


# Voluntary Code of Conduct for the Management of Migrant Workers

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## 1. Introduction

The red meat processing industry (referred to herein as the 'industry') is a key contributor to Australia's economic prosperity. Together with the broader red meat and livestock sector, processors are responsible for around \$11.3 billion in domestic sales and \$17.2 billion in exports.<sup>1</sup> Employing around 100,000 people directly and indirectly, around 17 per cent of total full-time equivalent employment in the Agriculture, Forestry & Fishing sector<sup>2</sup>, red meat processors are a major driver of growth in both metropolitan and regional communities.

Due to well-documented skills shortages in the Australian labour market<sup>3</sup>, industry relies on an integrated workforce of both Australian and Migrant Workers. Employers of Migrant Workers in the red meat processing industry fully acknowledge the crucial role Migrant Workers play in enabling industry to maintain its contributions to Australia's economic prosperity. The industry has zero-tolerance for exploitation and mistreatment and is fully committed to protecting welfare of all workers.

Like all workers, Migrant Workers are entitled to fair and ethical treatment by their employers and in their workplaces. Industry recognises that as a cohort, Migrant Workers are exposed to some unique challenges associated with their relocation to Australia. Employers are committed to ensuring Migrant Workers are met with an equally welcoming and rewarding workforce environment as Australian workers and are provided with the support they need to continue contributing to the processing industry and the Australian economy.

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<sup>1</sup> AMPC, 2020, Annual Report 2019-2020.

<sup>2</sup> Australian Government, May 2021, Labour Market Information Portal - Agriculture, Forestry and Fishing.

<sup>3</sup> AMIC, 2021, Access to Labour.

## 2. Objective

It is the primary objective for this Voluntary Code to protect the interests and promote the welfare of Migrant Workers. To achieve this, the industry has determined a set of Guiding Principles, contained in this Code which represent continuous improvement goals for Signatories. The Compliance Guide to this Code has been developed to assist Signatories to demonstrate alignment of their practices and policies with the Guiding Principles.

The Code has been designed to equip industry with a uniform industry standard for the best practice approach for the management of Migrant Workers. The Code is supported by a robust assurance process to independently verify that the conduct of Signatories is consistent with that required by the standard. Stakeholders, supply chain partners and the broader public can be confident that a Signatory to this Code is committed to the fair and ethical treatment of Migrant Workers and has taken meaningful and independently verified action to implement a best practice approach to the management of Migrant Workers, consistent with the Guiding Principles.

### 3. Guiding Principles

3.1. Signatories of the Code agree and affirm to uphold the following Guiding Principles in their treatment of Migrant Workers:

<b>RESPECT FOR LAWS</b>	Signatories commit to demonstrate respect for laws in their treatment of Migrant Workers.
<b>FAIR WORKPLACE TREATMENT</b>	Signatories commit to providing Migrant Workers with a fair and inclusive working environment.
<b>RESPONSIBLE PROCUREMENT AND SOURCING PRACTICES</b>	Signatories commit to observe the highest ethical standards, integrity, professional conduct and fair practice in the employment of Migrant Workers and selection of labour hire service providers.
<b>TRAVEL AND ACCOMMODATION</b>	Signatories commit to observe the highest ethical standards, integrity, professional conduct and fair practice where support is offered to Migrant Workers relating to their travel and accommodation.
<b>SUPPORT FOR INTEGRATION INTO HOST COMMUNITIES</b>	Signatories commit to the wellbeing of Migrant Workers and will provide support for integration into host communities.
<b>ACCESS TO REMEDY</b>	Signatories commit to ensure Migrant Workers and individuals providing pastoral support have access to functioning grievance mechanisms, which include multiple reporting channels of which at least one is confidential.
<b>TRANSPARENT WORKPLACE PRACTICES</b>	Signatories commit to accountability and transparency through established workplace standards and practices.
<b>VERIFICATION</b>	Signatories commit to keep appropriate records to meet and demonstrate compliance with the Code.

