HARVEST LABOUR MARKETS IN AUSTRALIA: ALLEGED LABOUR SHORTAGES AND EMPLOYER DEMAND FOR TEMPORARY MIGRANT WORKERS

Iain Campbell

Harvest labour markets in contemporary Australia present an intriguing and important puzzle. The dominant discourse, vigorously promoted by employer associations, complains of acute labour shortages (*eg*. NFF 2018a). This discourse has had a powerful effect on public policy, prompting successive federal governments, both Labor and Coalition, to alter immigration rules in order to boost flows of temporary migrant workers (TMWs), i.e. 'persons who live in a host country without a right of long-term residence and who undertake paid work during their stay' (Boese *et al.* 2013: 317), into the countryside (Wright and Clibborn 2017).

Yet there is surprisingly little evidence to support claims of labour shortage, and indeed much of the available evidence points in an opposite direction. The composition of the harvest workforce has certainly shifted, largely in line with increasing flows of TMWs, but the overall quantum of labour supply each year is large and seems sufficient for grower needs. Direct results from recent grower surveys suggest that only a small minority of horticultural employers experiences difficulty in recruiting seasonal workers (Doyle and Howes 2015; Dufty *et al.* 2019; Hay and Howes 2012; Howe *et al.* 2017; Valle *et al.* 2017). Perhaps the most startling counter to common claims of labour shortage emerges from academic studies, supported by reports from enforcement agencies, unions and the media, which document mistreatment of seasonal workers, starting with effective hourly wage rates that fall below – sometimes well below –

Campbell, I. (2019)
'Harvest Labour Markets in Australia: Alleged Labour Shortages and Employer Demand for Temporary Migrant Workers'
Journal of Australian Political Economy
No. 84, pp. 46-88.

the legal award minimum (Berg and Farbenblum 2017; FWO 2018; Howe *et al.* 2019; MWTF 2019; Underhill and Rimmer 2016). Evidence of widespread underpayment is difficult to reconcile with assertions of labour shortage; it suggests a wasteful approach to labour that is more compatible with a situation of labour over-supply.

The wide gap between the dominant discourse of labour shortages and empirical evidence is sometimes noted by scholars (*eg*. Howe *et al.* 2017: 9), but it is rarely discussed in any depth. This neglect is unfortunate. It represents a failure in labour market analysis, which has allowed dubious policy initiatives to emerge and prosper.

This article aims to clear the way for better analysis and more appropriate policy. Though the existing literature has been characterized as thin (Zhao *et al.* 2018: 4), the article is able to draw on empirical findings from recent studies by academic researchers (*eg*. Howe *et al.* 2017, 2019; Rimmer and Underhill 2015; Underhill and Rimmer 2016, 2017; Underhill *et al.* 2018) and by the official agency for enforcement of labour law, the Fair Work Ombudsman (FWO) (FWO 2016, 2018). The article begins with background information on the structure of harvest labour markets and the size and composition of the harvest workforce. A second section presents the most recent claim of labour shortage, raised in the course of a 2018-19 political campaign by the main peak body for agricultural employers, the National Farmers' Federation (NFF). The central part of the article then marshals evidence to test such claims. The concept of 'labour shortage' and the appropriate methods for its measurement are examined in the third section. The fourth section reviews findings from recent grower surveys, while the fifth summarises reports of low wages and underpayments. A sixth section then turns from labour supply to labour demand. It argues that claims of labour shortage and campaigns to alter immigration rules are linked to grower concerns with labour quality rather than labour quantity, centring on an aspiration to find more workers with the right attitudes and dispositions, viz. vulnerable workers who will acquiesce to poor wages and working conditions. The final section offers a brief conclusion.

Harvest labour

The term 'harvest labour' is used in this article to refer to the seasonal work of picking and packing in horticulture (including viticulture), *ie.*

production of fruit, tree nuts, mushrooms, vegetables, wine and table grapes, and flowers (ANZSIC industry groups 011, 012 and 013 – ABS 2013). Like other parts of agriculture, the sector includes large corporate-owned agri-businesses as well as a diminishing component of family farms, large and small (Pritchard *et al.* 2007). At the same time, the sector is integrated within an industrialised food system that is strongly influenced by supermarkets, which stand at the head of sophisticated supply chains using just-in-time inventory strategies and cold chain technologies (Lawrence 2017; Lawrence *et al.* 2013). Where horticulture differs most from other parts of agriculture is in its relative labour intensity, particularly at the stage of harvesting. With some partial exceptions such as potatoes, little mechanisation has occurred in horticulture, which continues to rely on handpicking to bring in the annual crop, followed by labour in cleaning, sorting and packing.[1] Though labour intensive, horticulture is not, however, as labour intensive as many service industries. According to surveys conducted by the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES), average labour expenditure per farm in 2014-15, embracing both directly hired labour and contracts for labour services, as a proportion of total cash costs was around 28% for vegetable growers throughout Australia and around 32% for horticulture in irrigated farms in the Murray-Darling Basin (Valle *et al.* 2017: 6).

Harvest labour markets

In analyzing harvest labour markets, the article uses contemporary segmentation theory (Grimshaw *et al.* 2017; Peck 1996; Rubery 2007). In contrast to conventional neoclassical accounts of 'the' labour market, segmentation theory starts from real-world processes of exchange and production characterized by unequal power relations between employers and workers and by strong influences from labour, financial, social welfare and other institutions or social structures (Grimshaw *et al.* 2017; Peck,

---

[1] This article focuses on the seasonal work of picking and packing, which occurs at the end of an annual production cycle. In most crops, such work is preceded by activities concerned with preparing the ground, planting and maintenance (including irrigation, pruning, weeding, fertilising, and controlling pests and diseases). Some of these other stages may also require manual labour, though rarely on the scale of harvest labour and rarely at times that are connected to harvest labour.

1996). Though it recognizes that organizational boundaries may be blurred due to outsourcing, labour-hire arrangements, sub-contracting and complex supply chains (Marchington *et al.* 2005), the segmentation approach stresses the central role of employing organizations in shaping employment outcomes. Employing organizations or employers are identified as the agents who make the crucial decisions on recruitment, job design, wages and working conditions, albeit in interaction with other economic and social processes and within specific constraints (Grimshaw *et al.* 2017). The emphasis on institutional structuring and the attention to employer demand makes a segmentation approach well-suited to analyzing low-wage industry sectors with strong reliance on migrant labour (Anderson and Ruhs 2010; McGovern 2007). Whereas such sectors tend to be regarded in neoclassical and indeed dualist perspectives as unregulated 'secondary' labour markets, governed by market forces of supply and demand, contemporary segmentation theory insists that labour market processes in low-wage sectors such as seasonal work in horticulture are institutionally structured and subject to state regulation, though in different ways to so-called 'primary' labour markets (Anderson and Ruhs 2010; Peck 1996: 8-10).

Harvest labour markets possess distinctive spatial and temporal features, which help to generate a high degree of diversity. It is misleading to speak, as in conventional neoclassical approaches, of a single Australian labour market for harvest labour, but it would also be wrong to assume that the multiple labour markets for harvest workers are all separate and local. They are best seen as differently-scaled labour markets that can intersect at certain times and places (Weller 2008). They are embedded in broader regional differences, defined by variation in weather patterns, type of crop and farm size and ownership. Some horticulture regions in Australia are near the capital cities, but most are scattered throughout the countryside, often in areas that are only lightly populated (Hanson and Bell 2007: 104-5; Howe *et al.* 2019; Senate 2006: 2). Many regions have experienced repeated bouts of economic restructuring and suffered significant labour market effects such as youth out-migration (Argent and Tonts 2015).

As well as the spatial dimension, seasonal work in horticulture possesses a distinct temporal dimension, shaped by natural rhythms of plant growth. Depending on the crop, harvesting may entail substantial demand for labour for short (*eg.* cherries) or long (*eg.* tomatoes) periods each year (Hanson and Bell 2007; Valle *et al.* 2017: 8-9). Some farms may specialize in just one crop with a short picking period, while others may have

multiple crops (mixed vegetables) and longer periods for picking. Similarly, a variety of crops may be produced within a single region, such as Mildura, thereby extending the length of time that harvest workers can be employed (Jarvis and Peel 2013; 117). The amplitude of the peak in demand for harvest labour varies, but in some cases the peak is pronounced, reaching up to 'ten-fold, from a small base of permanent staff' (cited in JSCM 2016: 21; *cf.* Dufty *et al.* 2019: 8-9). This temporal structure of labour demand implies a large volume of short-term job vacancies that are spread across several months of the year, with workers sometimes churning through a succession of casual jobs. Temporal patterns overlap with spatial differences to produce the possibility of 'harvest trails', whereby workers follow paths that are marked out by the uneven schedules of harvest labour demand (National Harvest Trail Working Group 2000). The precise timing of each stage in the trail can, however, be hard to anticipate, given that the temporal window for a harvest, though roughly predictable each year, may occur slightly earlier or later and the season may be unusually compressed or prolonged.

These distinctive spatial and temporal features are important for understanding harvest labour markets in Australia. One crucial point deserves attention. Overlapping with uncertainties and variations to do with weather, price and schedules for delivery to customers are basic uncertainties concerning the availability of seasonal workers. Most growers – apart from smaller family farms that draw just on family labour – find it difficult to meet peak seasonal demands for labour through recruitment of workers living in nearby areas, and they are obliged to rely on a 'flexible' and mobile workforce. Attracting large groups of workers to fill short-term job vacancies across vast distances and at just the right time is a challenging task, riddled with risks (Rimmer and Underhill 2015). Employers in horticulture, more than in other industries, face a substantial and recurrent problem of what can be termed *labour supply uncertainty*, which is primarily to do with recruitment but also concerns whether workers will stay for the full duration of the harvest (retention). Such labour supply uncertainty is a chronic feature of harvest labour markets, which generates a common interest amongst growers in creating pools of potential workers who will be ready nearby for just-in-time deployment (Mitchell 2011). Uncertainty can be ameliorated, for example through good planning and use of labour market intermediaries such as Harvest Labour Offices, working hostels and labour-hire firms (Underhill *et al.* 2018), but never fully eliminated. It finds expression as a sentiment felt by

almost all growers in advance of recruitment, though it does not necessarily eventuate as an actual problem in recruitment and retention.

Diversity in harvest labour markets extends to the channels of recruitment. Though direct employment is the dominant channel for waged workers, labour-hire contractors have become a prominent feature of harvest labour markets in recent decades (Forsyth 2016; Howe *et al.* 2019; Underhill *et al.* 2018; Senate 2016). The significance of contractors is likely to vary according to the size and type of farm (Dufty *et al.* 2019: 10-12, 23), but, in aggregate, according to the investigations conducted as part of the FWO's Harvest Trail Inquiry, around half (49%) of growers directly employed all their labour, while 12% sourced all labour via labour hire contractors and 39% used a combination of direct employment and contractors (FWO 2018: 34; see also Hay and Howes 2012: 23; Howe *et al.* 2017).[2] Labour-hire contractors, who can be either on-shore or off-shore, are frequently criticised for severe exploitation of workers (Renshaw 2016; Senate 2016), but in their more benign form they mitigate some of the risks to growers associated with labour supply uncertainty by supplying willing workers at the right time and place, providing transportation and supervision during the harvest season, and then facilitating departure of workers when they are no longer required (Howe *et al.* 2019: 29-31). This arrangement shifts a large element of the basic labour market risk to contractors (and then often to the individual workers organised by contractors).

