;
  - b) Hillwood Berries – a strawberry farm;
  - c) Burlington Berries – a strawberry farm;
  - d) Tasmanian Berries – raspberries and strawberries.
5. Some Costa maintenance employees work under an enterprise agreement. The remainder of the employees work under the Horticulture Award and contracts of employment.

#### **Work in the horticulture industry**

6. Most of the employees I have observed working in the horticultural industry have been seasonal workers and backpackers.
7. Casual labour hire makes up the majority of the workforce at the sites I have attended. Some maintenance workers have been converted to full time employment.
8. Returning seasonal workers are known to continue to return to the same farm with some being in their fourth or fifth year.

- 
9. The Seasonal Worker Program, through companies such as Costa, employs approximately 3500 employees in Tasmania per year.
  10. Employees on the farms I have attended regularly work in excess of 10 hours per day.
  11. There is minimal protection from the elements and workers are expected to have their lunch at the entry or exit to the tunnels (plastic domes in which berries are grown).
  12. The managers at the farms are very demanding in terms of their expectations of the workers.
  13. For the overseas workers, the accommodation arranged for them is very basic and often overcrowded and not fit for purpose.
  14. There are a range of significant deductions that I have seen regularly made from employees' earnings, including for accommodation, transport, airfares, health insurance and visa costs.
  15. The poor working conditions in the horticultural industry are currently a barrier to attracting local workers.

### **Training**

16. Currently, based on the discussions I have regularly had with pickers in the berry industry across Tasmania, they come in and generally always remain on Level 1 for the entire duration of their employment.
17. The only training pickers get is induction training or on-arrival briefings. That training typically goes on for a few hours and never exceeds one day.
18. Pickers usually receive no training beyond that first induction session.
19. In some very limited cases there may be a few employees hand-picked and offered further training so that they can work in a more supervisory role. This is usually based on their communication and language skills. I am uncertain whether those employees are ever progressed to Level 2.
20. I have not observed any employers providing pickers with structured training to allow progression from Level 1 to Level 2.
21. I am not aware of any employees engaged as pickers having asked their employer for training to progress to Level 2. This probably does not occur because of the fear of retribution.





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Anthony Beven

2 November 2023

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**IN THE FAIR WORK COMMISSION**

Matter No: B2019/5259

Matter Name: Review of certain C14 rates in modern awards (**C14 Review**)

**STATEMENT OF STEVEN CARTER**

I, Steven Carter, of [REDACTED] NSW [REDACTED] Union Organiser, make the following statement:

**Background**

1. I commenced employment with the Australian Workers' Union (**AWU**), NSW Branch, in August 2012.
2. My current position is NSW North Coast Organiser whereby I visit members' workplaces within my area which extends between Port Macquarie and the Queensland border.
3. My routine duties include bargaining, providing support and advice to members regarding various workplace matters and the recruitment of members.

**Knowledge of the horticulture industry**

4. I have responsibility for assisting AWU members who work in the horticulture industry in my region. I predominantly assist workers on blueberry farms in the Coffs Harbour and Grafton areas. I have been involved in assisting workers in the horticulture industry since 2012.
5. Since 2012, I have attended horticultural farms at the following locations:
  - a) Ozgroup Blueberry Group Farms, which includes approximately 100 farms throughout the Coffs Harbour and Grafton regions that employ a significant amount of itinerate and casual workers;
  - b) Costa Berry Exchange located at Corindi which employs a majority of itinerate workers with a smaller localised permanent workforce;
  - c) Owen Pacific Workforce, which supplies labour to Costa Berry Exchange in Corindi – this labour is sourced from various Pacific Island countries under the 'Pacific Australia Labour Mobility' scheme'; and
  - d) Golden Eagle Blueberry Farm, which is a smaller employer within the Grafton area.

- 
6. I have significant membership within the blueberry industry. These workers are predominately paid piece rates to pick and prune blueberry, raspberry and blackberry bushes on the various farms.