### 3.2. Compliance Indicators

The Compliance Guide is a schedule to this Code and has been designed to assist Signatories to give effect to the Guiding Principles. The Compliance Guide equips Signatories with a detailed set of Compliance Indicators which they are required to perform in order to demonstrate their implementation of the Guiding Principles. The Compliance Indicators are also a uniform standard against which the compliance of Signatories with the Voluntary Code can be independently verified through an audit process.

Each Compliance Indicator is accompanied by guidance material providing information on the intended outcomes of the Compliance Indicator and examples relating to implementation and evidence of performance. Guidance material accompanying a Compliance Indicator does not represent a requirement for a Signatory to undertake any specific activities to demonstrate their performance of a Compliance Indicator. Signatories are responsible for conducting themselves in a way that is consistent with the Guiding Principles and shall demonstrate performance against the Compliance Indicators as required under this Code.

## 4. Signatory Status

### 4.1. Meaning of Signatory Status

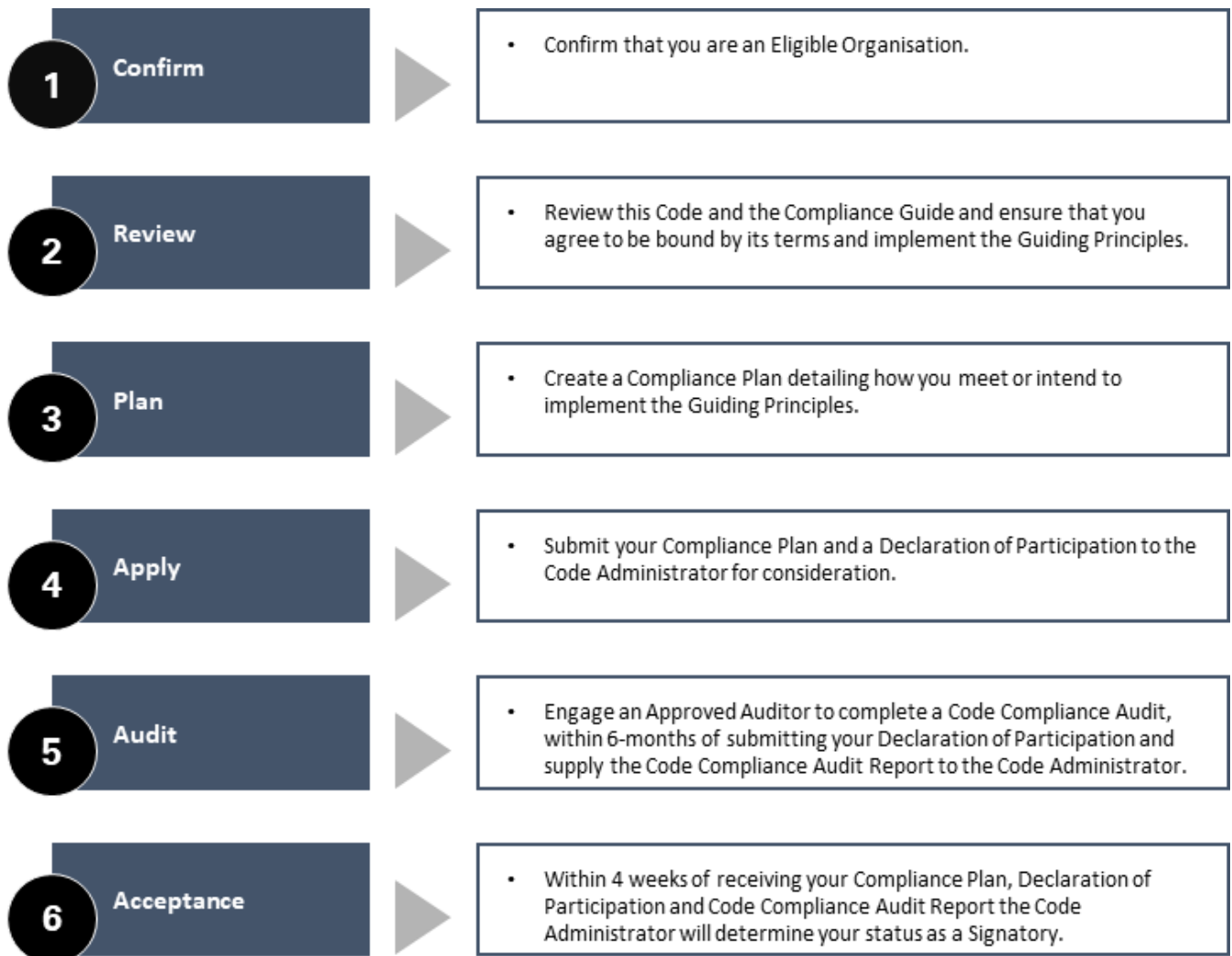
Participation as a Signatory to this Code is open to all Eligible Organisations. Signatories of this Code commit to upholding the Guiding Principles, and to conducting themselves in a professional and transparent manner in relation to the Code.