The seasonal workforce

The seasonal workforce in horticulture includes elusive groups such as family workers and undocumented workers, and its precise size and composition is difficult to estimate. Even working out aggregate annual numbers is hard, partly because it requires calculating persons who may be required for only a short period at any one farm but who may or may

[2] Some studies distinguish 'labour-hire companies' and 'contractors' (Zhao *et al.* 2018), but the terms are used here interchangeably. Further data comes from an online worker survey in 2014, which found that 69% of respondents were directly employed and 27% were paid by contractors (Underhill *et al.* 2018: 677). According to the National Union of Workers (now part of the United Workers Union), a trade union that is seeking more influence in harvest labour markets, contractors have become the dominant channel of recruitment for growers (NUW 2019: 5,13).

not move on, perhaps via a harvest trail, to another burst of intense labour elsewhere (Hanson and Bell 2007: 105-6; Rimmer and Underhill 2015: 144-5). Though different estimates of the size of the annual seasonal workforce are current, most seem to converge at around 80,000 waged workers (FWO 2018: 4; JSCM 2016: 34), with the number of jobs of course much higher – up to 175,000 (Hanson and Bell 2007: 106).

The current composition of the harvest workforce is heterogeneous. A familiar and useful differentiation is according to residency and visa status (eg. National Harvest Trail Working Group 2000), producing a schema with five main groups (Figure 1). The schema includes two groups of Australian workers,[3] one living nearby, *ie.* sedentary, and the other travelling from elsewhere in Australia. It also includes three groups of TMWs, each of which can be described as mobile in their journey to the farmgate (indeed hyper-mobile given that the journey starts with crossing a national border). The three TMW groups are part of the wave of temporary labour migration that is reshaping immigration patterns in Australia (Mares 2016) and is estimated to comprise around 1.2 million TMWs (Campbell 2018: 187).[4]

Harvest workers, especially TMWs, are commonly described as vulnerable workers (Underhill and Rimmer 2016; FWO 2018). Vulnerability is conventionally discussed in terms of worker attributes, but the salient point is that such attributes, when carried into precarious jobs, whether directly with a grower or via a contractor, function to reinforce worker dependence and employer power. In this context, vulnerability is activated and transformed into submission to employer demands, tolerance of poor wages and conditions and reluctance to complain (Campbell and

[3] By Australian workers I mean persons who are Australian citizens or permanent residents. The category can include persons born overseas, including some who were themselves previously TMWs. It is noteworthy that growers in some horticultural regions who draw on 'local residents' employ recent migrants who have obtained citizenship or permanent residency (PR) status. The case of Virginia, near Adelaide, is outlined in Howe *et al.* 2019: 58 (see also Nishitani and Lee 2017 for an account of Australians of Pacific Islander origin who are living in the Mildura/ Robinvale region).

[4] The shift to temporary labour migration, across all skill levels, can be seen as part of a broader trend, affecting both permanent and temporary streams, whereby immigration policy in Australia has become increasingly 'employer-driven', aimed at increasing opportunities for individual employers to recruit foreign labour according to their perceived needs (Boucher and Davidson 2019; see also Wright and Clibborn 2017).

Price 2016; Campbell *et al.* 2019). As the FWO notes, vulnerability 'creates the settings for exploitation' (FWO 2016: 25).

Figure 1: Composition of the harvest workforce

Australian Workers:

- **Australian workers living in nearby areas ('local residents')**
- **Australian workers who are mobile**
    - Itinerant workers
    - 'Grey nomads'
    - Students and other urban dwellers

Temporary Migrant Workers (TMWs):

- **Working holiday-makers**[5]
- **Participants in the Seasonal Worker Programme (SWP)**
- **Undocumented migrant workers**

Because of the fundamental disparity of power between employers and employees, exacerbated by geographical isolation, the limited rights of casual status and the relative absence in horticulture of countervailing influences from trade unions and official enforcement bodies, all harvest workers can be seen as disempowered and dependent on their employer, at least to some extent. Nevertheless, it is possible to observe gradations of vulnerability. Such gradations, which correspond to differences in the characteristics of the main workforce groups, are a key to understanding shifting patterns of employer demand (see below). Most Australian

[5] The term 'backpacker' is frequently used in Australia as a loose synonym for working holiday-makers, but it should be avoided in labour market analysis. The term is misleading since it refers to appearance and style of travel rather than the more relevant attribute of visa status. Thus it tends to include not only many young people with full work rights on 417 or 462 visas but also young people on a tourist visa, i.e. undocumented workers, and even some Australian workers (Hugo 2001; *cf*.Cooper *et al.* 2004: 184). Conversely, it tends to miss the increasing minority of 417 and 462 visa-holders whose appearance and style of travel have little in common with backpackers.

workers, whether local residents or mobile workers, are likely to have work experience in Australia, at least rudimentary knowledge of labour rights, social networks for support and advice, and some access to welfare state benefits. Though they are subject to unequal power relations at the workplace and may experience poor treatment in practice, they are not markedly dependent on the farm employer, since they have access to what can be characterized as exit options and even some possibilities of voice at work (Howe *et al.* 2019: 13). In contrast, TMWs are more vulnerable. This is partly due to personal characteristics such as inexperience, language barriers and limited knowledge of labour regulations, but also important are features derived from migration processes, including obligations to migration intermediaries and attributes linked to visa conditions, such as exclusion from subsidized healthcare and social security benefits, limited rights of residence and restrictions on work and mobility (Berg 2016; Boese *et al.* 2013).

It is useful to summarise the features that define added vulnerability for each of the three major TMW groups:

Working holiday-makers

The working holiday-maker program originated in 1975 as a one-year visa, for young people (18-30) from participating countries to have a holiday in Australia. The visa came with relatively unrestricted work rights to facilitate 'incidental' work. Since 2005, the 417 visa, which had expanded to 19 participating countries, has been joined by a 462 visa, with slightly different restrictions, in which a rapidly increasing number of countries (currently 23, with many others in negotiation) are now involved. In response to employer assertions of labour shortages in horticulture, rules for the 417 visa were amended in 2005 so that visa holders could obtain a second one-year visa if they provided evidence of having undertaken at least 88 days of specified work in 'regional areas'.[6] This was designed as an incentive to encourage more WHMs to engage in harvest labour. For those working holiday-makers who took up the incentive, the 2005 immigration change imparted what could be called a 'guestworker

[6] The definition of a regional area has always been broad, and from November 2019 it will be further expanded to include all of Australia apart from the metropolitan areas of Sydney, Melbourne, Brisbane, Gold Coast and Perth.

inflection' to the 417 visa. The change contributed to boosting the numbers of working holiday-makers in the countryside, but it also had an ancillary effect in heightening the dependence of the working holiday-maker on the employer (Berg 2016; Howe *et al.* 2017: 68; Howe *et al.* 2018: 223; Reilly 2015). Because 417 visa holders need to obtain proof of employment from the employer in order to gain the second-year visa, their exit and voice options were dampened (FWO 2016).[7] Dependence was further enhanced for some workers when labour-hire companies, in return for fees from both employers and workers, began to organize delivery of 417 visa holders direct from countries such as Taiwan and South Korea to the farm gate (Senate 2016). Subsequent liberalization of visa rules, starting with the extension of the opportunity of a second-year visa to 462 visa holders and extension of the maximum length of time with one employer, have accentuated the guestworker dimension of the working holiday-maker program (for the most recent changes see below).

Participants in the SWP

This is a dedicated low-skill visa, which fits the model of a classic guestworker program, though with added development objectives. A pilot scheme began in 2009, followed by the full programme in 2012. The SWP offers a visa for workers from participating countries (nine Pacific Island nations + Timor-Leste) to work for a minimum average of 30 hours per week for approved employers. The visa was initially only for seasonal work in horticulture. It applied for just a limited period during the year, but the worker could apply again in following years for further seasonal visas. Initially, only labour-hire contractors could be approved employers, but this was subsequently amended to include growers. The scheme is traditionally seen as incorporating good regulation for worker protection (Bedford *et al.* 2017). As in the case of most guestworker schemes, however, movement after arrival is constrained through visa conditions

[7] Evidence was initially defined in terms of an Employment Verification Form that required the signature of the employer. Changes in December 2015 required evidence in the form of pay slips provided by the employer (FWO 2016: 5, 42; MWTF 2019: 73). This change has been criticised as failing to ease dependence (Clibborn and Wright 2018). Another change introduced in 2015, which specified that only paid work and not 'voluntary' labour counts towards the 88-day requirement, was more positive in inhibiting predatory employment practices.

that tie the worker to an approved employer for the length of the visa and inhibit movement to an unapproved employer. This implies dependence on the employer and reluctance to complain, especially since any dispute raises a risk either of dismissal and quick repatriation or of some form of 'blacklisting' that would prevent return in subsequent years (Bailey 2018; Howe *et al.* 2017; 2018; 2019). In addition, contractors remain involved in most recruitment (Zhao *et al.* 2018), and this – together with inadequate enforcement – has opened up opportunities for the imposition of high levels of debt and exorbitant deductions for accommodation and transport. Steady changes to the SWP since 2012 have aimed at making it more attractive and accessible to growers: for example, by reducing employer contributions to airfares and transport costs, removing the requirement to organize training, abolishing the guaranteed minimum period of work, and increasing the maximum period of work (now up to nine months) (Howe *et al.* 2018: 216; Howe *et al.* 2019: 102). Many of the changes have resulted in increased power for employers and increased dependence for seasonal workers.

Building on the example of the SWP, the government announced in 2017 a new scheme, the Pacific Labour Scheme (PLS), which will involve year-round employment for workers from the same ten countries for up to three years in a wide variety of industries in rural and regional areas (Hill *et al.* 2018). Though only a few workers arrived in its first year of operation, the scheme has the potential to be a major additional source of TMWs in the countryside, not only in agriculture but also in sectors such as hospitality, aged care and meat processing (Howes and Lawton 2019).

Undocumented migrant workers

Undocumented ('illegal', 'unlawful' or 'unauthorised') migrant workers are sometimes overlooked, but they are a crucial component of the harvest workforce (Howe *et al.* 2019: 35-46; Howells 2011; Rimmer and Underhill 2015; Segrave 2017; Underhill and Rimmer 2016). They fit within the definition of TMWs, but they are labelled as 'undocumented' because their work or residence is in breach of immigration law. Workers fall into breach in one of three ways: i) as migrants whose valid visa has expired; ii) as migrants who have a valid visa (*eg.* a tourist visa) but who do not have a right to paid work in Australia; and iii) as migrants with a valid visa with work rights but who work in breach of the conditions of their visa. The

third category is small (Segrave 2017), but it includes a group of migrants who have arrived on an international student visa but who devote their full-time efforts to paid work in horticulture and are thereby in contravention of the visa condition that only permits 40 hours of paid work per fortnight during term time. Undocumented workers are vulnerable to detention and deportation if discovered, and this in turn generates heightened dependence, especially if the employer threatens to report the worker to immigration authorities. Dependence is further exacerbated in cases where intermediaries have organised the transport of workers from overseas and the worker or perhaps his/her family has incurred a large debt to cover services such as organisation of visas, airfares, accommodation and introduction to jobs (Howells 2011; JSCM 2016: 136*ff*; Segrave 2017; Underhill *et al.* 2018: 680-1).

The situation of undocumented workers in horticulture has become more complicated in the latest period, as a result of initiatives by contractors and others to encourage undocumented workers to apply for protection visas. Such an application allows the worker to take up a bridging visa, with work rights, and to stay and work in Australia legally while their application for refugee status is considered, often in a process that can take several months or even years. Malaysians who enter Australia on a tourist visa are considered to be the main group who take this path (ABC 2019), but other nationalities are also likely to be involved. In effect, this process shifts a minority of undocumented workers into a new category of 'documented' TMWs. The emergence of this pathway to work authorisation is likely to increase the flow into horticultural work of workers with tourist visas from select developing countries. If this workforce group continues to grow in size, it may be best separated out as a fourth major category of TMWs in harvest labour markets.