**Work in the horticulture industry**

7. There are two main categories of farm workers within the horticultural industry: maintenance and harvest employees.
8. Maintenance employees perform pruning work and occasionally work on machinery. Employees performing pruning work are usually paid piecework rates and are paid according to measures about the number of trees or branches that are pruned. These employees are engaged casually within the various Award classifications and work regular hours of work subject to weather and seasonal factors.
9. Harvest roles including picking roles are typically filled by a majority of itinerate workers such as younger backpackers or ethnic workers with limited understanding of their workplace rights.
10. In my experience across the farms I have visited, I would estimate there would be a 90% casual and 10% permanent engagement of labour.
11. In my experience, the majority of workers engaged in harvest roles, move from farm to farm searching for a fair rate but eventually leave the industry within 12 months.
12. I live within the local blueberry industry area. I regularly interact with countless backpackers who are engaged with Costa and other co-operative blueberry farms throughout the area.
13. In those discussions, I have asked about their rates of pay. Arrangements I have observed include:
- a) \$10 cash per hour;
  - b) piece rate arrangements which result in \$10 to \$20 an hour.
14. The primary motivation in most cases relates to their goal of undertaking the mandatory three months' work in order for them to access an extension to their stay in Australia.
15. I have raised the exploitation issues related to these workers and the common response is that they know they are being exploited but are not that worried as they just want to get their three months' work signed off.

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16. Most workers will not raise concerns with employers for fear that they will not get further work given the insecure nature of their employment.
17. The working conditions in the horticulture industry are the toughest out of all the industries I deal with, yet the earnings are the worst.
18. Some of the conditions I have observed on local farms are:
- a) Extensive working hours;
  - b) Work in extreme heat and when it is cold and raining;
  - c) No personal protective equipment and pressure to still produce;
  - d) Physically demanding work on difficult terrain;
  - e) Labour hire companies charging exorbitant accommodation and transport costs to Pacific Island workers;
  - f) Disregard of workers' compensation legislation; and
  - g) Farm supervisors continually bullying and harassing labour hire and migrant workers to improve output.

### **Continued engagement at Level 1 and training**

19. In my experience, a significant majority of employees in the berry industry, at least 70 to 80 per cent, are categorised as Level 1 employees or on piece rate work.
20. This includes pickers, pruners, packers and general labourers.
21. The majority of workers in the industry are usually pickers.
22. For pickers, there is no ability to progress to Level 2 because their work is not covered by the indicative duties in that classification.
23. In my experience, pickers do not receive any structured training and do not progress to Level 2.
24. For packers and pruners, in theory, there is an ability to progress to Level 2 following completion of 3 months' training.
25. However, this is rarely acknowledged or applied by any employers in the industry that I have dealt with.
26. In enterprise bargaining negotiations with one of the better employers, CostaExchange Pty Ltd (**Costa**), for the *Costa (Berry Category) Enterprise Agreement 2019-2023* (**Costa Agreement**) – and in more recent negotiations for a replacement agreement – there has never been any acceptance or acknowledgement by Costa that employees

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progress to Level 2 after three months of training. Under the Costa Agreement there is, for example, progression from Level 1A to Level 1B for pruners, following 12 months' service, and to Level 2 when deemed competent in specified pruning activities. No such progression is available in relation to, for example, pickers, packers and planters. Confusion about how this relates to the classification structure under the Horticulture Award was dealt with via an undertaking provided to the Fair Work Commission in the following terms ([2019] FWCA 8448):

*No employee will be disadvantaged by the application of the classification structure in Schedule A to the Agreement in place of the classifications structure in Schedule B to the Horticulture Award 2010.*



Steven Carter

2 November 2023



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## **IN THE FAIR WORK COMMISSION**

Matter No: B2019/5259

Matter Name: Review of certain C14 rates in modern awards (**C14 Review**)

### **STATEMENT OF Danny Munday**

I, Danny Munday, of 321-323 Main Road, Glenorchy in Tasmania, Organiser with the Australian Workers' Union (**AWU**), Tasmanian Branch, make the following statement:

#### **Background**

1. I commenced employment with the AWU, Tasmanian Branch, in October 2018.
2. My current position is Organiser and my duties include negotiating agreements, recruiting members and attending work sites.

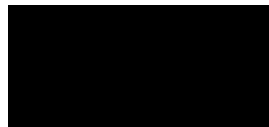
#### **Knowledge of the aquaculture industry**

3. Since I started with the AWU in October 2018, I have been responsible for assisting AWU members who work in the aquaculture industry.
4. During that time I have had discussions with workers undertaking work for the following companies and attended those companies' operations:
  - a) Tassal – Salmon farming – South East Tasmania;
  - b) Huon Aquaculture – Salmon farming – South East Tasmania;
  - c) Sea Forest – Production of seaweed – East Tasmania.
5. The majority of the employees I speak with are under enterprise agreements negotiated with the AWU.
6. Enterprise agreements typically pay significantly more than the Aquaculture Industry Award 2020 (**Award**) and when negotiating enterprise agreements, the wage rates in the Award are often used as a reference point by the employer.
7. Two key examples of enterprise agreements are the Huon Aquaculture – Marine Operations (Tasmania) Agreement 2023 and the Tassal Operations Pty Ltd (Marine Operations) Enterprise Agreement 2022.

