

*Fair Work Act 2009* s.157— FWC may vary etc. modern awards if necessary to achieve modern awards objective

## Review of certain C14 rates in modern awards

### Australian Fresh Produce Alliance

(Interested Party)

#### Submissions on Draft Determination

1. This submission is filed by the Australian Fresh Produce Alliance (**AFPA**), an association of Australian fresh produce growers and suppliers, in accordance with directions issued by the Commission in a statement published on 30 August 2024<sup>1</sup> (**August Statement**) inviting interested parties to file submissions commenting on the provisional views in the April 2024 Decision<sup>2</sup> and the terms of the draft determinations published with the August Statement.
2. AFPA files these submissions in relation to the Horticulture Award 2020.

#### April 2024 Decision

3. In the April 2024 Decision, at [30], the Commission confirmed the *provisional view* set out in the September 2024 Statement<sup>3</sup> - now the *confirmed view*. In essence, the *confirmed view* is:
  - (a) the lowest classification rate in any modern award applicable to ongoing employment should be at least the C13 rate;
  - (b) any classification rate in a modern award which is below the C13 rate (including the C14 rate) must be an entry-level rate which operates only for a limited period and provides a clear transition to the next classification in the award (which must not be less than the C13 rate); and
  - (c) the transitional period for the purpose of (b) above should not exceed 6 months.<sup>4</sup>
4. In relation to the application of the *confirmed view* to the Horticulture Award 2020, the Commission expressed the following *provisional view*:
  1. *The definition of Level 1 in clause A.1 should be varied to add a requirement that progression for Level 1 to Level 2 must occur after three months' industry*

<sup>1</sup> [2024] FWCFB 359.

<sup>2</sup> *Review of C14 and C13 rates in modern awards* [2024] FWCFB 213 (**April 2024 Decision**).

<sup>3</sup> [2023] FWCFB 168.

<sup>4</sup> April 2024 Decision at [7].

<b>Lodged By:</b>	Interested Party	<b>Telephone:</b>	(02) 9169 8411
<b>Address for Service:</b>	Level 17, 459 Collins Street Melbourne VIC 3000	<b>Email:</b>	steven.amendola@kingstonreid.com emily.baxter@kingstonreid.com

experience. A consequential amendment should be made to the first item in clause A.2.2.

2. The indicative duties for Level 2 in clause A.2.3 should be varied to include, by way of reference, the indicative duties for Level 1 specified in clause A.1.3 (except 'undertaking structured training so as to enable advancement to Level 2). This will ensure, for example, that fruit and vegetable picking work can be done at Level 2 as well as Level 1 (which we consider to be already implicitly permissible).<sup>5</sup>
5. In coming to this *provisional view*, the Commission set out the following matters:
- (a) The Level 2 definition in the *Horticulture Award 2020* provides that an employee at that level 'has completed up to 3 months structured training so as to enable the performance of work within the scope of this level'.<sup>6</sup>
  - (b) The indicative duties of a Level 1 employee (notably, fruit or vegetable picking), are distinct from those described for Level 2.<sup>7</sup>
  - (c) The *Horticulture Award 2020* contemplates progression from Level 1 to Level 2 upon the completion of three months' structured training, and it equally contemplates that employees may be engaged indefinitely under the Level 1 classification.
  - (d) In respect of employees who may be engaged indefinitely under the Level 1 classification, the functions of fruit and vegetable picking are overwhelmingly performed by casual employee engaged seasonally.<sup>8</sup>
  - (e) There is no proper basis, in view of the *confirmed decision* for employees engaged in longer term employment who have gained basic proficiency in their duties to remain indefinitely at Level 1.<sup>9</sup>
  - (f) The *confirmed view* should be applied to allow for automatic progression from Level 1 to Level 2 in prescribed circumstances.<sup>10</sup>
  - (g) There is some difficulty with the application of the *confirmed view* having regard to:
    - (i) the seasonal and itinerant nature of fruit and vegetable picking work; and
    - (ii) the diversity of skills that might be required to pick different types of crop.<sup>11</sup>
  - (h) The application of the approach taken in the *Piece Rates Decision*<sup>12</sup> (defining a 'pieceworker competent at the piecework task' to mean 'a pieceworker who has at least 76 hours' experience performing the task...'), does not necessarily

---

<sup>5</sup> April 2024 Decision at [132].