All three TMW groups

In sum, all three TMW groups are vulnerable as a result of enhanced dependence on the employer and restrictions on exit and voice stemming from entanglements with labour intermediaries and/or restrictive visa conditions. Though generally hyper-mobile in their journey to the farmgate, their mobility is constrained once they start work. Limits on exit from the employment relation are heavily stressed in contemporary analysis of unfree labour under capitalism (*eg.* LeBaron 2015), and it is

clear that each TMW group can be situated, albeit at a different point, on a spectrum or continuum of unfree labour (JSCFADT 2017; see Strauss and McGrath 2017).

The presence of migrant workers, often with temporary status, is characteristic of the seasonal workforce in horticulture in several advanced capitalist societies (Rye and Scott 2018). Australia differs somewhat, however, in the nature of the migrant groups. Many countries have introduced dedicated temporary labour schemes similar to the SWP (Preibisch 2010; Scott 2015), while others, most notably the United States, rely heavily on undocumented workers (Martin 2017). What is unusual about the Australian case is the bias to working holiday-makers. The closest parallel is New Zealand, though the latter offers more support for its dedicated guestworker scheme, the Recognised Seasonal Employer (RSE) scheme, and the working holiday-maker program is not quite as significant (Bedford *et al.* 2017; Curtain *et al.* 2018).

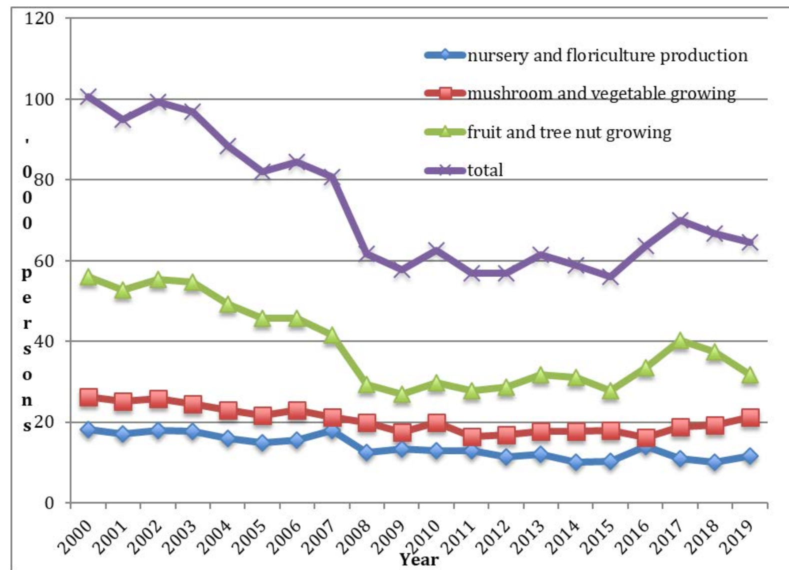
Changing size and composition of the seasonal workforce

We know little about changes in the size of the harvest workforce over the past twenty years. Quarterly labour force survey (LFS) data suggest a sharp decline in overall horticultural employment from 2000 to 2008-2009, followed after 2015 by a hesitant recovery that failed to restore previous levels (Figure 2). The data suggest weak demand for workers, though it is necessary to warn that the data are for employed persons not employees and such disaggregated LFS data at the level of industry groups are rough and tend to miss many seasonal workers.

Though changes in the size of the harvest workforce are difficult to estimate, the broad shifts in composition are more straightforward. Looking past regional variations (Hanson and Bell 2007: 107-8; Howe et al. 2019; National Harvest Trail Working Group 2000), most commentators agree that TMWs have gained in significance, while mobile Australian workers such as itinerant workers and 'grey nomads', who were a significant component of the workforce even fifteen years ago (Hanson and Bell 2007; Senate 2006: 20-22) have dramatically lost significance (Reilly et al. 2018: 108; Underhill and Rimmer 2016: 612-4). The harvest workforce is now heavily weighted to the three TMW groups listed in

Figure 1. In recent grower surveys, around 70% of seasonal workers were classified as visa holders, with 'local residents' a significant minority of 20-30%, but other Australian residents (plus New Zealand residents) seen as only a small minority (Valle et al. 2017: 9).

Figure 2: Employed persons in horticulture, Australia, 2000-2019



Source: ABS 2019.

Note: Averaged quarterly estimates, 2019 estimates are for the first three quarters.

The relative importance of the three main TMW groups in the harvest workforce is blurred, since growers are rarely willing to admit in surveys or interviews to employing undocumented workers (FWO 2018; *Howe et al.* 2017) and the workers themselves, at risk of summary deportation, seek

to avoid attention (Underhill and Rimmer 2016).[8] Nevertheless, it is widely accepted that many undocumented workers in Australia are likely to be employed in harvest labour. According to one estimate, they may account for as much as one quarter to one third of the overall seasonal workforce (Underhill and Rimmer 2016: 614), and they may even constitute a majority in certain horticulture regions (Howe *et al.* 2019: 5, 38-9, 49; Underhill and Rimmer 2016: 614). Working holiday-makers are the most important of the remaining two TMW groups. They grew to be a substantial component of the harvest workforce during the 1990s (Hugo 2001), and by 2004-05 around 15% of all working holiday-makers were undertaking seasonal harvest work during their stay (Senate 2006: 5). Their significance has further increased in subsequent years, as a result of both the overall expansion in working holiday-maker visa grants and the 2005 change to visa conditions (Hay and Howes 2012: 25-26; Howe *et al.* 2019: 93). A rough indication of the current number of working holiday-makers working in horticulture can be derived from data on those who report fulfillment of the 88-day requirement and who thereby obtain a second-year visa. In 2018-19, the figure rose sharply from 36,167 in the previous year to 43,219, representing 24.8% of all who had a first-year visa in 2017-18 (Department of Home Affairs 2019).[9] According to one estimate, working holiday-makers constitute around 50% of the harvest workforce (JSCM 2016: 34). Participants in the SWP are a smaller, though rapidly growing, component, accounting for 12,200 visa grants in 2018-19 (Lawton 2019), which would equate to around 15% of the seasonal workforce (see FWO 2018: 31).

---

[8] Some surveys manage to elicit useful information by probing grower perceptions about the overall use of undocumented workers. The results suggest use of undocumented workers is indeed widespread (Doyle and Howes 2015: 13-14; Hay and Howes 2012: 26-27; Howe *et al.* 2017: Appendix 4, 27).

[9] It is true that not all working holiday-makers who fulfil the 88-day requirement have done so through harvest jobs. Nevertheless, the figure cited here is still likely to underestimate their contribution to the harvest workforce (*cf.* Hall and Partners 2016: 14). Thus, it will miss working holiday-makers who have engaged in harvest labour in their first year without going on to apply for a second-year visa (Jarvis and Peel 2013: 118-9). It will also fail to count working holiday-makers who have come back to work in the harvest during their second year. The estimate now includes both 462 and 417 visa holders, but up until the introduction of the possibility of a second-year visa for the former group in late 2016, all 462 visa holders who worked in the countryside during their stay would also have been overlooked.

The available data indicate strong and increasing flows of potential harvest workers in each of the three main TMW groups, all largely responsive to employer demand, which are helping to transform horticulture into the most 'migrant-intensive' industry in Australia. In the case of the SWP and the PLS, the flows are jointly managed by employers, intermediaries and government. The flows of working-holiday-makers and undocumented workers on the other hand tend to be more dispersed and disorderly, though they remain shaped not only by employers but also by indirect institutional forces, including regulation as a result of immigration rules. Flows of working holiday-makers and the SWP are clearly increasing, and recent regulatory changes are likely to help further boost numbers. Though trends for undocumented workers are harder to determine, opportunities for taking up work in harvest labour seem plentiful and new opportunities such as the bridging visa would seem to favour continued growth.

Claims of labour shortage

Claims of labour shortage in harvest labour have been a persistent theme of employer associations in horticulture, with the support of individual growers, for more than twenty years (Hugo 2001; National Harvest Trail Working Group 2000; JSCM 1997; Senate 2006). They constitute the springboard for a series of political campaigns that aim at persuading the federal government to adjust immigration rules in order to promote an increased flow of TMWs into horticulture. These campaigns have been remarkably successful in driving changes in immigration policy (Wright 2017; Wright and Clibborn 2017).

The most recent claim was presented in mid-2018 by the National Farmers' Federation (NFF), a peak farm lobby group formed in 1979, which is associated with large farmers and advocacy of market-driven policies (Botterill 2005). The NFF asserted that there was 'an acute labour shortage not only in the horticulture sector but across the broader agriculture industry' (NFF 2018a). An aggregate 100,000-person shortfall in agriculture was identified (Foley 2018). The underlying political objective was quickly pushed to the fore; growers urgently needed 'labour security' (Jasper *et al.* 2018). They needed foreign workers in larger quantities and under more favourable conditions, which in turn demanded government action to introduce a new, dedicated agriculture-specific visa (an 'ag visa'). The details of the ag visa proposal remain unclear, but two streams – one

for skilled workers and the other for seasonal and unskilled workers – were foreshadowed in press reports (Foley 2018). The key features of the unskilled stream included: a) diversifying the sources of seasonal labour, ideally by drawing on Asia countries; b) allowing the visa to extend up to 12 months; and c) abolishing limits on the number of return visas (NFF 2018b).

The campaign was taken up by the National Party, and it figured in the Coalition negotiations in August 2018 following the fall of Malcolm Turnbull and the accession of Scott Morrison to the position of Prime Minister. In response to the campaign, the federal government introduced a cascade of employer-friendly measures that continued the previous trend of liberalization. The most dramatic changes were for working holiday-makers, where new measures included increased convergence of 462 and 417 visa conditions (loosening the regional restriction for 462 visa holders), introduction of a possibility of a third-year visa for both 417 and 462 visa holders, extension of the time allowed with one agricultural employer in one location, and a promise of higher annual caps for some 462 visa countries (Howe *et al.* 2019: 90; Howes 2019; MWTF 2019: 24). These changes are described as 'the most fundamental change to the horticultural labour market since the introduction of the WHM second year visa extension in 2005' (Howe *et al.* 2019: 6). Though not quite a new 'ag visa', the changes – in conjunction with employer-friendly alterations to the SWP and unrolling of the Pacific Labour Scheme – go most of the way to meeting NFF demands for more TMWs from a wider variety of countries and an increased capacity for growers to use them for longer periods of time. Whether a new 'ag visa' will be added on is uncertain.[10]

[10] Some policy-makers objected that horticultural employers already had access to a dedicated low-skilled visa, ie the SWP. They noted that introducing a second, dedicated visa for harvest workers would risk disadvantaging the SWP and antagonising the many Pacific nations (and Timor-Leste) that had welcomed the programme on development grounds. The idea of action to combat the 'crippling' labour shortage was endorsed in principle by both the Coalition and the Labor parties during the 2019 federal election campaign, though neither side of politics committed to an 'ag visa', and it may have been subsequently poked away into long-term storage by the current Coalition government (Howes 2019).

What are labour shortages?

In order to assess claims of acute harvest labour shortages, it is necessary to clear up several common misunderstandings that muddy the Australian discussion. Two main failings are prominent: i) lack of clarity about the concept of labour shortage; and ii) poor methodology in research on the extent of labour shortages.

Lack of clarity

Lack of clarity about the concept of labour shortage can be traced back to two confusions, one minor and one major.

A minor confusion concerns the scope of claims of labour shortages in horticulture – whether they refer to horticultural labour in general, including year-round specialist labour, or just to seasonal labour. Much Australian discussion tends to lump the two together, but they diverge in critical respects. The reservoir of workers with specialist skills is often small, and the task of attracting them to long-term jobs in rural areas and then retaining them in such jobs is impeded by factors such as the lack of health and education services in rural areas, lower wages and a higher cost of living, the limited availability and high cost of good quality housing, and negative perceptions of rural employment and lifestyles (Davies *et al.* 2009). These factors are not as relevant for lower-skilled harvest workers who, though they must be recruited in large numbers, are only needed on a transitory basis. Attracting and retaining workers for a short-term harvest job will – in the absence of compulsion or some other form of state assistance – depend on a narrower range of social and economic factors, generally centring on adequate wage rates and decent, short-term accommodation.