### 4.2. Benefits of becoming a Signatory

Becoming a Signatory to the Voluntary Code demonstrates a commitment to ensure the red meat processing industry is built on transparency and accountability for the fair and ethical treatment of Migrant Workers. Stakeholders including customers, supply chain partners and the broader public can be confident that Signatories audited against the Voluntary Code have provided verified evidence of implementing practices and processes that give effect to the Guiding Principles within this Code.

A list of all Eligible Organisations holding Signatory status will be listed on The Code Administrator's website. Signatories are entitled to use the Brand Mark as a public recognition of leadership and integrity that distinguishes the organisation in the marketplace.

### 4.3. How to become a Signatory



**Organisations holding Signatory status will be published on the Code Administrator's website**



#### 4.4. Administrative obligations of Signatories

By 30 June each year Signatories must:

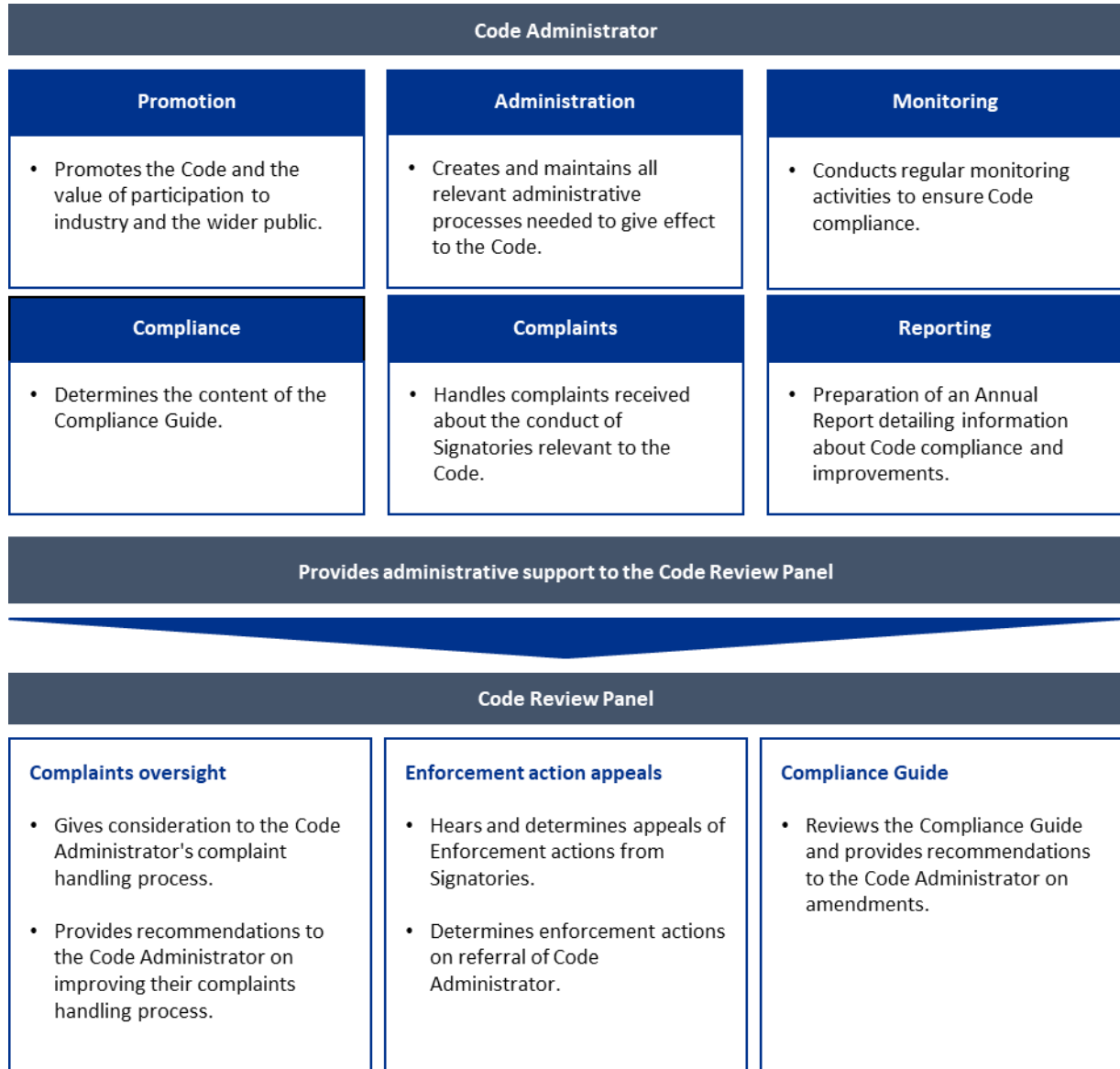
- a) Engage an Approved Auditor to complete a Code Compliance Audit
- b) Submit the Code Compliance Audit Report to the Code Administrator
- c) Submit Statement of Continuance to the Code Administrator, reaffirming the Signatory's commitment to the Guiding Principles in the Code
- d) Consent to the Program Rules of the Code

