

## INDUSTRY ADVISORY – Labour Agreements (Vol 3, 2023)

The purpose of an Industry Advisory is to provide APTIA members with an understanding of industrial issues which may impact upon their businesses.

Recruitment and retention have been a problem within the industry, particularly with the work restrictions introduced at the height of the COVID-19 pandemic.

Given the average age of drivers is over 55 years, with female participation at only 18% and a retirement rate of around 10% for all areas of operation there is a need to come up with better ways to recruit staff and to retain them.

The reasons and problems confronting recruitment and retention are well known and would appear to include:

- The lack of female participation in the industry (18%).
- The inability to recruit bus drivers from overseas under Subclass 482 Temporary Skills shortage or Subclass 494, Skilled Employer Sponsored Regional visas as the occupation of a bus driver (ANZSCO 731211) is classified Skill Level 4 and does not appear on any Department of Home Affairs occupations lists.
- The lack of facilities provided for the drivers, especially female drivers, including providing regular breaks and protection from workplace violence.
- A serious image problem with the public’s perception of bus driving.

This advisory sets out the criteria for requesting a labour agreement, more specifically designated area migration agreements (DAMA), which may assist APTIA members to recruit bus and coach drivers from overseas.

## LABOUR AGREEMENTS – A detailed analysis

<b>What is a labour agreement?</b>	<b>When can a labour agreement be made?</b>	<b>Designated Area Migration Agreement (DAMA)</b>	<b>Company Specific Labour Agreements (CSLA)</b>	<b>Industry Labour Agreements (ILA)</b>
A labour agreement can be a company specific agreement, an industry labour agreement or part of a designated area migration agreement	A labour agreement can be requested by application to the Department of Home Affairs if there is a demonstrated skills shortage which cannot be met by the Australian labour market.	A DAMA is an agreement covering a specified occupation with an agreed number of overseas workers in a designated area. Once the Department approves a designated area, employers, from within that area, can apply for labour agreement with overseas drivers.	A Company specific agreement is negotiated directly with the employer and the Department of Home Affairs. A Company must make a compelling case that there is a need due to lack of Australian workers.	Industry labour agreement cover specific industries. An industry association is in a position to seek to negotiate a ILA and to agree upon terms which become available to the industry.
Restrictions that a driver must wait 12 months before driving in Australia can be overcome by subclass 407 visas where a driver could undertake training to become a bus driver whilst working around a depot.	There are no standard visa options to access workers from overseas and the proposed agreement aligns with Australia's national interest. In all cases applicants must demonstrate they are businesses of good standing, with a labour market need, have consulted with industry stakeholders and are prepared to pay approved salary packages.	There are two designated areas within Australia at the moment i.e. the Northern Territory and the East Kimberley area of WA. To apply for a DAMA the relevant State or Territory Government or Authority will need to support the application. Key Unions will also need to be consulted. A relevant DAMA representative must also support the application.	Once a CSLA is in place it is possible for an approved worker to obtain permanent residency. APTIA members who are experiencing labour shortages should consider lodging applications for CSLAs. Once a CSLA is approved the Department will then notify the Company how many applications they can make in any one year.	Currently there are ILAs in place in the following industries – dairy, fishing, meat, religion, pork, hospitality, fine dining and advertising. Once a couple of APTIA members have successfully negotiated a CSLA then APTIA should apply for an ILA. All agreements are closely monitored by the Department to ensure that they are meeting the criteria upon which they were approved.

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