The major confusion in current discussion stems from failure to differentiate the varied factors that might impede successful recruitment of workers for harvest labour. The term 'shortage' is loosely thrown around as if it were the sole source of any recruitment difficulty. Though they tend to be experienced in a similar way by all employers, recruitment difficulties are heterogeneous in their causes and in their implications for policy. Scholars rightly insist that labour shortages are just one potential factor, which must be distinguished from other factors. Different schemas

exist, but the schema outlined by Sue Richardson (2009) offers a good starting-point. She distinguishes three main types of recruitment difficulty:

i) labour shortages, when there are not enough potential workers with the requisite skills;

ii) mismatches, when there are sufficient potential workers with the requisite skills, but they are not willing to apply for vacancies under current conditions (*eg*. because of poor pay); and

iii) quality gaps, when there are sufficient potential workers with the requisite technical or 'hard' skills and they are willing to apply, but they are rejected by employers because they are seen as lacking other essential qualities.

One addition to Richardson's schema is necessary in order to accommodate distinctive features of harvest labour markets. As noted above, the high volume of vacancies and high volume of workers who move into and through the short-term seasonal jobs, joined with the isolation of many farms and the instability of the harvest window, exacerbates a standard labour market problem of ensuring that workers are available at just the right time and place to take up job vacancies. There may be plenty of potential workers with the requisite skills and willing to work, and there may be employers eager to employ them, but the process of achieving worker availability is easily disrupted – for example, because the grower has planned poorly for recruitment or because s/he has encountered logistical problems, including contingent issues such as inclement weather, failures in disseminating recruitment information, failures in transport and business collapse by labour contractors. Such disruptions are relatively common. They are experienced by affected growers as recruitment difficulties, but they are not labour shortages. Nor indeed are they what Richardson describes as mismatches or quality gaps. It is useful therefore to add a fourth category of recruitment difficulty. This could be seen as another type of mismatch; it is not, however, a pay and conditions mismatch, which has sapped the worker's willingness to apply for a job, but rather what I would term a *spatio-temporal mismatch*.

Methods for measuring and assessing labour shortages

How do we assemble evidence of labour shortages? Richardson, in common with other labour economists, advocates an index compiled from objective indicators such as rising wages, low unemployment, high or

persistent vacancies, low rates of redundancy, and increasing use of overtime (2009: 349; see also Mavromaras *et al.* 2013). A multi-indicator approach is occasionally used in Australia in connection with skilled labour, though rarely in a robust fashion (Weller 2017), but it has not been used in connection with lower-skilled harvest labour, where assessment of labour shortages generally relies just on employer attestation.

Reliance on employer statements, whether in individual testimony or in surveys, is problematic, since employers, and employer associations, have an interest in exaggerating recruitment difficulties, especially if there is a prospect of government support (Richardson 2009: 348). Nevertheless, data from responses to questions on recruitment difficulties in grower surveys can be useful, at least as a starting point for analysis. To be fully helpful, survey questions should be appropriately focused so that they capture the severity and persistence of any recruitment difficulties, thereby discounting momentary frictions. In addition, questions should differentiate amongst the varied types of recruitment difficulty, helping to distinguish labour shortages from (pay and conditions) mismatches, quality gaps and spatio-temporal mismatches. At the same time, responses should be capable of being aggregated to a regional level, so that researchers avoid mistaking the significance of aberrant problems on individual farms.

Findings from grower surveys

The discussion in the previous section provides a framework for assessing claims of labour shortage in harvest labour. Such claims are often advanced by employer groups and individual employers, and they are sometimes carelessly echoed in media reports and in academic commentary as if they constituted a form of 'bush common sense'. But solid evidence to support the claims is lacking.

The 2018 NFF claim of an acute shortage in the agricultural workforce is a stark example of a failure to offer evidence. The claim was not supported by multiple indicators, as recommended in standard accounts. Indeed there was little sign of any research methodology. Insofar as there was evidence, it was limited to the results of a survey that the NFF ran amongst its members in February 2018 - the NFF Farm Workforce Survey. The methods, the quality of the sample, the questions and the results are largely hidden from public view (though it is possible that selected results were

circulated amongst policy makers). The results are only available in summary form – for example, in a startling assertion that '80% of farmers experience serious difficulty finding workers at varying points in the year' (NFF 2018b). Scepticism concerning the survey seems well justified. The estimate of a 100,000-person shortfall can be traced back to 2008 (when it was disaggregated into 22,000 fruit-picking jobs and around 80,000 skilled jobs - NFF 2008; 2015), while the proposal for a new guestworker scheme separate from the SWP was first floated in 2016 and refined during 2017 (see NFF 2016 and the testimony of a VFF spokeswoman in October 2017 – JSCFADT 2017: 291-2). The survey itself, which purported to provide empirical backing for the claim (and the campaign), only appeared late in the lobbying process.

Though the NFF survey is unconvincing, it is possible to check for evidence of labour shortages in more carefully designed grower surveys that have been conducted in recent years either by official bodies or by academics.[11] Included here are ABARES surveys, covering 2015-16 and 2016-17, which questioned growers who had tried to recruit in any job (not just seasonal jobs) over the previous 12 months. In 2015-16 almost 70% of vegetable growers reported no recruitment difficulties, while over 95% of the Murray-Valley irrigated horticultural employers similarly reported no difficulties (Valle *et al.* 2017: 10-11). The results were similar in 2016-17, with the authors noting that the proportion reporting recruitment difficulties was lower than the proportion amongst all businesses across the economy (Dufty *et al.* 2019: 24).

Other grower surveys look specifically at recruitment for seasonal labour. The first two were prompted by concern about the low take-up of the SWP: i) a 2011 survey of 183 growers + 8 Approved Employers (Hay and Howes 2012); and ii) a 2014 survey of 217 employers (Doyle and Howes 2015). In addition, we can use a survey in 2016 of 252 vegetable growers who had hired or paid pickers, packers or graders in the previous five years. In the 2011 survey, 7% of growers reported difficulty finding seasonal workers (Hay and Howes 2012: 22), while in the 2014 survey 16% reported difficulty finding sufficient seasonal workers over the last 12 months (Doyle and Howes 2015: 36). The 2016 survey, supplemented by

[11] Media reports often present incidents of growers leaving produce unpicked as an indicator of labour shortages. But unpicked produce can be the outcome of numerous causes; it may not even be linked to recruitment difficulties.

extensive interviews in regional case-studies, formed part of a major research project, supported by selected grower associations and undertaken by Joanna Howe and other academics (Howe *et al.* 2017, 2019; see also Reilly *et al.* 2018). In this survey, 40% of vegetable growers reported that in the last five years there was an occasion when they were unable to get the pickers, packers and graders they needed (Howe *et al.* 2017: 33). A slightly different question in the same survey found that 37% of respondents stated that they 'never' had difficulties in getting pickers, packers or graders, while 41% stated that they had difficulties 'sometimes' and 22% claimed that they 'always or most of the time' had difficulties (Howe *et al.* 2017: 33-34).

Despite the problems of employer attestation, these results are worth attention. They identify a minority of growers who complain of recruitment difficulties. The minority is small when the time frame is unspecified or just one year, but it is larger when the time frame is extended to five years. Unfortunately, most of the relevant survey questions do not allow for severity and persistence, and they thereby fail to capture recruitment difficulties in the full sense of difficulties that impede or prevent recruitment. Moreover, none of the surveys are large enough to allow disaggregation of the results to specific regions. Nor, most important, do any of the surveys successfully differentiate the four types of recruitment difficulty (*cf.* Howe *et al.* 2017: Appendix 54-55). It would therefore be wrong to conclude that the minority of growers that reports recruitment difficulties constitutes a group that experiences labour shortages. Even assuming that reported recruitment difficulties are real, for example, severe and persistent, most reported difficulties are likely to stem from causes such as pay and conditions mismatch and spatio-temporal mismatch. Labour shortages may be somewhere in this mix (Doyle and Howes 2015: 13), but, if they are, they must affect only a small sub-group of the minority of growers that reports recruitment difficulties.

The survey results cannot be taken as support for claims of widespread labour shortage, but they nevertheless offer valuable insights. What is most striking about the results of all surveys is that most growers report an absence of recruitment difficulties; this is true even when the time frame is extended out to five full cycles of recruitment of seasonal labour. In short, the survey results point strongly to a situation where most growers consistently achieve success in recruitment. The results provide a powerful indication that most growers enjoy a favourable context of harvest labour supply.

The authors of the 2011 and 2014 surveys explicitly draw attention to an abundance and indeed over-abundance of labour supply options available to growers, including 'backpackers' and 'illegal workers' (Doyle and Howes 2015: 14-15), and they go on to conclude that there is no widespread labour shortage in horticulture (Doyle and Howes 2015: 1; Hay and Howes 2012: 25). Howe and her colleagues follow down the same path in their two published reports on vegetable growers. Thus they note that their 2016 survey results are consistent with the 2011 and 2014 results (Howe *et al.* 2019: 48), and they suggest that the three main pathways of labour supply for seasonal workers, which they initially identify with local (i.e. Australian) workers, SWP workers and working holiday-makers, have been 'largely sufficient in meeting labour needs to date' (2017: 19). They further note that growers in the two regional case-studies discussed in the first report had only 'minimal problems' recruiting workers, with one region successfully relying on working holiday-makers and the other, which was favourably located near the northern suburbs of Adelaide, successfully drawing on nearby Australian workers, who were permanent residents from recently arrived immigrant groups (Howe *et al.* 2017: 18). Details on the full 13 regional studies are presented in a second report, which offers valuable qualitative information on the diversity of harvest labour markets. The report confirms that, apart from remote regions such as that near Darwin, few growers complained of current recruitment difficulties. The authors note an 'abundant supply of labour in most regions' (Howe *et al.* 2019: 49), extending in some regions to 'over-supply' (Howe *et al.* 2019: 6, 59).

One slight hiccup interrupts the story of uniform findings in recent grower surveys. Howe and her co-authors set aside the standard concept of labour shortage (Howe *et al.* 2017: 28-30; 2019: 48), but they somewhat mysteriously insist on framing their conclusions in terms of an alternative notion of *labour supply challenges*, which are in turn described as 'serious' and 'endemic' and 'extensive' (Howe *et al.* 2017; see also 2019). The term itself is unobjectionable, and indeed it could be useful in encompassing distinctive features of harvest labour markets such as labour supply uncertainty. The problem derives from the fact that the term, though highlighted as a central framing concept in the two reports, is not given a clear definition. At its core, the notion of 'labour supply challenges' seems to refer to individual grower concerns about the quantity of labour supply, but now in a revised and expanded sense that stretches beyond current difficulties, where few growers are experiencing any problems, to include

a more general sense of concern about risks of *future* difficulties (Howe *et al.* 2019: 59).[12] This expanded notion is, however, left opaque and surprisingly flimsy, based on mixing together real experiences with diffuse premonitions and feelings. The prominence given to the concept has had unfortunate consequences. Although most of the analysis in the reports is far removed from any plausible concept of labour shortage, and indeed the findings explicitly refer to labour abundance, the notion of 'serious labour supply challenges' has been appropriated by grower groups, who tend to use it as a synonym for labour shortages and have greeted the reports as welcome academic support for the demand for an 'ag visa' (NFF 2019; see Howe *et al.* 2019: 112*ff*).