#### 4.5. Withdrawing from the Code

A Signatory may withdraw from the Code at any time provided they advise the Code Administrator of their intention to withdraw in writing. The Code Administrator will give effect to a Signatory's request for withdrawal within 2 weeks of receiving that notice, and the Signatory will be removed from any public facing media where Signatories are listed, such as the Administrator's website.

## 5. Code Governance Structure

The core governance responsibilities for the Code are outlined below:



### 5.1. Code Administrator

AMIC is the Code Administrator. The Code Administrator undertakes monitoring, and enforcement activities under the Code to ensure that Signatories continue to operate in

compliance with the requirements of the Code. This includes investigating of complaints and issuing requirements to complete Corrective Actions, suspensions, and removal of Signatory status. The Code Administrator is also responsible for:

- a) Maintaining a record of Eligible Organisations that hold Signatory status
- b) Managing the administration process relating to Signatories
- c) Overseeing communication and promotion of the Code
- d) Engaging with the independent Code Review Panel
- e) Reviewing compliance and initiating enquiries into compliance
- f) Handling complaints of non-compliance
- g) Issuing and enforcing appropriate notices and penalties for non-compliance
- h) Preparing and publishing an annual report on the Code's operations

## 5.2. Code Review Panel

Work relating to the oversight and direction of the Code is undertaken by the Code Review Panel (the Panel). The Panel is an independent panel made up of industry association representation and relevant external stakeholders. The Panel operates under a publicly available Terms of Reference and meets regularly to consider:

- a) complaints handling processes and activities;
- b) appeals of requirements to undertake Corrective Actions; and
- c) the content of the Code and Compliance Guide.

Panel members shall hold their appointments for a period of three years.

### 5.3. Code review process

The Panel shall review this Code and the Compliance Guide which is a schedule to this Code. Reviews shall assess the impact of the Code on ensuring the fair and ethical treatment of Migrant Workers in the red meat processing industry.

The Panel shall take no more than 6 months to complete a review and shall deliver a report detailing its findings and any recommendations to the Code Administrator within 3 months of completing a review.

The Panel shall conduct a minimum of two (2) reviews:

- The first review shall start before the end of the period of two (2) years after the date the Code Administrator begins accepting applications for Signatory status.
- The second review shall start before the end of the period of five (5) years after the date the Code Administrator begins accepting applications for Signatory status.

### 5.4. Use of information

Signatories acknowledge and agree that the Code Administrator may disclose information concerning the Signatory to any government authority for any lawful purpose.