#### **Award rates and classification structure**

8. In my experience those employees in the industry that are award-reliant are usually engaged as casuals.

- 
9. I am aware of the classification structure in the Award.
  10. The duties under the Finfish classification can include some or all of operating boats (including loading and unloading), mooring pens, washing and changing nets, moving materials and equipment and preparing product for marker/transport.
  11. The duties under the Shellfish classification can include some or all of operating boats or punts, loading, unloading, moving, packing and constructing shellfish culture mediums (including baskets, cages, droplines and oyster racking), recording data and operating mechanical equipment, preparation of product for market/transport, and general maintenance duties.
  12. In my view, it would be appropriate for award-reliant employees to progress from Level 1 to Level 2 automatically after 3 months.
  13. I take this view because of the low and unfair rates of pay, by comparison to the larger companies that have higher rates under enterprise agreements.
  14. In my view, 3 months should give employers enough time to provide the training for employees to be able to automatically progress to Level 2.



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Danny Munday

2 November 2023

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**IN THE FAIR WORK COMMISSION**

Matter No: B2019/5259

Matter Name: Review of certain C14 rates in modern awards (**C14 Review**)

**STATEMENT OF TRAVIS PHILLIPS**

I, Travis Phillips, of 331 / 337 Sturt Street, Townsville, 4810, Organiser with the Australian Workers' Union (**AWU**), Queensland Branch, make the following statement:

**Background**

1. I commenced employment with the AWU, Queensland Branch, Northern District, in July 2022.
2. My current position is Organiser and my duties include negotiating agreements, recruiting members and attending work sites.
3. Prior to that I was a delegate in the sugar industry, working for Wilmar Sugar. I commenced as a delegate in June 2018.

**Knowledge of the sugar industry**

4. I have been assisting AWU members who work in the sugar industry in Queensland since I started as a delegate in June 2018.
5. Since commencing with the AWU, I have been attending the following sugar mills, owned by Wilmar Sugar:
  - a) Kalamia Mill;
  - b) Pioneer Mill;
  - c) Invicta Mill;
  - d) Inkerman Mill;
  - e) Macknade Mill;
  - f) Victoria Mill;
  - g) Plane Creek Mill;
  - h) Proserpine Mill.

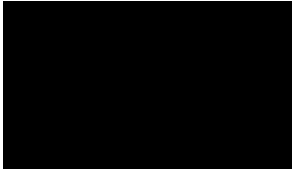
**Working conditions**

6. A significant proportion of workers in the sugar industry are seasonal workers.

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7. Work in the industry is frequently physically demanding and undertaken in harsh conditions.
  8. For example, a general mill worker may be asked to shovel cane billets underneath the cane tippler, which can be under extreme heat without much air flow. They are asked to crawl into confined spaces, and to do inspection inside the Bagasse bin, which is also under extreme heat. I note that they are paid an allowance and there are procedures around regular breaks. They are also asked to shovel loads of mud that falls from the belts.
  9. Most, if not all, of the workers I engage with are employed under the Wilmar Sugar Enterprise Agreement 2020. It uses a similar classification structure for mill workers as that under the award. This is provided for in Schedule 2-1 of the Agreement at cl 1.1.5 (General Operator Level 2).

### **Training**

10. In my experience as an employee, Delegate and Organiser, induction training for new entrants to the industry working at the sugar mills at the Level 2 classification has always taken one day.
11. Any induction training under the Award should therefore be limited to a maximum of one day.
12. From my observations, training to achieve competence to perform work as a Level 2 general mill worker takes a maximum of three 8 hour shifts. This is typically training on-the-job, accompanied by an experienced employee.
13. Training to achieve competence to perform the work of the other indicative roles listed at cl B.1.1(b) of the Award does not take any longer than five ordinary days of on-the-job training (some of the roles, e.g., Bagasse reclaimer operator, are now rarely used).

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2 November 2023