In sum, grower surveys, though limited as a method, produce findings that effectively puncture recent claims of severe labour shortages in harvest labour. Instead of labour shortage, they testify to widespread grower perceptions of the adequacy of the quantity of harvest labour. From the viewpoint of individual employers, this represents a state of labour sufficiency, where supply has proven to be sufficient to meet demand. From a broader labour market viewpoint, consistent with a grower interest in over-supply and reports of many harvest workers waiting around without pay, either before or during a casual engagement (Rimmer and Underhill 2015), the most appropriate terms would seem to be 'labour abundance' and 'labour over-supply'.

Harvest wages

Rising wages are conventionally regarded as a central indicator of labour shortages (Richardson 2009: 343). In principle, all harvest employees are entitled to minimum labour standards, including minimum wage rates, as prescribed in statute and modern awards. The evidence for harvest wages in Australia is patchy, but it indicates that in practice: a) wages are low, often encompassing wage rates below the legal minimum; and b) the trend is towards deterioration rather than improvement.

---

[12] The notion of *future risk* is itself blurred, but it seems to centre on concerns about the unsustainability of current sources of TMW labour supply, as a result of the general risk of immigration policy change and the specific risk of crackdowns when evidence of widespread non-compliance, especially for working holiday-makers and undocumented workers, becomes better known (Howe *et al.* 2019).

Low wages and underpayments

Harvest labour, as lower-skilled work conducted under casual conditions, has long been associated with labour insecurity and low wages.[13] But what is startling about recent studies and media reports is the mounting evidence of employer non-compliance with minimum labour standards, centring on illegal underpayments.

The notion of underpayments, commonly called 'wage theft', encompasses an array of deplorable employer practices, most commonly flat hourly rates, which are below the legal minimum and lack any casual loading or penalty payment, but also varied non-payments, unreasonable deductions from wages, and piecework arrangements that do not allow workers to reach minimum hourly wage rates (Queensland Parliament 2018). Whatever the form, it is clear that underpayments for seasonal workers in horticulture have become both severe and widespread. Results from the National TMW Survey suggest that fruit and vegetable picking and packing stands out from other TMW jobs for the severity of underpayments (Berg and Farbenblum 2017: 5, 21). With respect to incidence, most studies conclude that underpayments in horticulture are 'endemic' or 'rife' (FWO 2018; Howe *et al.* 2019; see also MWTF 2019; Senate 2017: 59).[14] The most compelling data come from an online survey of harvest workers, where effective hourly wage rates were estimated and disaggregated according to the channel of recruitment (direct employment or contracting) and mechanism of payment (piece rates or hourly pay)

---

[13] Harvest work is commonly described as 'precarious work' in the sense that it often combines several dimensions of labour insecurity (Campbell and Price 2016). This section concentrates just on income insecurity, putting aside the many other dimensions of labour insecurity that affect seasonal workers, such as casual status, poor working-time conditions, poor health and safety protection, risks of summary dismissal, discrimination and issues of bullying and sexual harassment (see ABC 2015; FWO 2016: 24-25; Underhill and Rimmer 2016; Underhill *et al.* 2018). This is not to say that all harvest jobs are precarious and that all harvest workers have negative experiences; some working holiday-makers, for example, report positive experiences of harvest work (Campbell *et al.* 2019: 107).

[14] The most reliable evidence on underpayment comes from surveys of workers or from enforcement investigations, since employers are understandably reluctant to admit to unsavoury practices (Scott 2013). Nevertheless, the 2016 survey of vegetable growers produced interesting results. Only 5% directly admitted to ever paying below the award rate, but the size of the minority that cited below-award hourly wage rates tripled to around 16% when growers were asked more indirectly about the wages they paid their pickers, packers and graders (Howe *et al.* 2017: Appendix 39-40).

(Underhill and Rimmer 2016: 619; Underhill *et al.* 2018: 684-5). The survey was conducted at a time when the minimum wage rate under the Horticulture Industry Award 2010 was $21.09 for casual employees. Data for 233 TMWs suggest a wide range of levels of payment, including even some cases of hourly rates above the award minimum (Table 1). At the bottom end, however, wage rates were very low, especially in cases of payment by piece rates, whether by a farmer or a contractor.

Table 1: Average hourly earnings (AUD$) for harvest workers

	Median	**Minimum**	**Maximum**
Paid by the hour			
Employed by farmer (96)	19.0	7.0	28.85
Employed by contractor (35)	15.0	5.0	22.20
Paid by output (piece rates)			
Employed by farmer (72)	12.0	3.30	30.0
Employed by contractor (30)	8.0	2.0	17.0

Source: Underhill *et al.* 2018: 685.

Note: The data here refer just to TMW harvest workers. The survey also attracted responses from a small number of Australian harvest workers, whose wage rates did not vary significantly from those reported by the TMW workers (personal communication 12 July 2019).

All four categories of employment distinguished in Table 1 have median hourly wages that are well below the minimum hourly rate of $21.09. This indicates that, though some workers might receive the legal rate (or more), the majority of harvest workers in the survey was underpaid. It further suggests, consistent with results of recent FWO investigations of employer non-compliance (2018: 26), that the majority of growers and contractors was engaged in underpayment.

Though all workforce groups are at risk of underpayment, it seems that underpayment is almost universal for undocumented workers (Segrave 2017), widespread for working holiday-makers (Berg and Farbenblum

2017; FWO 2016; Tan and Lester 2012), and increasingly common for participants in the SWP (Forsyth 2016: 301-4; JSCFADT 2017; Petrou and Connell 2018). Though little is known about the incidence of underpayment among Australian workers, it is likely to be less frequent than for other groups but by no means unusual (Nishitani and Lee 2017). In short, there is a loose hierarchy of effective wage rates that is inversely related to the hierarchy of vulnerability amongst the main workforce groups (Howe *et al.* 2017, 2019; Underhill and Rimmer 2016).

Deterioration in wages

Wages for harvest workers in Australia appear to be deteriorating, both relative to other sectors and in absolute terms. Scholars refer for example to an upward trend in non-compliance rates in FWO investigations (FWO 2010, 2018) and an upward trend in media exposés of underpayments (Clibborn and Wright 2018). Deterioration in wages fits with what we know of cost-minimising employers and low-wage labour markets, where labour regulation generally sets a floor and wage rates for lower-skilled workers tend to stabilize at or around the legal minimum. If, however, economic restructuring intensifies and enforcement of minimum wage (and related) laws weakens, an expansive field for labour-cost reduction opens up, and employers may begin to experiment with the many different types and levels of underpayment. Once a sufficient number of employers within a specific region or product market starts down the path of illegal underpayment, a powerful and ongoing dynamic of 'unfair' wage competition is likely to result, accelerating the spread of underpayments, bringing even reluctant employers into line and 'creating new industry conventions that normalize sub-standard jobs' (Bernhardt *et al.* 2013: 829). The data on the extent of varied forms of underpayment suggest that this tipping point has been reached in many harvest labour markets (Underhill and Rimmer 2016; Underhill *et al.* 2018).

The emergence of a dynamic of unfair competition in harvest labour markets is widely noted (and deplored) in recent research in Australia, as in international research (Rye and Scott 2018: 930, 936). This dynamic readily extends beyond wage rates to include an increased pace of work, greater expectations of long and short hours, and new forms of control (Preibisch 2010: 431). Australian scholars warn against a 'race to the bottom' in labour standards, whereby firms compete to reduce costs by

paying the lowest wages or giving workers the worst conditions (Howe *et al.* 2019: 5, 9). Employers participating in the race can take advantage of structured differentiation or segmentation in the labour supply. Thus, researchers note a process of 'crowding out' or displacement of less vulnerable by more vulnerable workforce groups (Curtain *et al.* 2018; Howe *et al.* 2018; JSCM 2016; Reilly 2018). Most attention is given to a substitution effect whereby participants in the SWP are crowded out by working holiday-makers, but the dynamic is wide-ranging and clearly extends to displacement of Australian workers, especially mobile groups, and indeed even some groups of working holiday-makers, as a result of competition from even more vulnerable and worse-paid groups such as undocumented workers (Doyle and Howes 2015; Underhill *et al.* 2018: 687).

Consistent with the idea of multiple harvest labour markets, the dynamic of unfair wage competition is likely to take different forms in different regions and it may indeed be absent in some regions (Howe *et al.* 2019). Moreover, it is necessary to take into account the effect of countervailing forces. Responses by individual workers can have an impact, for example when workers use their 'mobility power' to leave the worst employment situations (Smith 2006). Public scandal about worker abuse (ABC 2015) had a positive effect amongst growers in at least one region (Howe *et al.* 2019). Media reports and public inquiries have prompted government initiatives to plug selected gaps in labour regulation, such as by introducing labour hire licencing (currently in Queensland and Victoria, but with a promise of federal action) and by increasing penalties for non-compliance, strengthening enforcement powers and introducing a reverse onus of proof for certain claims (at federal level). The FWO has stepped up its enforcement activities in horticulture and has promoted a 'Record My Hours' app in order to boost the ability of individual employees to report underpayment (FWO 2016, 2018). Trade union activity is reviving, though restricted by resource constraints and hostile legal conditions. Union action includes both organising efforts, as in the Fair Food campaign of the National Union of Workers (Howe *et al.* 2018: 235-6), and efforts to use the greater leverage and greater transparency available at the head of the supply chain by negotiating with the large supermarkets, such as in a recent agreement with Coles (Workplace Express 23 May 2019). Ethnically-based community organisations are also active, sometimes in collaboration with unions (United WHY 2016). One recent study cites an initiative in a farming region in Queensland, which brought

together a wide range of civil society stakeholders to promote decent employment conditions for harvest workers (Clibborn 2019). More generally, Howe *et al.* (2019) point to the value of a multi-stakeholder approach which would coordinate groups such as unions, NGOs, employer associations, and employers at different points along the supply chain, in order to support a 'high-road' rather than a 'low-road' approach (Howe *et al.* 2019: 70*ff*). Certification schemes such as the Fair Farms initiative, sponsored by Growcom, are also cited as possible levers for change (Howe et al. 2019: 20).

The range of countervailing forces is impressive, but the results have been limited. Stephen Howes and Richard Curtain (2019) speak of 'something of a revolution' that is 'transforming the horticultural labour market from an unregulated to a regulated one'. But this seems misjudged. An alternative assessment, arguing that state and private governance initiatives to protect workers, encompassing both hard and soft regulation, have so far been unsuccessful, seems more accurate (Underhill *et al.* 2018: 686; see also Clibborn and Wright 2018; Underhill and Rimmer 2017: 48).

Implications

The evidence of low and declining wages is hard to reconcile with claims of severe labour shortage. If there were labour shortages, the incidence of underpayments could be expected to retreat, replaced by efforts to raise wages and improve working conditions.[15]

More broadly, the evidence of low and declining wages points to disturbing conclusions about the dynamics of harvest labour markets. It

---

[15] Though growers appear relatively free of constraint from labour law, they are constrained in other significant ways, such as by product market and financial pressures. The impact of these pressures demands careful research. It cannot, however, be taken to mean that horticultural employers are so powerfully constrained that they have no discretion in their wage payments and just *cannot* raise wage rates, even up to the legal minimum (JSCFADT 2017: 283). Such extreme arguments about lack of employer choice are ingenuous and palpably false. Empirical research in harvest labour markets, partly summarised above, testifies to extensive employer discretion, indeed substantial power, over employment relations, whereby growers – especially larger growers – constantly make choices over such diverse aspects as channels of recruitment, mechanisms of payment, form of employment, styles of supervision, working-time patterns, training, preferred type of worker (including preferred visa categories) and wage rates. Underpayment, which is itself available in different forms, is best seen as one element in this array of (constrained) choices open to employers.

indicates that employer non-compliance with minimum wage laws has become systemic and cannot be explained away as a series of ad hoc individual decisions, whether inadvertent or deliberate. Underpayments in most harvest labour markets are now embedded in distinct ‘business models’, variously called ‘low-wage’ (Clibborn and Wright 2018) or ‘predatory’ (Campbell 2018), which have been adopted by the mainstream of horticultural growers. These business models, oriented to labour-cost reduction, threaten a range of negative consequences, most immediately for the harvest workers who must find their way in an increasingly hostile landscape of degraded jobs.