<sup>6</sup> April 2024 Decision at [126].

<sup>7</sup> April 2024 Decision at [126].

<sup>8</sup> April 2024 Decision at [130].

<sup>9</sup> April 2024 Decision at [131].

<sup>10</sup> April 2024 Decision at [131].

<sup>11</sup> April 2024 Decision at [131].

<sup>12</sup> *Piece Rates Decision* [2021] FWCFB 5554.

apply to all the tasks under Level 1 or Level 2 which an employee may be required to perform under the Horticulture Award 2020.<sup>13</sup>

6. At [132], the Commission then expressed a *provisional view* in relation to the Horticulture Award 2020 that two variations were necessary to conform to the *confirmed view*.<sup>14</sup>
  - (a) The definition of Level 1 should be varied to add a requirement that progression for Level 1 to Level 2 must occur after three months' industry experience, which is a consequential amendment to the first item in Level 2.
  - (b) The indicative duties for Level 2 should be varied to reference the indicative duties for Level 1.

### **August Statement and Draft Determination**

7. The Commission published a Draft Determination in relation to the Horticulture Award 2020 with the August Statement. At that time, the Commission observed that there was "substantial overlap" in Level 2 with some of the indicative duties from Level 1, and did not copy those duties from Level 1 to Level 2 in the Draft Determination where clear overlap exists.<sup>15</sup>
8. In the Draft Determination, the Commission:
  - (a) included a bullet point in clause A.1.2 providing that an employee will progress to Level 2 after no more than 3 months' industry experience
  - (b) included a bullet point in clause A.2.2 providing that an employee at Level 2 has 3 months' industry experience so as to enable the performance of work within the scope of Level 2;
  - (c) added duties to clause A.2.3 to include duties previously only attributed to Level 1.

### **AFPA's Position**

9. The Draft Determination and *provisional view* in respect of the Horticulture Award:
  - (a) go further than necessary to meet the *confirmed view*; and
  - (b) do not take into account the matters set out by the Commission in the April 2024 Decision as summarised above at paragraph 5.
10. AFPA's position with respect to the Draft Determination and *provisional view* is that seasonal workers should be excluded from the transition from Level 1 to Level 2.
11. We set out at **Annexure 1** AFPA's proposed amendment to clauses A.1 and A.2 taking into account the Draft Determination.

---

<sup>13</sup> April 2024 Decision at [131].

<sup>14</sup> April 2024 Decision at [132].

<sup>15</sup> August Statement at [9].

Primary Position

12. Seasonal Workers who are engaged on a temporary basis to primarily perform fruit and vegetable picking tasks should remain at Level 1.
13. AFPA presses for the amendments to the Draft Determination as set out in Annexure 1.
14. As set out in the *confirmed view*, the lowest classification rate in any modern award applicable to ongoing employment should be at least the C13 rate.
15. In the Horticulture Industry:
  - (a) crop growth is seasonal, and each crop has its own distinct picking season;<sup>16</sup>
  - (b) due to the seasonality and picking windows, the size of the workforce at a particular site can vary significantly throughout the season. The demand for picking labour increases as the picking season progresses, peaks and then tapers off reflecting changes in crop yield;<sup>17</sup>
  - (c) **work across the horticulture industry is labour intensive and predominantly seasonal**, and the workforce size and composition varies substantially over the course of the year and also varies from region to region;<sup>18</sup>
  - (d) horticulture farms tend to use relatively large amounts of casual and contract labour at key times of the year and the incidence of short term (seasonal) and casual employment is high, **about 30% of the industry is employed on a casual basis and 38–47% is employed on a contract basis;**<sup>19</sup>
  - (e) of the total horticulture workforce:
    - (i) about 30,000 to 40,000 (about 21–33%) are Working Holiday Makers;
    - (ii) about 12,200 (about 9–10%) are Pacific Islander Workers under the Seasonal Worker Programme;
    - (iii) an unknown but substantial number are Pacific Islander Workers under the Pacific Labour Scheme;  
(now both under the Pacific Australia Labour Mobility (PALM) scheme).
    - (iv) an unknown number are international students;
    - (v) an unknown number, estimated to be in the thousands, are undocumented migrants; and
    - (vi) about 47% are local workers.<sup>20</sup>

