Human Rights and Labour Resources - Policy

Lovreta Estate has committed this business to trade ethically and responsibly. We will be respectful of Human Rights in our dealings with all people.

We will at all times exceed the requirements of the Ethical Trade Initiative and all statutory legal obligations in respect of employment, ethical conduct, safety and health and environmental care.

Recruitment and Hiring

2.1 All employment must always be on the basis that it has been freely offered to and entered into by the applicant.

2.2 No forced labour, bonded or involuntary prison labour shall be used.

2.3 Only workers with a legal right to work shall be offered employment or engaged for work of any kind.

2.4 All workers, including staff provided by an employment agency, shall be validated for their legal right to work by reviewing original documentation prior to any offer of employment being made.

2.5 Employment agencies engaged in recruiting activities shall be required to adhere to all of our policies in relation to Labour Resources.

2.6 Labour providers will not be used unless under contracted arrangements which meet all customer requirements and workers are afforded the same rights and privileges as all other workers in relation to minimum employment standards and as set out in these Ethical System Policies.

2.7 No worker shall be required to lodge any deposit or their identity papers.

2.8 We fully support ILO Convention 138 with regard to the appropriate age of workers and will not work with suppliers who use child labour.

2.9 We will not engage or employ any child or person who is younger than the legal age for completing compulsory education in Australia other than as provided for by sub-policy 2.14.

2.10 We support the development of legitimate apprenticeship programs for the education and benefit of young people under the age of 15 years, provided the child is not being exploited or given jobs that are dangerous to their health and safety.

Freedom of Association / Unions

2.11 Workers, without distinction, shall have the right to join or form trade unions of their own choosing and to bargain collectively.

2.12 We have an open attitude towards the activities of trade unions and their organizational activities.

2.13 Workers representatives shall not be discriminated against and must be provided with access to carry out their representative functions in the workplace.

2.14 Where the right to freedom of association and collective bargaining is restricted under Law, we will facilitate, and not hinder, the development of parallel means for independent and free association and bargaining.

Remuneration

2.15 As a minimum, wages and benefits paid to workers for a standard working week shall meet the Federal Minimum Wage as determined by The Australian Fair Pay Commission; or industry benchmark standards, whichever is higher.

2.16 All workers shall be provided with written and understandable information about their employment conditions in respect to wages before they enter employment and about the particulars of their wages for the pay period concerned each time they are paid.

2.17 We will not make deductions from wages as a disciplinary measure nor for any other purpose which is not provided for by law without the express permission of the worker concerned.

Working Hours

2.18 Working hours shall comply with prevailing laws and benchmark industry standards, whichever affords greater protection.

2.19 Workers shall not on a regular basis be required to work in excess of 48 hours per week and shall be provided with at least one day off for every 7-day period on average.

2.20 Overtime shall be voluntary, shall not be excessive, shall not be demanded on a regular basis and shall always be compensated at a premium rate.

Conditions of Employment

2.21 All work shall be performed on the basis of recognised employment relationship established through Australian national laws and practice.

2.22 The provisions and entitlements set out in the National Employment Standards of Fair Work Australia shall apply to each and every employee.

2.23 Disciplinary measures may include up to three written warnings to workers who have been disciplined about their activity or behaviour. Immediate termination of employment may result from misconduct, dishonesty, criminal activity if the worker has previously received three written warnings. All disciplinary measures shall be recorded.

2.24 All workers free to leave the premises once their shift ends, or to leave employment after providing reasonable notice.

2.25 Obligations to employees under labour or social security laws and regulations arising from the regular employment relationship shall not be avoided through the use of labour only contracting, sub-contracting, or home working arrangements, or through apprenticeship schemes where there is no real intent to impart skills or provide regular employment, nor shall any such obligations be avoided through the excessive use of fixed term contracts of employment.

No Discrimination or Harassment

2.26 There is no discrimination in hiring, compensation, access to training, promotion, termination or retirement based upon race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.

2.27 All conditions of employment shall be based on an individual's ability to do the job, not on the basis of personal characteristics, such as gender, ethnic origin, religion or personal beliefs.

2.28 All employees will be afforded the full protection available to them under federal legislation including the – Australian Human Rights Commission Act 1986; Racial Discrimination Act 1975; Sex Discrimination Act 1984; Disability Discrimination Act 1992; and Age Discrimination Act 2004.

2.29 We shall provide an environment where employees can work without distress or interference caused by harassment, discrimination or any other inappropriate workplace behaviour.

2.30 Workers shall be treated with dignity and respect. Physical abuse, the threat of physical abuse, sexual or other harassment, verbal abuse or other forms of intimidation are strictly prohibited.

2.31 Employees have the right to raise grievances in strict confidence and without fear or reprisal. All such grievances will be addressed directly with the person(s) concerned and records kept about the nature of the grievance and remedial action taken.

Procedures

Recruiting and Hiring

Employment agencies acting on our behalf must comply with all Ethical System Policies in relation to human resources including eligibility for employment and discrimination.

All advertised positions to be for genuine employment opportunities with full entitlements under Australian law and not sub-contract or home working positions.

All employment applicants must fully complete an Application For Employment form.

Persons who have not fully completed an Application For Employment form must not be employed.

Persons who are serving a custodial prison sentence must not be employed.

Interviews and Selection

Verify the applicant's legal right to work in Australia in all cases by viewing original documents to be provided by the applicant.