Employer demand for TMWs

Critical analysis may succeed in debunking assertions of acute labour shortages. But this leaves at least one important question hanging. Given that claims of severe labour shortage are hollow, what explains the persistence of these claims? One partial answer stems from the fact that claims of labour shortage (or ‘skill shortage’) are the standard currency of political campaigns by business groups aimed at shaping immigration policy. They figure as a convenient rationale that is unlikely to be challenged, especially when the crucial policy decisions are made behind closed doors in a spirit of ‘client politics’ (Wright and Clibborn 2017: 124).

It is important, however, to dig beneath the institutional logic of business groups and lobbying campaigns in order to grapple with the actions and interests of growers, who are the central agents in harvest labour markets. Why do growers support political campaigns aimed at altering immigration policy? Why do they endorse the claims of acute labour shortages raised in these campaigns? At this level, one factor may be the difficulties faced by many growers, who each year must repeat the struggle to find a flexible and cheap workforce to harvest their crop. These difficulties, which prompt fears and feelings of shortfall even in the face of labour abundance, may help to explain the endurance of (misjudged) claims of labour shortage. They do not, however, seem powerful enough or focused enough to explain grower support for current campaigns, which are aimed not at boosting labour supply in general but rather at achieving changes in immigration rules that alter the supply of special groups of workers, viz. temporary migrant workers.

In further exploring grower perspectives, it is important to note that growers, like all employers, have an interest not so much in the number of workers pure and simple but rather in the number of *workers with the right qualities*. They are interested in recruiting workers with attributes which, when transferred into the workplace, promise a smooth conversion of labour power into labour.[16] Worker attributes relevant to employment can be disaggregated into four broad types (Anderson and Ruhs 2010: 18-20). When asked about the qualities they seek in harvest workers, growers rarely refer to either 'hard skills' or 'soft skills'. They may refer to physical or bodily characteristics, such as strength, endurance or dexterity, but the most common answer is in terms of *attitudes or dispositions*. Growers in most advanced capitalist societies generally say that they want harvest workers who are motivated and reliable (Rye and Scott 2018). They want workers who are committed and equipped with a good work ethic (Geddes and Scott 2010: 204).[17] Emphasis on worker attitudes is understandable given that the harvest labour process revolves around lower-skilled manual labour, performed individually or in ad hoc small teams, under simple supervisory structures ('overseer fiat'). Neither hard nor soft skills are particularly salient in such a workplace setting (though they might still be welcome). Physical attributes, in particular a capacity to undertake and

---

[16] It would be wrong to presume that growers are just interested just in a quality of 'cheapness'. Reducing labour cost is certainly central in grower business models, but the basic concern is *unit* labour costs, which directs attention to the varied worker attributes, including motivation and reliability, which can be successfully activated in the workplace in order to achieve desired reductions in unit labour costs. In this perspective, cheapness is not in the first instance a worker attribute but is best regarded as an outcome of workplace relations.

[17] I draw mainly on international literature that examines grower and contractor perceptions and preferences concerning labour quality. Unfortunately, the Australian literature is rather sparse. A 2016 survey of vegetable growers posed a (closed-response) question on characteristics sought by growers when recruiting seasonal workers (Howe et al. 2017). But the question had significant limitations. The characteristics offered by the researchers were vague (eg 'physical capabilities') and too narrow in scope, largely omitting for example vital attitudinal traits such as being motivated. Moreover, as the authors note, some growers responded by simply ticking all or most of the seven listed characteristics as very important (Howe *et al.* 2017: Appendix 61-2). Nevertheless, the pattern of results is straightforward and broadly consistent with international research. 'Previous experience' attracted relatively few votes; instead most growers put the emphasis on 'physical capabilities', followed by 'being able to start work immediately', 'availability to commit for the whole season', and then ability to 'speak and understand basic English' (Howe *et al.* 2017: Appendix 21; see also Zhao *et al.* 2018: 17-18).

sustain long daily hours of manual labour, certainly play a role. But ‘good’ attitudes and dispositions are decisive, since in this setting they are the key to discretionary effort by the worker, embracing both intense labour and appropriate care in handling produce, to serve business needs.

It is important to unpack employer understandings of ‘good’ attitudes and dispositions (Anderson and Ruhs 2010: 29-34; Scott 2013). Reference to attitudes such as ‘motivated’ and ‘reliable’ allude to concerns that workers should stay for as long as they are needed and, during their stay, should be responsive to changing employer demands and should put in adequate work effort. In most industry and workplace settings, this could be summarised as a concern with worker compliance, whereby worker behaviour is consistently and efficiently subordinated to business requirements. But, in a context of low wages and poor working conditions, compliance tends to acquire an additional layer of meaning. In this context, it tends to transmute into a quality of acquiescence, which signals a disposition to tolerate or even consent to bad conditions, without resisting through ‘unreliable’ behaviour such as reducing work effort or leaving (Anderson and Ruhs 2010; Geddes and Scott 2010; Scott 2013). Neither compliance nor acquiescence should be viewed as purely passive qualities; they encompass a sense of workers being willing to undertake care and effort in line with business needs. They involve consent as well as submission to control.

These summary remarks help us to understand both the specific interest of many growers in TMWs as a supplement or substitute for Australian workers and their support for political campaigns to secure more (and better) TMWs. Many growers see temporary labour migration as the best avenue for building a workforce with the qualities they desire. Thus, growers often laud TMWs, either in aggregate or with reference to specific groups, as ‘good workers’ with good attitudes and dispositions, in contrast to Australian workers, who may be criticised as lazy and unreliable (Howe *et al.* 2017: 40; see also Howe *et al.* 2018: 240-1; Howe *et al.* 2019: 14, 105). These judgments allude to crucial aspects of workplace behaviour, whereby TMWs, in contrast to Australian workers, are seen as more reliable and more productive. In short, TMWs are seen as more likely to tolerate poor wages and conditions without ‘slacking off’, without ‘tossing in’ the job and without complaining to any authorities.

Some factors that contribute to the perceived advantages of TMWs are identified in a recent interview-based study that investigates the greater

reluctance of TMW groups to complain about illegal underpayments (Campbell *et al.* 2019). One crucial consideration underpinning the reluctance to complain is fear of employer reprisals. As fear of job loss, this anxiety is shared with Australian workers who are casual employees, though it is particularly sharp for TMWs, who have fewer options for alternative employment (or income support) and are perhaps burdened with heavy debts from the migration process (Campbell *et al.* 2018: 103-4, 110; Hall and Partners 2016). Moreover, TMWs must also fear the ability of employer to bring about immigration consequences (Farbenblum and Berg 2018). The study also highlights the impact of attitudes that downplay the significance of low pay. Included here is the commonly-cited fact that migrant workers might view poor wages and conditions as acceptable, even appealing, because of comparison with even poorer wages and conditions in the source country or because of comparison with wages in their previous jobs in Australia and wages in jobs undertaken by other TMWs (Campbell *et al.* 2018: 111; see Clibborn 2018). Also significant is the fact that migrant workers might be seeking objectives other than pay, such as the chance for a second-year visa for working holiday-makers. Perhaps most important, however, is the fact that many TMWs see the job as only a transitory stage in their long-term plans. Many arrive with a conscious plan to commit themselves to lower-skilled labour for only a limited period in order to achieve an earnings target and finance longer-term plans, such as establishing a small business in the home country or perhaps settling in the host country and pursuing a career in a different field (Campbell *et al.* 2018: 104, 111-12).

Immigration rules are influential in accentuating the vulnerability of TMWs, as discussed above in the first section. They help to explain the specific interest of growers in TMWs rather than migrant workers in general. Such rules help to foster qualities such as ‘work ethic’ and ‘commitment’, for instance when TMWs are selectively drawn from countries with lower wage levels. They help to promote ‘availability’ and ‘flexibility’, such as through working-time conditions attached to temporary work visas or through exclusion from social security benefits and family reunion. But perhaps the major impact is in encouraging ‘reliability’, due to restrictions on worker mobility after recruitment. Constraints on mobility power are most direct and obvious when TMWs are tied to approved employers and the right to move to alternative employment is limited or eliminated, as in the case of dedicated labour schemes such as the SWP (Anderson and Ruhs 2010: 30-31). Such direct

constraints hark back to a model of indentured labour, a model with a long history in Australia (O'Donnell and Mitchell 2001; see Ariyawansa 2019).[18] However, indirect constraints on mobility apply to working holiday-makers, who undertake seasonal work in order to pursue the opportunity of a second-year visa, and to undocumented workers, who fear discovery and deportation.

The analysis in this section highlights the way in which the state continues to be involved in regulating what is often misinterpreted as an unregulated sector. It is true that the state is relatively inactive in relation to worker protection and it has withdrawn from many forms of direct industry assistance. But by means of immigration rules that regulate both the entry of workers and their behaviour during their stay, it 'fashions' migrant workers as workers with good attitudes and good behaviour (Anderson 2010; Scott 2013: 707-8). This provides substantial benefits to growers, including, most important, relief from any pressure to raise wages and improve working conditions in order to attract and retain the labour they need. State action functions here as a de facto industry subsidy, which props up poor employment practices and helps to supply many growers with cheaper and/ or more productive labour than they would otherwise obtain (Geddes and Scott 2010).

Labour supply and labour demand in low-wage labour markets are connected in a complex interaction (Grimshaw *et al.* 2017: 13). The large TMW workforce, available in at least three main forms in Australian harvest labour markets, functions not only to prop up the existing wage structure, rife with illegal underpayments, but also to add weight to the process of deterioration in wages and conditions. Deterioration will in turn reverberate back on the existing labour supply, tending to displace worker groups, both Australian and foreign, which are either unwilling or unable to tolerate the degraded wages and conditions, and increasing the likelihood of recruitment difficulties as a result of (pay and conditions) mismatches. This in turn is likely to encourage new business campaigns, buttressed by claims of labour shortage, for new and better types of

---

[18] The continued influence of this model in Australia is apparent in contemporary references to the risk of TMWs leaving a job as a risk of 'absconding'. Early versions of the employer proposal for a dedicated visa in fact described it as a proposal for 'indentured labour' (National Harvest Trail Working Group 2000). But this terminology, with its transparent appeal to a principle of compulsion, has now been dropped in favour of the more folksy term, 'ag visa'.

TMWs. In the course of this interaction process, the abundance of TMWs, in varied forms, tends to alter growers' perceptions, ie their expectations of what harvest workers can offer (Howe *et al.* 2017: 29; Reilly *et al.* 2018). Employers develop exaggerated expectations of the benefits to be gained from TMWs. They acquire a 'taste', in reality a voracious appetite, for ever-more vulnerable and acquiescent workers (and for government assistance in delivering these workers).

Conclusion

This article examines contemporary claims of acute labour shortages in harvest labour markets. It clarifies the concept of labour shortage and introduces a modified typology of four distinct types of recruitment difficulty. Drawing on a range of evidence, such as data on strong and increasing flows of TMWs, grower testimony on the relative absence of recruitment difficulties, and evidence of low and falling wage rates, the article concludes that current assertions of labour shortage are hollow, or, perhaps more accurately, false. In explaining the persistence of these claims, the article refers to the political campaigns with which they are associated, arguing that such campaigns, though ostensibly aimed at finding more workers to redress labour shortages, are best understood as serving employer desires for (more) vulnerable workers who can be deployed within a context of degraded jobs.

