



Seasonal Worker Programme – Worker Portability Pilot

Guidance for Approved Employers to share Seasonal Workers under a multi-sponsor arrangement

1. Seasonal Worker Programme (SWP) Approved Employers operating in the Wimmera Mallee (Victoria), Sunraysia (Victoria/NSW), Goulburn/Murray (Victoria) and Riverina (NSW) regions can share workers under the SWP Portability Pilot.
2. Approved Employers who intend to share seasonal workers (**Sponsoring AEs**) should contact the SWP Information Line on (02) 6240 5234, by email at regionalpilot@employment.gov.au or through a Regional Coordinator.

Note: If you are not currently an Approved Employer and wish to become one, please visit <https://www.employment.gov.au/process-become-approved-employer> for information on how to apply.

3. Sponsoring AEs will be required to sign a “SWP Multi-Sponsor Agreement” (see Attachment A) to confirm their participation in the SWP Worker Portability Pilot.
 - a. A Multi-Sponsor Agreement will authorise the Department of Employment, Skills, Small and Family Business (the department) to approve the Recruitment Applications for the Sponsoring AEs.
 - b. A Multi-Sponsor Agreement for each visa application is legally required by the Department of Home Affairs (DHA) to issue a visa that will allow a worker to work for more than one Approved Employer during their visa period (see Attachment B).
4. Only those AEs who have signed the Multi-Sponsor Agreement can employ and share seasonal workers under the SWP Worker Portability Pilot.
5. The AE who will employ the seasonal workers first (**First AE**) must submit a Recruitment Application in SWP Online **for the whole duration of the workers’ visa period** (that is, from the date of their arrival in Australia until the day of departure from Australia) to enable the department to approve the recruitment for the total duration of the workers’ stay in Australia.
 - a. The First AE should also add the remaining Sponsoring AEs as “Hosts” in SWP Online with the indicative dates that they will employ the seasonal workers.

Note: The First AE will remain responsible for the workers until they ‘transfer’ to the Second AE’s farm/placement, and so on for the second and subsequent AEs. Under this Pilot, a ‘transfer’

means when workers are moved from one Sponsoring AE to another, who are parties to the Multi-Sponsor Agreement.

6. The draft Offer of Employment (OOE) from the First AE must include:
 - a. details of work/pay/deductions/accommodation based on the details of the work offered by the First AE;
 - b. indicative dates of transfer to subsequent Sponsoring AEs; and
 - c. a copy of the SWP Multi-Sponsorship Agreement Form at Attachment A.
7. Subsequent Sponsoring AEs (Second AE, Third AE etc) must submit their Recruitment Applications in SWP Online at least **two weeks** prior to the workers being transferred to them.
8. The dates that the seasonal worker will be employed by each Sponsoring AE are indicative in SWP Online and in the OOE to the worker. The Recruitment Applications from the subsequent AEs must be received by the department two weeks prior to the transfer of the workers to that AE. **Please note:** the total stay period (i.e. the cumulative length of all placements) for the worker cannot be extended after their visa has been granted.
9. Any changes to the SWP Multi-Sponsor Agreement after the first Recruitment Application has been assessed or is in the process of being assessed by the department, could delay the final approval. Further, **it is not possible** for the Department of Home Affairs to add a new AE as a Temporary Activities Sponsor after a worker's visa has been granted. However, if due to exceptional circumstances one or more Sponsoring AEs are no longer able to employ the workers, the department will work with the AEs and look at possible options such as alternative employment for workers. (Exceptional circumstances are where you are unable to enact your contingency arrangements or your contingency arrangements may be inadequate such as a large scale natural disaster where crops have been destroyed).
10. The process for employers to report a change of circumstances through ImmiAccount under a multi-sponsor agreement is different to the usual process. The Department of Home Affairs has created a guide for employers on how to report on changes such as an absconding worker, termination of employment etc. Please contact your Contract Manager to receive a copy.

Sponsoring AEs should be aware of and consider the following:

1. Eligibility

Only SWP AEs operating in the four regions (Sunraysia, Goulburn/Murray, Riverina and Wimmera Mallee) are eligible to participate in the Seasonal Worker Portability Pilot. The Pilot will run from 1 January 2020 to 30 June 2022.

2. Planning

Sponsoring AEs wishing to use the SWP Portability Pilot must plan in advance:

- a. the total duration of seasonal workers' stay in Australia (i.e. their visa period),
- b. the tentative dates that each sponsoring AE will employ the workers for; and
- c. whether all or some of the workers will be shared by the sponsoring AEs.