---

<sup>16</sup> *The Australian Workers' Union to vary clause 15 of the Horticulture Award 2020* [2021] FWCFB 5554 (**First Piece Rates Decision**) at [33].

<sup>17</sup> First Piece Rates Decision at [35].

<sup>18</sup> First Piece Rates Decision at [36] and [37].

<sup>19</sup> First Piece Rates Decision at [38].

<sup>20</sup> As at 2021, see First Piece Rates Decision at [41].

- (f) The majority of the workforce in the horticulture industry – that is, 68 to 77 percent are non-ongoing employees.<sup>21</sup>
16. As set out above, the Commission accepted, in the April 2024 Decision, that there is difficulty in applying the *confirmed view* to the Horticulture Award.<sup>22</sup>
17. This difficulty, and the position advanced by AFPA is consistent with the rationale of the Expert Panel for Annual Wage review in *Annual Wage Review 2022-23* [2023] FWCFB 3500 (**AWR 2023**).
18. In AWR 2023, the Expert Panel considered the application of the C14 classification and rate of pay. It was that consideration that has led to the *confirmed view*. In AWR 2023, the Expert Panel relevantly determined:
- [30] ...paragraph 334 of the REM explains that the reference to promoting job security in s 3(a) recognises **the importance of employees and job seekers ‘having the choice’ to be able to enjoy as much as possible ‘ongoing, stable and secure employment that provides regular and predictable access to beneficial wages and conditions of employment’**. We see no reason to consider that the expression ‘secure work’ in s 134(1)(aa) bears any substantially different connotation to ‘job security’ in s 3(a). **However, we consider that it is significant that s 134(1)(aa) refers to ‘the need to improve access’ to secure work rather than the general promotion of job security...**
- [104] ... The above analysis also takes no account of casual employees in receipt of the 25 per cent loading (noting that casual employees constitute almost half of the modern award-reliant cohort). To the extent that the analysis may be applied to modern award-reliant employees on the C14 rate, it does not account for additional earnings by way of award penalty rates payable for ordinary-time work (such as evening or weekend penalty rates) or award overtime penalty rates, which are common incidents of modern award-reliant employment.
- [173] ... The step we will take is to align the NMW with the current C13 rate, which is the lowest award rate which, apart from exceptions in a small number of awards, may apply to employees in respect of ongoing employment...
19. Seasonal workers are not in ongoing employment. Their exclusion from the provisions transitioning from Level 1 to Level 2 in the Horticulture Award would continue to meet the requirements of the *confirmed view*.
20. In the April 2024 Decision, the Commission determined that the *confirmed view* should be applied to allow for automatic progression from Level 1 to Level 2 in prescribed circumstances.<sup>23</sup> The Draft Determination does not prescribe any such circumstances but rather requires progression automatically.
21. AFPA accepts, consistently with the *confirmed view* that ongoing employees should progress to Level 2 after a prescribed period of time – see Annexure 1.

<sup>21</sup> First Piece Rates Decision at [38].

<sup>22</sup> April 2024 Decision at [131].

<sup>23</sup> April 2024 Decision at [131].

