



## **Mediation and Employment Relations Service**

135 Fullarton Road Rose Park SA 5067 Phone: 08 8331 2422

Email: [chas@mers.com.au](mailto:chas@mers.com.au) Website: [www.mers.com.au](http://www.mers.com.au)

### **MEMBER UPDATE OCTOBER 2019**

#### **Safe Work Practices: Agricultural Industry**

In South Australia 4.5% of the total workforce works in agriculture; however, almost 19% of workplace deaths occur on farms. This means that employees and farmers are being fatally injured at a rate of almost 5 times their share of the workforce. In addition, the high fatality rate, sees every week 9 South Australian primary producers injured seriously enough to claim workers compensation claims. The impact on the farmer as the employer, the employee and their families are not measurable and then on top of that, is the impact on the worker's compensation levy for the farmer.

SafeWork SA has on its website a YouTube video that outlines some of the SafeWork practices in the Agricultural industry, a link to this video can be found at [www.safework.sa.gov.au](http://www.safework.sa.gov.au) and in the search engine, key in "preventing injury in the agricultural industry".

The Farmers Health & Safety Guide is also available at this website and it should be noted that.

As October is National Safety Month and harvest is on the horizon, this will be an opportune time to visit the website.

#### **Personal Carers & Sick Leave**

A recent Federal Court Decision confirmed that the National Employment Standards are to be used when calculating personal carers and sick leave. Currently, the Australian Government and Mondelez Australia Pty Ltd have applied to the High Court to seek leave to appeal the decision.

The Majority of the Full Federal Court determined that full time and part time employees are entitled to 10 working days of paid personal carers leave for each year of employment. The leave must be calculated in working days and not hours.

The Pastoral Award specifies that a working week is 38 hours per week, or 7.6 hours per day. If an employee is engaged to work for example 8 hours per day, then that person is entitled to personal carers leave or sick leave for 10 days based on the 8 hours each day.

The purpose of this advice is to alert employers who are engaging full time and part time employees who work more than 7.6 hours each day, that their sick leave entitlement may increase if the appeal is unsuccessful.

If you have any queries regarding this Member Update, please do not hesitate to contact me.

**Chas Cini**