

# FAQ: Backpackers

## (updated July 2019)

### Backpackers - what do i have to pay them?

Backpackers can provide short term staff at times of the year when extra help is needed. Many of the current crop of backpackers are escaping from recession in Ireland and Europe, and are often highly educated, enthusiastic and reliable workers.

Backpackers are entitled to the same minimum standards as any other employee, including correct pay rates for their classification, superannuation, overtime and penalty rates. It is important they are employed correctly, as the Fair Work Ombudsman DO prosecute and people who do not follow the rules give the industry a bad name.

### Recruiting backpackers

One farmer who is very successful at recruiting backpackers advises doing up a flyer highlighting the tourist destinations in your area and sending it to backpackers' hostels in your local area, major cities and centres. Ask departing workers to pass the flyer onto their friends. You could also advertise online - suggested sites are available at [www.thepeopleindairy.com.au/eski/employing\\_someone.htm](http://www.thepeopleindairy.com.au/eski/employing_someone.htm)

It's a good idea to do as much as the recruiting as possible by email, rather than answering constant call enquires.

### The challenges

Language can be a barrier, but nothing that can't be got around. Before hiring backpackers, talk to them over the phone and get an idea of their level of English. To get the job, they should have at least some basic English – so they can understand you and you can understand them.

Although demonstration is often the best training, have your farm procedures written out in a variety of languages. A tip is to ask backpackers to rewrite your procedures in their language, noting you are still responsible for their safety and ensuring they understand the procedure/process.

The other main challenge is paperwork. It is the employer's responsibility to ensure people from overseas hold a valid working visa.

[www.thepeopleindairy.org.au](http://www.thepeopleindairy.org.au)

You should ask backpackers to provide hard copies of their working visa, tax file number, superannuation, Australian bank account and drivers licence. If they don't know what you are talking about in terms of tax and super, they haven't worked in Australia before. That means you'll have to help them get a bank account, explain about super, etc. It's much easier for you if they already have this paper work set up.

Most backpackers only want short term work, and that can fit with seasonal workload. You can also help out with their visa because it can be extended if they work in agriculture for at least three months. It gives them an incentive to stay and it's worth your time in training them if they stay that long.

Often backpackers come in pairs, so it's good to structure their work requirements around that. Give them some time off together, and some apart. And putting them on split shifts gives them time off in the middle of the day to go to explore the area, or sleep.

Accommodation must be addressed. If there isn't appropriate accommodation nearby, the farmer must be able to house staff and there are a number of options. It is best to provide accommodation for backpackers separate from the family home. One option is to provide cabins, each with a bedroom, ensuite, lounge and kitchen. They pay rent, provide their own food and do their own cooking. You supply the basic furniture, appliances, water gas and electricity. They bring their own phone and internet access.

Backpackers generally entertain themselves but it can be nice tell them what's happening in the area, such as major events and point them to websites with local tourist information.

**Under the Fair Work Act, your legal responsibilities when hiring a backpacker are the same as for any other employee**

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## Backpackers – know your workplace rights!

All people working in Australia, including foreign workers, are entitled to basic rights and protections and rights in the workplace. There are 10 basic minimum entitlements known as the National Employment Standards (NES) - visit [www.thepeopleindairy.org.au/engagement-reward/national-employment-standards.htm](http://www.thepeopleindairy.org.au/engagement-reward/national-employment-standards.htm)

The Fair Work Ombudsman provides education, information and advice for employees and has produced a Fact Sheet entitled **Foreign workers – Know your workplace rights!** For more information, visit the Fair Work website [www.fairwork.gov.au](http://www.fairwork.gov.au) or call their infoline: **13 13 94**.

You can also read more at [www.thepeopleindairy.org.au/employees/coming\\_from\\_overseas.htm](http://www.thepeopleindairy.org.au/employees/coming_from_overseas.htm)

## Checking prospective employee's entitlement to work in Australia

Work rights can be checked by asking to see a person's passport or other evidence of Australian citizenship, such as a birth certificate or certificate of citizenship, as well as appropriate photo identification.

The free **Visa Entitlement Verification Online (VEVO)** service is the safest and easiest way to check work entitlements of all new workers from overseas, providing you with current visa information: [www.border.gov.au/Busi/visas-and-migration/visa-entitlement-verification-online-\(vevo\)](http://www.border.gov.au/Busi/visas-and-migration/visa-entitlement-verification-online-(vevo))

Read more, including how often to check visas at [www.thepeopleindairy.org.au/engagement-reward/hiringfromoverseas](http://www.thepeopleindairy.org.au/engagement-reward/hiringfromoverseas)

## Visa requirements for backpackers (updated July 2019)

Backpackers in Australia can be a source of short-term, seasonal labour for dairy farmers but Australian employers need to make sure backpackers they employ have the appropriate visa. It is the employer's responsibility to ensure the paperwork is in order and to pay award wages.

Employers are responsible for checking every worker from overseas has a valid Australian visa with work rights. The free **Visa Entitlement Verification Online (VEVO)** service is the safest and easiest way to check work entitlements of all new workers from overseas, providing you with current visa information: [www.border.gov.au/Busi/visas-and-migration/visa-entitlement-verification-online-\(vevo\)](http://www.border.gov.au/Busi/visas-and-migration/visa-entitlement-verification-online-(vevo)) The working holiday maker program is a cultural exchange program which allows visa holders to supplement their holiday funds through short-term work. Working holiday maker visa holders working in the dairy industry can work full-time for a period of 12 months with one employer.

Working holiday visa holders who performed 'specified work', in an eligible regional Australian area for a minimum of three months (88 days) while on their first working holiday (subclass 417) visa may be eligible for a second working holiday visa. 'Specified work' can include working on a dairy farm.

Holders of a second working holiday visa may return to work for a further twelve months for an employer with whom they worked on their first working holiday visa. This means if you employed a working holiday visa holder for twelve months on their first working holiday visa and they successfully obtained a second working holiday visa, they would be able to return to your employ for another twelve months.

Changes announced to the Working Holiday Maker (WHM) visa program **apply from 1 July 2019**. Second holiday year visa holders (417 and 462) may be eligible for a third year working holiday visa, allowing visa holders to stay in Australia and work for an additional 12 months if they have worked for 6 months in a specified field or industry in a designated area of regional Australia.

More information is available at: <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/work-holiday-417> and <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/work-holiday-462>