The article contributes in several ways to the literature on harvest labour markets in Australia. It offers a comprehensive descriptive account of contemporary harvest labour markets, which highlights spatial and temporal diversity, identifies distinctive features and outlines ongoing changes in composition and size. It develops an improved conceptual framework for assessing labour shortages. On the basis of this framework, and with a thorough sifting of evidence, it is able to reach important new conclusions on the state of harvest labour supply. In addition, the article explores the structure of employer demand and the role of the state in regulating labour supply, thereby generating new insights into the evolution of employer labour-use strategies in horticulture and their implications, especially for worker exploitation and use of TMWs.

The analysis in the article raises significant questions about 'employer-driven' immigration policy in Australia. A shift to temporary labour migration undoubtedly serves the short-term interests of many employers,

but a recent report warns about three types of risk: i) heightened exploitation of migrant workers; ii) disadvantages for the broader economy and society; and iii) displacement of Australian workers, especially in lower-skilled areas (Boucher and Davidson 2019: 16-17). The analysis in this article suggests that these risks are being realised in harvest labour markets. Particularly, problematic is the downward trend in wages and working conditions, largely unfolding outside the bounds of Australian labour law. The trend towards heightened exploitation is the product of many forces. Nevertheless, the article suggests that it is sustained and exacerbated by the success of grower association campaigns, marshaled around hollow claims of acute labour shortages. The latest campaign for an ag visa is best viewed as another unfortunate phase in this damaging political process.

Encouraged by the success of farm lobby groups, business groups in other low-wage sectors, starting with aged care and care for disabled persons, have raised similar assertions of severe or crippling labour shortages and made similar requests for government assistance to facilitate access to suitable forms of foreign labour (Adamson *et al.* 2017). The negative example of harvest labour markets underlines the dangers of these campaigns and the need for careful analysis and assessment of all claims of labour shortage.

Iain Campbell is a Research Fellow at the Centre for Employment and Labour Relations Law, University of Melbourne. *This work was supported by the Australian Research Council under grant number DP130100443. Thanks to the referees and to Sayomi Ariyawansa, Martina Boese, Sherry Huang, Tim Nelthorpe, Elsa Underhill and Sally Weller, who offered useful comments on an earlier draft of this paper.*

campbell.i@unimelb.edu.au

References

ABC (2015) *Slaving Away: The Dirty Secrets Behind Australia's Fresh Food*, Australian Broadcasting Commission, 4 May 2015.

ABC (2019) Border Force working to stop Malaysians in 'orchestrated scam' to stay in Australia, ABC News, 3 July, available online: *https://mobile.abc.net.au/news/2019-07-03/malaysia-visa-protection-influx*, accessed 23 July 2019.

ABS [Australian Bureau of Statistics] (2013) *Australian and New Zealand Standard Industrial Classification (ANZSIC), 2006 (Revision 2.0)*, cat. no. 1292.0, Canberra, ABS.

ABS (2019) *Labour Force Australia, Detailed, Quarterly*, *August 2019,* Table EQ06: 'Employed persons by industry group of main job (ANZSIC), Sex, State and Territory, November 1984 onwards', data cube: Pivot table, cat. no. 6291.0.55.003, available online: *https://www.abs.gov.au/AUSSTATS/abs@.nsf/MF/6291.0.55.003*, accessed 29 October 2019.

Adamson, E., Cortis, N., Brennan, D. and Charlesworth, S. (2017) 'Social care and migration policy in Australia: Emerging intersections?' *Australian Journal of Social Issues* 52, 78-94.

Anderson, B. (2010) 'Migration, immigration controls and the fashioning of precarious workers', *Work, Employment and Society* 23, 300-317.

Anderson, B. and Ruhs, M. (2010) 'Migrant Workers: Who Needs Them? A Framework for the Analysis of Staff Shortages, Immigration, and Public Policy', in M. Ruhs and B. Anderson eds., *Who Needs Migrant Workers? Labour Shortages, Immigration, and Public Policy*, Oxford, Oxford University Press, 15-52.

Argent, N. and Tonts, M. (2015) 'A Multicultural and Multifunctional Countryside? International Labour Migration and Australia's Productivist Heartlands', *Population, Place and Space*, 21: 140-156.

Ariyawansa, S. (2019) 'On the Backs of Migrant Workers – Imported Labour in the Australian Agricultural Sector', *Australasian Journal of Legal Philosophy* 43, 58-89.

Bailey, R. (2018) 'Blacklisting and Reporting in Seasonal Worker Programs', *In Brief* 2018/15, Department of Pacific Affairs, Australian National University, Canberra.

Bedford, R., Bedford, C., Wall, J. and Young, M. (2017) 'Managed Temporary Labour Migration of Pacific Islanders to Australia and New Zealand in the Early Twenty-first Century', *Australian Geographer* 48(1): 37-57.

Berg, L. (2016) *Migrant Rights at Work: Law's Precariousness at the Intersection of Immigration and Labour*, London, Routledge.

Berg, L. and Farbenblum, B. (2017) *Wage Theft in Australia: Findings of the National Temporary Migrant Worker Survey*, available online: *http://apo.org.au/system/files/120406/apo-nid120406-483146.pdf/* accessed 1 September 2018.

Bernhardt, A., Spiller, M. and Theodore, N. (2013) 'Employers gone rogue: Explaining industry variation in violations of workplace laws', *Industrial and Labor Relations Review* 66(4), 808-832.

Boese, M., Campbell, I., Roberts, W. and Tham, J-C (2013), 'Temporary Migrant Nurses in Australia: Sites and Sources of Precariousness', *Economic and Labour Relations Review*, 24(3): 316–339

Botterill, L. (2005) 'Policy Change and Network Termination: The Role of Farm Groups in Agricultural Policy Making in Australia', *Australian Journal of Political Science* 40(2): 207-19.

Boucher, A. and Davidson, A. (2019) *The Evolution of the Australian System for Selecting Economic Immigrants*, Washington D.C., Migration Policy Institute.

Campbell, I. (2018) ‘Temporary Migrant Workers, Underpayment and Predatory Business Models’, in A Stewart, J Stanford and T Hardy (eds.) *The Wages Crisis in Australia: What it is and what to do about it*, Adelaide, University of Adelaide Press, 187-201.

Campbell, I. and Price, R. (2016) ‘Precarious Work and Precarious Workers: Towards an Improved Conceptualisation’, *The Economic and Labour Relations Review* 27(3), 314-322.

Campbell, I., Tranfaglia, M.A., Tham, J-T. and Boese, M. (2019) ‘Precarious work and the reluctance to complain: Italian temporary migrant workers in Australia’, *Labour and Industry* 29(1), 98-117.

Clibborn, S. (2018) ‘Multiple frames of reference: Why international student workers in Australia tolerate underpayment’, *Economic and Industrial Democracy*, eprint before publication, doi:10.1177/0143831X18765247.

Clibborn, S. (2019) ‘It Takes a Village: Civil Society Regulation of Employment Standards for Temporary Migrant Workers in Australian Horticulture’, *UNSW Law Journal* 42(1), 242-268.

Clibborn, S. and Wright, C.F. (2018) ‘Employer Theft of Temporary Migrant Workers’ Wages in Australia: Why has the State Failed to Act?’, *Economic and Labour Relations Review*, 29(2): 207–227.

Cooper, M., O’Mahony, K. and Erfurt, P. (2004) ‘Backpackers: Nomads Join the Mainstream? An Analysis of Backpacker Employment on the ‘Harvest Trail Circuit’ in Australia’, in G. Richards and J. Wilson (eds.), *The Global Nomad: Backpacker Travel in Theory and Practice*, Channel View Publication, 180-195.

Curtain, R., Dornan, M., Howes, S. and Sherrell, H. (2018) ‘Pacific seasonal workers: Learning from the contrasting temporary migration outcomes in Australian and New Zealand horticulture’, *Asia Pacific Policy Studies*, 5: 462-480.

Davies, A., Tonts, M., Troy, L. and Pelusey, H. (2009) *Australia’s Rural Workforce: An analysis of labour shortages in rural Australia*, RIRDC Publication No. 09/008, Rural Industries Research and Development Corporation, Canberra, Australian Government.

Department of Home Affairs (2019) *Working Holiday Maker visas granted pivot table*, available online, *https://data.gov.au/dataset/602f74a0-a588-4dea-ae28-0fe123cbb182,* accessed 27 October 2019.

Doyle, J. and Howes, S. (2015) *Australia’s Seasonal Worker Program: Demand-side Constraints and Suggested Reforms*, Discussion Paper, Canberra, ANU.

Dufty, N., Martin, P. and Zhao, S. (2019) *Demand for farm workers: ABARES farm survey results 2018*, ABARES Research Report, Canberra, Commonwealth of Australia.

Farbenblum, B. and Berg, L. (2018) *Wage Theft in Silence: Why Migrant Workers Do Not Recover Their Unpaid Wages in Australia*, Sydney, Migrant Worker Justice Initiative.

Foley, M. (2018) ‘Ag visa aims at critical gap in farm workforce’, *Farm Online* 31 August, available online, *https://www.farmonline.com.au/story/5619963/coming-soon-ag-visa-to-fill-critical-gap*, accessed 9 April 2019.

Forsyth A. (2016) *Victorian Inquiry into the Labour Hire Industry and Insecure Work, Final Report,* Melbourne, Industrial Relations Victoria, 31 August.

FWO [Fair Work Ombudsman] (2010) *Horticulture Industry Shared Compliance Program 2010, Final Report*, Canberra, Australian Government.

FWO (2016) *Inquiry into the Wages and Conditions of People Working under the 417 Working Holiday Visa Program*, Canberra, Commonwealth of Australia.

FWO (2018) *Harvest Trail Inquiry: A Report on workplace arrangements along the harvest trail*, Canberra, Commonwealth of Australia

Geddes, A. and Scott, S. (2010) 'UK Food Businesses' Reliance on Low-Wage Migrant Labour: A Case of Choice or Constraint?' in M. Ruhs and B. Anderson eds., *Who Needs Migrant Workers? Labour Shortages, Immigration, and Public Policy*, Oxford, Oxford University Press, 193-218.

Grimshaw, D., Fagan, C., Hebson, G. and Tavora, I. (2017) 'A new labour market segmentation approach for analyzing inequalities: introduction and overview', in D. Grimshaw, C. Fagan, G. Hebson and I. Tavora eds., *Making work more equal: A new labour market segmentation approach*, Manchester, Manchester University Press, 1-32.

Hall and Partners (2016) *Experiences of Temporary Residents: Report*, Research conducted for the Department of Immigration and Border Protection, Canberra, Commonwealth of Australia.

Hanson, J. and Bell, M. (2007) 'Harvest trails in Australia: Patterns of seasonal migration in the fruit and vegetable industry', *Journal of Rural Studies* 23, 101-117.

Hay, D. and Howes, S. (2012) Australia's Pacific Seasonal Worker Pilot Scheme: why has the take-up been so low? Development Policy Centre, Discussion Paper 17, Australian National University, Canberra, ANU.

Hill, E., Withers, M. and Jayasuriya, R. (2018) The Pacific Labour Scheme and Transnational Family Life: Policy Brief, Social Policy Research Centre, UNSW.

Howe, J., Reilly, A., van den Broek, D. and Wright, C.F. (2017), *Sustainable Solutions: The Future of Labour Supply in the Australian Vegetable Industry*, The University of Adelaide, Adelaide.

Howe, J., van den Broek, D., Reilly, A. and Wright, C. F. (2018) 'A Tale of Two Visas: Interrogating the Substitution Effect between Pacific Seasonal Workers and Backpackers in Addressing Horticultural Labour Supply Challenges and Worker Exploitation', *Australian Journal of Labour Law* 31, 209-242.

Howe, J., Clibborn, S., Reilly, A., van den Broek, D. and Wright, C. F. (2019) *Towards a Durable Future: Tackling Labour Challenges in the Australian Horticulture Industry*, University of Adelaide, Adelaide.