3. Payments and deductions

Sponsoring AEs should agree upfront:

- Who pays for workers' Return International Airfare, including how the \$300 out-of-pocket cost will be shared (*note*: total deductions for airfares must not exceed the total upfront purchase cost less \$300);
- Whether the deductions for airfares will be recouped by the First AE (length of placement permitting) or all of the Sponsoring AEs?
 - A possible way of sharing costs is that Sponsoring AEs pay a proportional share (based on the length of time with each AE) and then the deductions are taken over the life of the placement. That way, each Sponsoring AE will be able to recoup the amount they paid when the workers are with them. For example, if a return airfare costs \$1,500:

	Share of each AE	Eligible deduction (\$1,500 less \$300)	Employment period (example)	Deductions per week
First AE	\$500	\$400	3 months (12 weeks)	\$33.33
Second AE	\$500	\$400	2 months (8 weeks)	\$50.00
Third AE	\$500	\$400	2 months (8 weeks)	\$50.00
TOTAL	\$1,500	\$1,200	7 months	\$133.33

- Who will bear the cost of transporting workers when they are transferred from the First AE to the Second AE to the Third AE, noting that this cost cannot be recouped from the workers.
- How will any losses be shared if one or more workers return home and their costs have not been re-couped.
- Sponsoring AEs must only make deductions from seasonal workers' wages for costs which are for the principal benefit of the seasonal workers and that the deductions do not result in the seasonal workers having insufficient net income for reasonable living expenses. Deductions must be 'at cost' – that is, only for the amount incurred by the respective AE.

4. Health insurance

Sponsoring AEs are encouraged to have the same health insurance provider if possible. If not, AEs should ensure that if they are using different health insurance providers, that workers are not disadvantaged due to waiting periods restarting and that deductions do not vary greatly with each provider. This will help minimise any confusion for workers.

5. Superannuation

To minimise the impact on workers, the First AE should advise the subsequent Sponsoring AEs which Super Fund they have used. Workers can choose to nominate the same Super Fund when they transfer to other Sponsoring AEs. If superannuation is deposited in different funds, the last Sponsoring AE should remind workers at the time of their pre-return briefing that they will need to withdraw their superannuation from multiple accounts.

6. Change of Circumstances/Dispute resolution

Sponsoring AEs should have a dispute resolution process in place to manage any issues that arise with their agreement. Please note that the sponsoring arrangement is a private matter between the Sponsoring AEs. The department will not adjudicate any disputes between Sponsoring AEs. However, the department will take action as outlined in the SWP Deed of Agreement when it concerns the safety and fair treatment of the seasonal workers.

7. Communication with workers and a seamless handover of workers

Sponsoring AEs should plan to minimise any disruption that may be caused when moving workers from one Sponsoring AE to the next. A properly planned transfer with clear instructions and dates will help with a seamless transfer. Each Sponsoring AE will need to provide an Arrival and Departure Report to the department for each placement, and relevant Arrival and Departure briefings, as appropriate.

8. Record keeping

In addition to the record keeping requirements in the SWP Guidelines, AEs should retain records of movement of workers to the department and the Fair Work Ombudsman upon request.

Agreement to sponsor a Seasonal Worker under the Seasonal Worker Programme Multi-Sponsor Arrangement

This letter is to advise that:

- Approved Employer 1 [NAME] (ABN XXXX), Sponsorship TRN – XXX;
- Approved Employer 2 [NAME] (ABN XXXX), Sponsorship TRN – XXX; and
- Approved Employer 3 [NAME] (ABN XXXX), Sponsorship TRN – XXX

have agreed to sponsor X [NUMBER] seasonal workers under Recruitment Number ### provided by Approved Employer 1 [NAME] for a period of X months from [DATE].

We agree to employ the workers during the following indicative dates:

Temporary Activities Sponsor/Approved Employer	From Date (inclusive)	To Date (inclusive)
Approved Employer 1 [NAME]		
Approved Employer 2 [NAME]		
Approved Employer 3 [NAME]		

Approved Employer 2 and Approved Employer 3 agree to provide a Recruitment Application through SWP Online at least two weeks prior to the proposed transfer date of the seasonal workers to them.

We understand and agree that until the transfer has occurred, the current sponsor (Approved Employer) will remain responsible for the workers.

We understand:

- the conditions of sharing seasonal workers under the SWP Seasonal Worker Portability Pilot;
- that the visas for workers, once granted, cannot be extended past the expiry date; and
- that the Department of Employment, Skills, Small and Family Business or the Department of Home Affairs will not mediate any disputes regarding this agreement.

Approved Employer 1:	
Name of authorised signatory:	
Date:	
Approved Employer 2:	
Name of authorised signatory:	
Date:	
Approved Employer 3:	
Name of authorised signatory:	
Date:	

[Please add more Approved Employer names or delete as necessary]

Agreement to sponsor a Seasonal Worker under the Seasonal Worker Programme Multi-Sponsor Arrangement

This letter is to advise that:

- Approved Employer 1 [NAME] (ABN XXXX), Sponsorship TRN – XXX;
- Approved Employer 2 [NAME] (ABN XXXX), Sponsorship TRN – XXX; and
- Approved Employer 3 [NAME] (ABN XXXX), Sponsorship TRN – XXX

Name of seasonal worker:	
Date of Birth:	
Passport Number:	

for the following indicative dates:

Temporary Activities Sponsor/Approved Employer	From Date (inclusive)	To Date (inclusive)
Approved Employer 1 [NAME]		
Approved Employer 2 [NAME]		
Approved Employer 3 [NAME]		

We understand the conditions of sharing seasonal workers under the SWP Seasonal Worker Portability Pilot.

We understand the visa for this worker, once granted, cannot be extended past its expiry date.

Approved Employer 1:	
Name of authorised signatory:	
Date:	
Approved Employer 2:	
Name of authorised signatory:	
Date:	
Approved Employer 3:	
Name of authorised signatory:	

[Please add more Approved Employer names or delete as necessary]