Information handled by the Code Administrator in connection with the Code may be personal information, as defined in the Privacy Act 1988 (Cth). Personal information obtained by the Code Administrator is handled in accordance with the Code Administrator's Privacy Policy, accessible on their website.

### 5.5. Limitation of Liability

The Code is a voluntary instrument developed by the industry for the industry and does not reflect all of the legislative or regulatory requirements with which a Signatory will need to comply, with respect to the treatment of Migrant Workers.

The Code does not alter the rights, interests or entitlements owed to Migrant Workers under the terms of their employment.

The Code does not replace, alter, amend, or in any way impact upon any legislative or regulatory requirements imposed on Signatories. Compliance with such requirements is a central pillar of the Code.

Compliance with the Code does not replace or abridge the practices and record keeping that may be needed to demonstrate compliance with legislative and regulatory requirements regarding the treatment of Migrant Workers and must not be relied upon as evidence of such compliance.

The Code Administrator explicitly excludes any liability in relation to the conduct of any Signatory with respect to their treatment of Migrant Workers.

## 5.6. Governing Law

The agreement between the Code Administrator and a Signatory evidenced by the Code is governed by and must be construed with the laws of Queensland. The Code Administrator and Signatories to the Code submit themselves to the jurisdiction of the Queensland Courts including Courts for an appeal for any dispute about or in any way related to the Code.

## 6. Powers of the Code Administrator and Code Review Panel

### 6.1. Investigations

The Code Administrator has the power to investigate any information regarding potential non-compliance with the Code.

Instances of potential non-compliance may be brought to the Code Administrator's attention in the following ways:

- a) Code Compliance Audit Reports
- b) Signatory self-reporting
- c) Direct communication of complaint by an affected person to the Code Administrator
- d) Direct communication of complaint by a third party to the Code Administrator
- e) Any other source.

When a person has concerns about a Signatory's compliance with the Code, they are encouraged to first contact the Signatory directly to seek resolution. Complainants are also encouraged to inform the Code Administrator of any behaviour which may be non-compliant with the Code, even if the complaint is subsequently resolved.

If a Signatory receives a complaint regarding their compliance with the Code, Signatories are encouraged to seek guidance from the Code Administrator.

### 6.2. Requirement to Self-Report

Where a Signatory identifies an instance of non-compliance with the Code they shall submit to the Code Administrator a Completed Corrective Action Record within 30 days of that non-compliance being identified.