Howells, S. (2011) *Report of the 2010 Review of the* Migration Amendment (Employer Sanctions) Act 2007, Department of Immigration and Citizenship, Canberra

Howes, S. (2019) Revisiting the agricultural visa, *Devpolicyblog*, 3 May, available online: *https://www.devpolicy.org/revisiting-the-agricultural-visa-20190503*, accessed 31 July.

Howes, S. and Curtain, R. (2019) Horticultural labour and the SWP: a new report, *Devpolicyblog*, 31 May, available online, *https://www.devpolicy.org/horticultural-labour-swp-20190531/* accessed 31 July.

Howes, S. and Lawton, H. (2019) The Pacific Labour Scheme: is it a flop? *Devpolicyblog*, 29 July, available online, *https://www.devpolicy.org/the-pacific-labour-scheme-is-it-a-flop-2090729/* accessed 31 July.

Hugo, G. (2001) 'International Migration and Agricultural Labour in Australia', paper prepared for Changing Face Workshop, 16-18 January 2001, available online, *https://migration.ucdavis.edu/cf/more.php?id=41_0_2_0*, accessed 27 March 2017.

Jarvis, J. and Peel, V. (2013) 'Tourists for hire: International working holidaymakers in a work based destination in regional Australia', *Tourism Management* 37, 114-124.

Jasper, C., Burton, L., Pittaway, I. and Gunders, J. (2018) 'Labour shortages, hours of paperwork and uncertainty lead farmers to push for new 'ag visa'', *ABC Rural*, 9 October 2018.

JSCFADT [Joint Standing Committee on Foreign Affairs, Defence and Trade] (2017) *Hidden in Plain Sight: An inquiry into establishing a Modern Slavery Act in Australia*, Canberra, Commonwealth of Australia.

JSCM [Joint Standing Committee on Migration] (1997) *Working Holiday Makers: More than Tourists,* Canberra, Commonwealth of Australia.

JSCM [Joint Standing Committee on Migration] (2016) *Seasonal change: Inquiry into the Seasonal Worker Programme*, Canberra, Commonwealth of Australia.

Lawrence, G. (2017) 'Re-evaluating food systems and food security: A global perspective', *Journal of Sociology* 53(4), 774-796.

Lawrence, G., Richards, C and Lyons, K. (2013) 'Food security in Australia in an era of neoliberalism, productivism and climate change', *Journal of Rural Studies* 29: 30-39.

Lawton, H. (2019) Australia's seasonal worker program now bigger than NZ's, *Devpolicyblog*, 25 July 2019, available online, *https://www.devpolicy.org/australias-seasonal-worker-program-now-bigger-than-nzs-20190725/* accessed 31 July 2019.

LeBaron, G. (2015) 'Unfree Labour Beyond Binaries', *International Feminist Journal of Politics* 17(1), 1-19.

McGovern, P. (2007) 'Immigration, Labour Markets and Employment Relations: Problems and Prospects', *British Journal of Industrial Relations* 45(2), 217-235.

Marchington, M., Grimshaw, D., Rubery, J and Willmott, H. (2005) *Fragmenting work: Blurring organizational boundaries and disordering hierarchies*, Oxford, Oxford University Press.

Mares, P. (2016) *Not Quite Australian: How Temporary Migration is Changing the Nation*, Text Publishing, Melbourne

Martin, P. (2017) *Immigration and Farm Labor: From Unauthorized to H2A for Some?* MPI Issue Brief, Washington, Migration Policy Institute.

Mavromaras, K., Healy, J., Richardson, S., Sloane, P., Wei, Z. and Zhu, R. (2013) *A System for Monitoring Shortages and Surpluses in the Market for Skills*, Adelaide, National Institute of Labour Studies.

Mitchell, D. (2011) 'Labor's Geography: Capital, Violence, Guest Workers and the Post-World War II Landscape', *Antipode* 43(2), 563-595.

MWTF [Migrant Workers' Taskforce] (2019) *Report of the Migrant Workers' Taskforce*, Canberra, Commonwealth of Australia.

National Harvest Trail Working Group (2000) *Harvesting Australia: Report of the National Harvest Trail Working Group*, Canberra, Commonwealth of Australia.

NFF [National Farmers' Federation] (2008) 'NFF launches 'action plan' to tackle jobs crisis', NFF Media Release, 3 April 2008, available online, *http://www.nff.org.au/read/1363/nff-launches-action-plan-tackle-jobs.html*, accessed 3 April 2017.

NFF (2015) Submission to the Productivity Commission on the Migrant intake into Australia, 12 June 2015.

NFF (2016) Submission to the Working Holiday Maker Review, 1 September 2016.

NFF (2018a) 'Meeting of the National Farmers' Federation Horticulture Council', NFF Latest News, 29 June 2018, available online, *https://www,nff.org.au/read/6027/meeting-of-national-farmers-federation-horticulture/* accessed 15 October 2018.

NFF (2018b) 'Why agriculture needs a dedicated visa', *AustralianFarmers*, 25 October, available online, *https://farmers.org.au/campaign/why-agriculture-needs-a-dedicated-visa/* accessed 15 April 2019.

NFF (2019) 'Worker shortage holds farmers to ransom', *Australian Farmers*, 7 March, available online, *https://farmers.org.au/news/worker-shortage-holds-farmers-to-ransom/* accessed 18 March 2019.

Nishitani, M. and Lee, H. (2017) 'Invisible Islanders: Precarious Work and Pacific Settlers in Rural Australia', *Pacific Studies* 40(3), 430-449.

NUW [National Union of Workers] (2019) *Farm-workers speak out: 650 farm workers speak out on exploitation, solutions and the big supermarkets*, Melbourne, NUW.

O'Donnell, A. and Mitchell, R. (2001) 'Immigrant Labour in Australia: The Regulatory Framework', *Australian Journal of Labour Law* 14, 1-37.

Peck, J. (1996) *Work-Place: The Social Regulation of Labor Markets*, New York, The Guilford Press.

Petrou, K. and Connell, J. (2018) ''We don't feel free at all': temporary ni-Vanuatu workers in the Riverina, Australia', *Rural Society* 27(1), 66-79.

Preibisch, K. (2010) 'Pick-Your-Own Labor: Migrant Workers and Flexibility in Canadian Agriculture' *International Migration Review* 44(2), 404-441.

Pritchard, B., Burch, D. and Lawrence, G. (2007) 'Neither 'family' nor 'corporate' farming: Australian tomato growers as farm family entrepreneurs', *Journal of Rural Studies* 23, 75-87.

Queensland Parliament (2018) *A fair day's pay for a fair day's work? Exposing the true cost of wage theft in Queensland*, Education, Employment and Small Business Committee, Report no. 9, available online, *https://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2018/5618T1921.pdf* accessed 30 November 2018.

Reilly, A. (2015) 'Low-cost labour or cultural exchange? Reforming the Working Holiday visa programme', *Economic and Labour Relations Review* 26(3), 474-489.

Reilly, A., Howe, J., van den Broek, D. and Wright, C.F. (2018) 'Working Holiday Makers in Australian Horticulture: Labour Market Effect, Exploitation and Avenues for Reform', *Griffith Law Review*, 27(1): 99-130.

Renshaw, L. (2016) Migrating for work and study: The role of the migration broker in facilitating workplace exploitation, human trafficking and slavery, *Trends and issues in crime and criminal justice* no. 527, 1-18.

Richardson, S. (2009) 'What is a Skill Shortage?', *Australian Bulletin of Labour* 35(1), 326-354.

Rimmer, M. and Underhill, E. (2015) 'Temporary Migrant Workers in Australian Horticulture: Boosting Supply but at what Price?' in M. Pilati, H. Sheikh, F. Sperotti and C. Tilly eds., *How Global Migration Changes the Workforce Diversity Equation*, Newcastle upon Tyne, Cambridge Publishers, 143-168.

Rubery, J. (2007) 'Segmentation theory thirty years on', *Economies et Sociétées* 41(6), 941-964.

Rye, J. and Scott, S. (2018) 'International Labour Migration and Food Production in Rural Europe: A Review of the Evidence', *Sociologica Ruralis* 58(4), 928-952.

Scott, S. (2013) 'Migration and the Employer Perspective: Pitfalls and Potentials for a Future Research Agenda', *Population, Space and Place* 19, 703-713.

Scott, S. (2015) 'Making the case for Temporary Migrant Worker Programmes: Evidence from the UK's rural guestworker ('SAWS') scheme', *Journal of Rural Studies* 40, 1-11.

Segrave, M. (2017) *Exploited and Illegal: Unlawful Migrant Workers in Australia*, Monash University, Melbourne

Senate (2006) *Perspectives on the future of the harvest labour force*, Standing Committee on Employment, Workplace Relations and Education, Canberra, Commonwealth of Australia.

Senate (2016) *A National Disgrace: The Exploitation of Temporary Work Visa Holders*, Education and Employment References Committee, Canberra, Commonwealth of Australia.

Senate (2017) *Corporate Avoidance of the Fair Work Act 2009*, Education and Employment References Committee, Canberra, Commonwealth of Australia.

Smith, C. (2006) 'The double indeterminacy of labour power: Labour effort and labour mobility', *Work, Employment and Society* 20(2), 389-402.

Strauss, K. and McGrath, S. (2017) 'Temporary migration, precarious employment and unfree labour relations: Exploring the 'continuum of exploitation' in Canada's Temporary Foreign Worker Program', *Geoforum* 78, 199-208.

Tan, Y. and Lester, L. (2012) 'Labour Market and Economic Impacts of International Working Holiday Temporary Migrants to Australia', *Population, Space and Place* 18, 359-383.

Underhill, E. and Rimmer, M. (2016) 'Layered vulnerability: Temporary migrants in Australian horticulture', *Journal of Industrial Relations* 58 (5), 608-626.

Underhill, E. and Rimmer, M. (2017) 'Private Governance, State Regulation and Employment Standards: How Political Factors Shape their Nexus in Australian Horticulture', *Relations Industrielles/ Industrial Relations* 72 (1), 33-55.

Underhill, E., Groutsis, D., van den Broek, D. and Rimmer, M. (2018) 'Migration Intermediaries and Codes of Conduct: Temporary Migrant Workers in Australian Horticulture', *Journal of Business Ethics* 153(3), 675-689.

United WHY (2016) Vulnerabilities of Working Holiday Makers and Policy Recommendations, Submission to Working Holiday Maker visa review.

Valle, H., Millist, N. and Galeano, D. (2017) *Labour force survey, Research by the Australian Bureau of Agricultural and Resource Economics and Sciences*, ABARES, Canberra, Commonwealth of Australia.

Weller, S. (2008) 'Are Labour Markets Necessarily 'Local'? Spatiality, Segmentation and Scale', *Urban Studies* 45(11), 2203-2223.

Weller, S. (2017) 'Accounting for Skill Shortages? Migration and the Australian Labour Market', *Population, Space and Place*, 23e1997, 1-14.

Workplace Express (2019) 'Coles buys into 'safe and fair' produce supply chain', 23 May 2019.

Wright, C.F. (2017) 'Employer Organizations and Labour Immigration Policy in Australia and the United Kingdom: The Power of Political Salience and Social Institutional Legacies', *British Journal of Industrial Relations* 55(2): 347-371.

Wright, C. F. and Clibborn, S. (2017) 'Back Door, Side Door, or Front Door? An Emerging De-Facto Low-Skilled Immigration Policy in Australia', *Comparative Labor Law & Policy Journal*, 39(1): 165–188.

Zhao, S., Binks, B.,Kruger, H., Xia, C. and Stenekes, N. (2018) *What difference does labour choice make to farm productivity and profitability in the Australian horticulture industry? A comparison between seasonal workers and working holiday makers*, Research Report 18.1, ABARES, Canberra, Commonwealth of Australia.