### Alternative

22. In the alternative, AFPA submits that a calculation of the period of time before an employee progresses to Level 2 should not be based on industry experience. AFPA submits that there is no rationale for the selection of industry experience over other methods, for example, based on task or based on employment.<sup>24</sup>
23. Rather, transition to Level 2 should be based on:
  - (a) Three months experience at a particular task (regardless of employer); or alternatively
  - (b) Three months experience with the employer.
24. Either such approach is more consistent with the ability to progress from Level 1 to Level 2 which presently exists in the Award – being a period of training (where appropriate).

### Task based experience

25. In respect of experience at a particular task, the Full Bench acknowledged that here is some difficulty with the application of the confirmed view having regard to the diversity of skills that might be required to pick different types of crop.<sup>25</sup>
26. The evidence filed in these proceedings demonstrates that different skills and experience is required by an employee to perform the different tasks<sup>26</sup> and it follows that those skills are not necessarily directly transferrable.
27. Further, existing clause A.2.2. contemplates that an employee may move from the Level 2 classification to the Level 1 classification if re-engaged to perform tasks within that skill level.
28. The approach that emphasises experience at a specific task and aligns with the principle of competency-based progression, which ensures that employees acquire the necessary skills and knowledge before advancing to higher levels. This method not only acknowledges the diversity of the horticulture industry but also takes into account the specialised nature of different crop-picking tasks.
29. By basing progression on task-specific experience, the system ensures that employees are adequately prepared for the complexities of higher-level responsibilities, fostering a more skilled and adaptable workforce. Moreover, this approach mitigates the risk of underperformance due to inadequate experience, thereby enhancing overall productivity and efficiency within the industry.
30. Amendments to clauses A.1 and A.2, taking into account the Draft Determination, in line with this alternative are set out in **Annexure 2**.

---

<sup>24</sup> Noting that in respect of the Draft Determinations for other Awards (other than the Horticulture Award 2020) only 3 of the 47 consider transition based on industry experience.

<sup>25</sup> April 2024 Decision at [131].

<sup>26</sup> Witness Statement of Carl John Phillips dated 10 November 2023 (**Phillips Statement**) at [23] to [35].

### Employer based experience

31. Further in the alternative, AFPA submits that progression from the Level 1 classification to the Level 2 classification should be based on experience with a particular employer.
32. As above, the reason for selection of industry experience as the mechanism is not apparent.
33. Experience with a particular employer means that an employee will have a deeper understanding of the employer's specific methodologies, practices, and expectations, which are often unique and integral to the efficient operation of their business prior to progressing to Level 2.
34. As above, it is consistent with the current mechanism in the Horticulture Award to progress from Level 1 to Level 2.
35. Further, it has the impact of promoting ongoing employment where the remuneration structure is connected to experience with a particular employer.
36. Amendments to clauses A.1 and A.2, taking into account the Draft Determination, in line with this alternative are set out in **Annexure 3**.

### Further Matters

37. AFPA submits that the following clarifications to the Draft Determination are necessary:
  - (a) Confirmation that "industry experience" means experience within the Horticulture Industry; and
  - (b) The 3 months experience should be obtained within the preceding 12 months.
38. As to "industry experience" such a correction is minor but necessary to ensure that the experience being considered is relevant to the work to be performed by an employer rather than experience in another agriculture-related industry where skills are not necessarily as easily transferrable.
39. "Horticulture industry" is already defined in clause 4 of the Horticulture Award 2020.
40. In relation to the timeliness of industry experience, as accepted by the Full Bench, the functions of fruit and vegetable picking are overwhelmingly performed by casual employee engaged seasonally.<sup>27</sup>
41. In the context of the horticulture industry, the concept of temporal experience is crucial to ensure that the skills, knowledge, and fitness of employees are current and relevant to the tasks they are expected to perform.
42. Employees with recent and relevant experience who are more easily able to be productive and efficient within a short period of employment suffer no adverse consequences from such a clarification.
43. Employees who have had a significant break from the industry would commence employment at the Level 1 classification and have the ability during that period to

---

<sup>27</sup> April 2024 Decision at [130].

relearn or improve on outdated skills as well as increase the levels of physical fitness required to perform the work before moving to the Level 2 classification.