### 6.3. Dealing with complaints and potential non-compliance

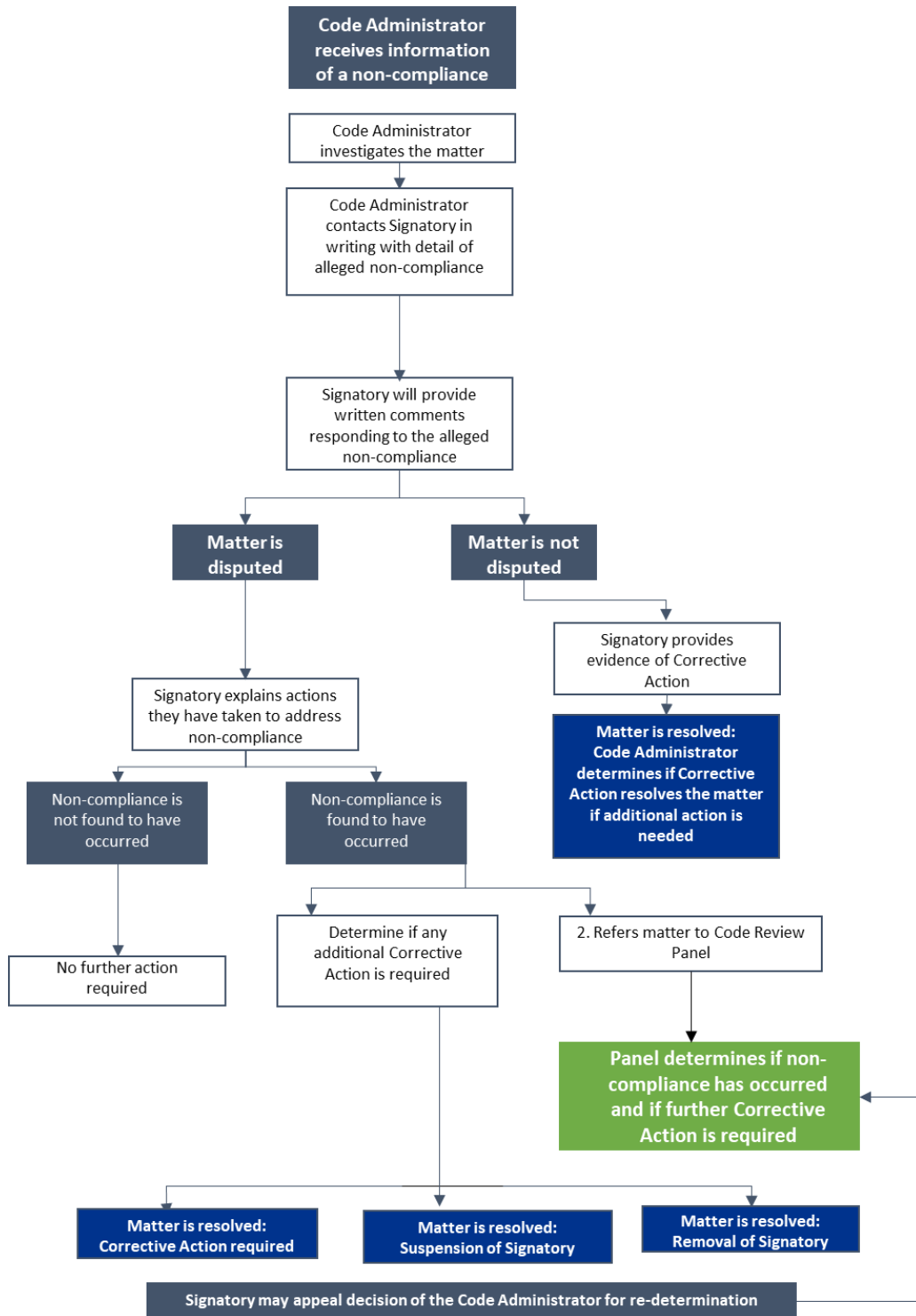
Alleged breaches of the Code will be investigated by the Code Administrator, using the following procedure:

- a) The Code Administrator will contact the Signatory in writing, providing details of the alleged breach as soon as is practicable following any investigation.
- b) Once a Signatory is aware non-compliance is alleged and the matter is disputed, the Signatory shall respond to the Code Administrator setting out its comments and evidence on to dispute the alleged breach within 21 business days.
- c) Once a Signatory is aware non-compliance is alleged, if the matter is not disputed, the Signatory must notify the Code Administrator the actions they have taken to address the non-compliance within 21 business days.
- d) The Code Administrator will investigate and assess the issue as soon as is reasonably practicable.
- e) Where non-compliance is found to have occurred, the Code Administrator will either:
  - (i) accept the Corrective Action taken by a Signatory has been satisfactory and determine the matter has been resolved
  - (ii) require the Signatory to undertake and provide evidence of additional Corrective Action before the Code Administrator determines that a matter can be resolved; or
  - (iii) where the Code Administrator determines there is a high degree of complexity in determining if non-compliance has occurred, or alleged non-compliance is server, the Code Administrator may refer the matter directly to the Panel for determination.
- f) If a matter of alleged non-compliance is handled solely by the Code Administrator, a Signatory is entitled to appeal the ruling to the Panel. All matters referred to the Panel for consideration will be determined according to the Code Review Panel Terms of Reference.

- g) If non-compliance is referred to the Panel (either by the Code Administrator or by appeal), the Panel will determine if a non-compliance has occurred and the subsequent action, if any, that will be taken against the Signatory.
- h) All decisions by the Panel are final and binding.



Complaints and issues of potential non-compliance of the Code will be investigated by the Code Administrator, using the following procedure:



#### 6.4. Corrective Actions

In the event the Code Administrator or Panel determines that there has not complied with the Code, it is at the complete discretion of the Code Administrator to determine if a Corrective Action is required and the nature of that Corrective Action.