Verify the applicant is not 15 years of age or less in all cases.

Discuss selection criteria with the applicant including the application of Non-Discrimination policies in the selection process.

Discuss all terms and conditions of employment with the applicant including their rights and benefits under –

- Fair Work Australia legislation and National Employment Standards
- Relevant employment award
- Anti-Discrimination legislation

Discuss the employee benefits and obligations set out in the Ethical System policies. Inform them of annual Ethical System Audit and possibility that an external auditor may review their employment details and working conditions and interview them personally.

Discuss applicable remuneration details, working hours, breaks, days off and trial employment period.

No fees, taxes, deposits or bonds shall be taken from applicants seeking employment.

No loans or repayable monies will be provided to applicants seeking employment.

Offers of Employment

Written Offer of Employment to be sent to successful applicant containing –

- Full details of the position
- Remuneration and working hours
- Details of applicable Trial period
- Fair Work Information Sheet (mandatory)
    - National Employment Standards
- Casual Employment Information Sheet (Casual position only)
- Other terms and conditions of employment
- A copy of all Ethical System Policies

Applicant to sign they have freely entered into employment on the basis of the Offer of Employment.

Applicant to sign that they have read all of the Ethical System Policies and –

- Agree to comply with them.
- Immediately report any non-compliance.
- Be interviewed by and co-operate with an external auditor as part of the annual audit of Ethical System Policies.

Applicant to sign Pre-Start Declaration (Ethical System Policies)

Record Keeping

All records of advertised positions, applicant details, interviews, offers of employment and signed acceptances to be kept with employee personnel record.

Identification documents such as passports, birth certificates, drivers' licenses or medical cards shall not be taken or kept from any employee.

All employee records to be kept in accordance with the Privacy Act (1988)

No Salary Deductions

No fees or charges for accommodation, equipment or loans will be deducted from any salary or wages paid to an employee.

No amounts will be deducted from any salary or wages paid to an employee for disciplinary reasons.

Termination

Employee terminations will be in accordance with the provisions of the Fair Work Act.

No employee shall be prevented from leaving employment. Employees must give at least 1 week's prior notice of their intention to terminate their employment.

Final salary and entitlements for terminated employees shall be calculated in accordance with the provisions of the Fair Work Act.

Payment of final salary and entitlements upon termination shall be paid in the same manner as by which salary payments were made on prior dates.

Human Rights and Resources Checklist

Employment Specifications
➢ No child labour (ILO Convention 138)
➢ No forced labour, bonded or involuntary prison labour
➢ Legitimate apprenticeships ok for the benefit of young people under 15 years provided child is not exploited or given jobs dangerous to their health and safety
➢ Worker must be verified as having the legal right to work in Australia
➢ Worker not required to lodge deposit or identity papers
➢ Recognised employment relationship established through national laws and practice.
➢ Obligations to employees under social security laws and regulations shall not be avoided by the use of labour only contracting, sub-contracting, home working or fixed term contracts of employment
➢ No sub-contracting of labour unless previously agreed with key customers
➢ Ensure sub-contractors do not abuse, exploit or provide unsafe working conditions for employees
Freedoms
➢ Employment is freely chosen
➢ Free to leave work after shift ends
➢ Free to leave employment after reasonable period of notice
➢ Freedom of association and to join trade union or bargain collectively
➢ Open attitude to Trade Unions
➢ Workers representatives not discriminated against
➢ Access to workers representatives to carry out representative functions in the workplace.
➢ No deposits or identification documents to be held
➢ Employee records to be held in accordance with Privacy Act
➢ Freedom to raise grievances in confidence without reprisal

Wages and Working Hours
➢ Minimum legal wages or industry benchmark wages
➢ Wages always enough to meet basic needs and provide some discretionary income
➢ Working hours to comply with prevailing laws or industry standards
➢ No deductions from wages not provided for by law without express permission of worker
➢ Not more than 48 working hours per week
➢ Not more hours in one week than allowable under local laws
➢ One day off for every 7 days worked (on average)
➢ Overtime voluntary
➢ Overtime not excessive and not demanded on a regular basis
➢ Overtime compensated as prescribed by local laws

Information Provided to Workers
➢ Written and understandable information about their employment conditions before they enter employment
➢ Written particulars of their wages for the pay period concerned each time they are paid.

Discipline
➢ No deductions from wages as a disciplinary measure
➢ All disciplinary measures to be recorded.

Discrimination and Harassment
➢ No discrimination in hiring, compensation, access to training, promotion, termination or retirement based upon race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.
➢ Conditions of employment must be based upon person's ability to do the job, not personal characteristics
➢ Provide environment where employees can work without distress or interference caused by harassment, discrimination or any other inappropriate workplace behaviour
➢ Workers treated with dignity and respect.
➢ Physical abuse, the threat of physical abuse, sexual or other harassment and verbal abuse prohibited

Termination
➢ In accordance with Fair Work Act
➢ Minimum 1 weeks' notice unless terminated for gross misconduct, dishonesty or criminal activity
➢ Final salary to be determined in accordance with Fair Work Act and Australian Tax Office provisions
➢ Payment of final salary to be in the same manner by which prior salary payments were made

Human Rights and Resources Additional Resources -

Multi-lingual information for employers and employees is available at –

https://www.fairwork.gov.au/horticulture-showcase