44. The amendments to clauses A.1 and A.2, taking into account the Draft Determination, proposed by AFPA include, where appropriate, amendments to this effect.
45. Amendments to clauses A.1 and A.2, taking into account the Draft Determination, in line with these matters only are set out in **Annexure 4**.

*Timing of commencement*

46. AFPA submits that the timing of the commencement of any amendment to the Horticulture Award should be 1 July 2025.
47. The period of time between what will be the Full Bench's final decision in this matter and 1 January 2025 is minimal. Combined with the significant and successive changes to the Horticulture Award 2020 in recent times, aligning the variation to minimum award wages will allow for an easier administrative process for employers within the industry.

**Conclusion**

48. For the reasons set out above, AFPA submits that seasonal workers should be excluded from transition from classification Level 1 to Level 2.

**Kingston Reid**

**27 September 2024**



## Annexure 1

### Schedule A — Classification Definitions

#### A.1 Level 1

**A.1.1 Level 1 employee** means an employee classified in accordance with the following criteria:

#### 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; or is an existing employee performing work within this grade who is undertaking training so as to enable advancement to Level 2;
- **unless, the employee is a temporary or seasonal worker, will progress to Level 2 after no more than 3 months' Horticulture industry experience gained within the 12 months prior to employment.**

#### 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 training so as to enable advancement to Level 2.

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

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

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

An employee at this level:

• **other than a temporary or seasonal worker, has 3 months' Horticulture industry experience gained within the 12 months prior to employment to enable the performance of work within the scope of this level;** ~~• has completed up to 3 months structured training so as to enable the performance of work within the scope of this level;~~

- works under 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;
- 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;
- performing basic recording functions related to work performed at this level;
- 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;

- 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 and grading 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.

## Annexure 2

### **Schedule A — Classification Definitions**

#### **A.1 Level 1**

**A.1.1 Level 1 employee** means an employee classified in accordance with the following criteria:

#### **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; or is an existing employee performing work within this grade who is undertaking training so as to enable advancement to Level 2;
- will progress to Level 2 after no more than 3 months' experience, gained within the 12 months prior to employment, at the particular task performed by the employee.

#### **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 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 3 months' industry experience, gained within the 12 months prior to employment at the particular task performed by the employee, to enable the performance of work within the scope of this level; ~~• has completed up to 3 months structured training so as to enable the performance of work within the scope of this level;~~

- works under 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;
- 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;
- performing basic recording functions related to work performed at this level;
- 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;

- 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 and grading 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.

## **Annexure 3**

### **Schedule A — Classification Definitions**

#### **A.1 Level 1**

**A.1.1 Level 1 employee** means an employee classified in accordance with the following criteria:

#### **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; or is an existing employee performing work within this grade who is undertaking training so as to enable advancement to Level 2;
- will progress to Level 2 after no more than 3 months' employment.

#### **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 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 completed 3 months' employment to enable the performance of work within the scope of this level;](#) • ~~has completed up to 3 months structured training so as to enable the performance of work within the scope of this level;~~
- works under 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;](#)
- [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;](#)
- [performing basic recording functions related to work performed at this level;](#)
- 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;
- 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 and grading 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.

## Annexure 4

### **Schedule A — Classification Definitions**

#### **A.1 Level 1**

**A.1.1 Level 1 employee** means an employee classified in accordance with the following criteria:

#### **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; or is an existing employee performing work within this grade who is undertaking training so as to enable advancement to Level 2;
- will progress to Level 2 after no more than 3 months' Horticulture industry experience gained within the 12 months prior to employment:

#### **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 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 3 months' Horticulture industry experience gained within the 12 months prior to employment to enable the performance of work within the scope of this level; ~~• has completed up to 3 months structured training so as to enable the performance of work within the scope of this level;~~

- works under 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;
- 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;
- performing basic recording functions related to work performed at this level;
- 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;
- 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 and grading 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.