Examples of possible Corrective Actions include but are not limited to:

- a) Requirement for the Signatory to provide a written letter to the Code Administrator that the non-compliance will not be repeated.
- b) Requirement for the Signatory to provide to the Code Administrator evidence of its strategy to rectify the issue and evidence of implementation, this may include any relevant Corrective Action Records;
- c) Requirement for the Signatory to provide to the Code Administrator evidence of its strategy to rectify the issue and conduct a Code Compliance Audit of the areas of activity where the non-compliance occurred at the Signatory's cost. A Code Compliance Audit Report and actions to prevent the breach occurring again will be provided to the Code Administrator.

Signatories may appeal to the Panel the decision of the Code Administrator's to impose on them a compliance action. This appeal must be made within 30 business days of the date the Code Administrator communicates to the Signatory their decision to impose a compliance action.

#### 6.5. Removal or suspension of a Signatory

Serious or repetitive non-compliance as determined by the Code Administrator may result in the removal or suspension of a Signatory to the Code with immediate effect by the Code Administrator.

Where a Signatory has been suspended, removed, or withdrawn from the Code, the Code Administrator has the right to publicly identify whether an Eligible Organisation holds the status of a Signatory to the Code. Details regarding the non-compliant behaviour and reasons for suspension or removal shall not be disclosed.

Signatories may appeal a decision of the Code Administrator's to remove or suspend their status as a Signatory to the Code. This appeal must be made within 30 business days of the date the Code Administrator communicates to the Signatory their decision to remove or suspend their Signatory status.

## 7. Glossary

Term	Definition
Approved Auditor	means a third-party auditor listed on the AMIC (Code Administrators) website.
Brand Mark	means the Voluntary Code of Conduct for the Treatment of Migrant Workers Signatory Brandmark available on the AMIC [Code Administrator]’s website.
Code	A Voluntary Code of Conduct for the Management of Migrant Workers.
Corrective Action	Means an activity undertaken by a Signatory to correct an issue of identified non-compliance, whether or not that identification occurs as a result of internal monitoring of activities or as determined by the Code Administrator or Code Review Panel to resolve an issue of non-compliance and prevent that issue from occurring in the future.
Corrective Action Record	<p>The Corrective Action Records are prepared by Signatories where it is identified they have not complied with the Code and must include:</p> <ul style="list-style-type: none"> <li>• Description of non-compliance</li> <li>• Cause of non-compliance</li> <li>• If this type of non-compliance has occurred prior</li> <li>• Immediate resolution (action to correct non-compliance)</li> <li>• Process improvement (action to prevent re-occurrence of non-compliance)</li> <li>• Confirmation and dates immediate resolution and process improvement completed</li> <li>• Name and Signatory of person completing the record.</li> </ul>
Code Compliance Audit	means an audit conducted by an Approved Auditor, using the Benchmark Guidance Note to assess and determine compliance with this Code.
Code Compliance Audit Report	A report completed by an Approved Auditor following a Code Compliance Audit which includes a summary of findings and identifies any areas of non-compliance.

Code Administrator	has the meaning described in section 5.1 of the Code.
Code Review Panel	has the meaning described in section 5.2 of the Code.
Compliance Guide	will take the form published on the AMIC (Code Administrators) website.
Compliance Plan	means plan prepared by a Signatory to identify policies and practices that demonstrate alignment with the Guiding Principles.
Declaration of Participation	means a declaration made in the approved form, made available by the Code Administrator.
Eligible Organisation	An organisation who is a member of the red meat processing industry or is the employer of Migrant Workers in the red meat processing industry.
Guiding Principles	has the meaning described in section 3 of the Code.
Migrant Worker	means a person on a temporary visa, working for Signatory, whether they are directly employed by that Signatory, or are hosted as worker at a facility operated by a Signatory.
Panel Terms of Reference	will take the form published on the AMIC (Code Administrators) website.
Signatory	means a signatory to this Code.
Statement of Continuance	means a statement made in the approved form, made available by the Code Administrator.