

Welcome to the September edition of *Member News!*

COMMITTEE MEMBER APPOINTMENT

PET is pleased to advise that Committee Member, Michele Lawrence, has been appointed by the Minister for Agriculture, David Littleproud, as the Chairperson of the expert panel to review the Farm Household Allowance.

The panel will run a public submission process to ensure all interested stakeholders can participate, and make recommendations to Government in the first half of 2019.

Michele is also a member of the Agricultural Industry Advisory Council.

CASUAL EMPLOYEES - 2 Major Decisions:

Long Term Casuals

In a recent decision of the Full Bench of the Federal Court doubt was thrown over whether a long term casual employee is actually a casual and not a permanent employee with entitlements to annual leave, personal leave, public holidays, etc.

The employer has chosen not to appeal the decision, but the Federal Government is considering its position and whether changes will be made to the Fair Work Act.

PET will keep members informed, but in the meantime, if you have any questions please contact Andrew on 03 6343 2244.

Casual Conversion

Notwithstanding the above, most awards have been amended to include a casual conversion clause to commence from 1 October this year.

This new provision allows a "regular casual employee" (defined as someone who worked a pattern of hours on an ongoing basis over 12 months) to request to convert their employment from casual to full-time or part-time if that pattern could continue "without significant adjustment".

An employer has the right to refuse the conversion if certain conditions exist, including:

- The request would require a significant adjustment to the casual employee's hours ; or
- It is known or reasonably foreseeable that the regular casual employee's position will cease to exist within the next 12 months; or

- The hours of work which the regular casual employee is required to perform will be significantly reduced in the next 12 months; or
- There will be a significant change in the days and/or times at which the employee's hours of work are required to be performed in the next 12 months which cannot be accommodated within the days and/or hours during which the employee is available to work.

Employers will be required to give all existing casuals a copy of the clause by 1st January 2019 and provide it to yet-to-be-engaged casuals in their first 12 months of employment.

A copy is available to download on our website: www.primaryemployers.com.au

EMPLOYMENT LAW MYTH

Many employers believe that the "three strikes and you're out" saying still holds true in relation to the termination of employment. This is not the case.

The *Fair Work Act* does not include any provision as to the number of warnings an employee must receive, other than in relation to termination due to poor performance. In the case of poor performance, the employee **MUST** be warned that their employment is at risk if their performance does not reach the required standard. Even this can be just the one warning.

It may be the case that an employment contract, a policy or enterprise agreement sets out that a certain number of warnings are required. That being the case the employer must comply.

However, we recommend against documenting the number of warnings required because it can cause problems. It is better for employers be less prescriptive and leave discretion to determine whether an incident warrants an informal or formal warning, and whether it is a 'first warning' or a 'first and final warning'. In all cases it is best to get advice on the particular circumstances. Seeking advice will ensure your response is appropriate and less likely to lead to an unfair dismissal claim.

In all cases it is best to get advice as to what you can do in a particular circumstance, thus ensuring that your response is appropriate and possibly avoid an unfair dismissal claim.

TRAINING AND EDUCATION

PET continues to focus on the training needs of its members and their staff. To this end we are looking to support **Youth Futures Inc** in their application for funding and thus provide subsidised training across a number of areas relevant to agriculture.

To ensure funding is available please let us know if you are interested in any of these courses below by [emailing us here](#) and *putting the course name in the Subject line*.

Forklift 3 Days \$750 High Risk Work Licence (TLILIC2001)	Weeds & Chemicals – 4 Days \$550 (AHCCHM101, AHC-CHM201, AHPMG201)	Tractor & Equipment – (AHCMMOM202, FDFWGG2018A) (duration and cost negotiable)
Grape Picking 2 Days - \$350 (FDFWGG2024A)	Canopy Maintenance 3 Days \$350	First Aid - 2 Days \$200 (HLTAID003)
Vine Pruning 5 Days - \$550 (FDFWGG2003A)	Operate & Maintain Basic Machinery 4 Days \$550 (AHCMMOM101, AHCMMOM203, AHCWRK101)	Use Hand & Power Tools 4 Days \$450 (MEM18001C, MEM18002B)
Chainsaw – 2 Days \$550 (AHCMMOM213)		

WORKSAFE MONTH

October is Worksafe month, and unfortunately Agriculture continues to record a high proportion of workplace deaths and injuries.

SafeWork records reveal 27 agricultural, forestry and fisheries workers have been killed on duty in the eight months to August, 2018. Fortunately, Tasmania has not had any work-related injuries this year.

However, across Australia, SafeWork described fatality rates in the agricultural sector as “high”, reflecting 14.6 deaths per 100,000 workers with no dramatic improvement over the last 10 years. Last year, 118 workers were killed and SafeWork said the sheep, cattle and grain farming sub-sectors accounted for most of the serious claims, with farm, forestry and farm workers combining for 50 per cent of these fatalities.

The agriculture industry is identified as a national priority to reduce fatalities and serious claims under the *Australian Work Health and Safety Strategy 2012-2022*.

Additional points:

- Serious claims rates are high with 8.8 serious claims per million hours worked. However, the rates have decreased by 30 per cent over the last decade.
- In line with the older demographic of the industry, older workers account for the majority of worker fatalities, however, younger workers recorded the highest serious claim frequency rates.
- The sheep, beef cattle and grain farming sub-sector accounts for the majority of serious claims and worker fatalities.
- Livestock farmers account for 36 per cent of worker fatalities.
- Farm, forestry and garden workers account for almost 50 per cent of serious claims.
- Vehicle incidents account for 25 per cent of worker fatalities, followed by rollover of non-road vehicles (16 per cent).
- Being hit by an animal, muscular stress while handling objects, falls from a height, and falls on the same level all account for 11 per cent of serious claims.



* * *

Felicity Richards, President

We make super
**surprisingly
straightforward**




primesuper
surprisingly straightforward

**WE'RE AN
INDUSTRY
SUPER
FUND**

Contact your Regional Manager to find out how.

Nick Birt mobile 0458 000 745

Visit primesuper.com.au call 1800 675 839

Call 1800 675 839 for a Product Disclosure Statement. Prime Super (ABN 60 562 335 823, RN 1000276) is issued by Prime Super Pty Ltd (ABN 81 067 241 016, AFSL 219723, RSE L0000277).