

# Article

## EMPLOYMENT LAW

# Adjustments to Agricultural Sector in Response to COVID-19 Pandemic

By Patrick Walsh

The impacts of the COVID-19 pandemic on business have been widespread and complex. In the agriculture industry the oft-quoted phrase that “everyone still needs to eat” holds true, but many farmers are being challenged to get their produce through a supply chain that is experiencing many challenges in the face of state, national, and international lockdowns.

In addition to this, while the number of active cases is decreasing in all states in recent weeks, the nature of the virus means that farmers must be vigilant to ensure that their properties are not affected in the event of a secondary outbreak.

The Smithfield pork processing plant (which is responsible for approximately 5% of USA pork production) in South Dakota was shut down indefinitely recently after more than 200 of its employees contracted COVID-19 and serves as a salutary lesson as to how

quickly SARS-CoV-2 can shut down a business.

SafeWork Australia has suggested a range of practical safety measures that should be implemented across farms to assist employees in adapting to the change in the standard of care as a result of the pandemic. Adherence to these measures will enable farmers to ensure the maintenance of a safe work environment whilst remaining operational throughout the pandemic.

In providing these measures, SafeWork Australia has noted that it is vital that employers are proactive in identifying and managing potential risks that may arise. It has also stated that it is incumbent upon employees to ensure that they exercise their discretion to maintain the safety of themselves and their surrounding employees. Some of the key measures for the agricultural industry include:

- Rigidly enforcing the standard directive of

physical distancing of 1.5 metres between people, and reviewing work processes to explore ways in which to assist with the implementation of these measures;

- Splitting shifts and reducing the number of workers that come in to contact with each other at specified times throughout a work period. Further, within these shifts, the staggering of workers rosters, specifically start times and breaks to ensure that smaller groups are congregating at any one time. *Ideally, in the event that a worker does contract COVID-19, there should be sufficient workers who have had no contact with this person, such that the business can continue to operate while those who had contact with the worker are quarantined for 14 days;*

*continued overleaf...*

- Managing deliveries to ensure that as few employees as possible are attending essential deliveries. It has been suggested that any deliveries that are deemed non-essential are cancelled for the duration of the pandemic. A protocol should be developed to those attending the farm for essential deliveries and provided to them in advance of their attendance;
- Increasing the frequency of cleaning of highly populated work areas;
- Initiating more regular health checks on employees, including daily temperature checks.

I also suggest that, to the extent that external service providers (such as agronomists) require access to the property, contact with any workers is minimised and communication is done by email and/or telephone.

In order to address anticipated shortages in temporary labour, exemptions to interstate travel have been implemented to ensure that the agriculture industry is able to remain operational during the pandemic. Temporary visa

workers who hold a six month term will be permitted to stay to work for approved employers for a further six month period. Workers who come to the end of a placement and are not required will be assisted to find a new placement, provided they are willing to move to an area where there is a demand for labour, including interstate.

A condition on the exception of travel is that any worker who travels interstate must first self-isolate for a 14 day period. This initiative is a response intended to enable the hiring of temporary labour at times of seasonal demand within the sector. This quarantine period for interstate labour will need to be factored into planning.

In addition to measures to minimise the risk of worker's contracting COVID-19, farming businesses should also be seeking advice regarding their business continuity plans. Some issues to consider are:

- Whether to take advantage of low oil prices to increase the amount of diesel in storage;
- Whether there is sufficient storage on the farm in the event that grain needs to be held on-farm due to an inability to export;

- Can the business manage to maintain some cashflow in the event that exports take much longer to be processed through quarantine in foreign ports; and
- In the event that Australia experiences a second wave of infections (as we have seen in Singapore), does the farm have:
  - o safety measures in place to minimise the risk of its worker's becoming infected; and
  - o a plan in place to ensure that there is sufficient labour and equipment to continue operating in the event of strict lockdown measures.



[MORE INFO](#)

**Patrick Walsh** Director

p: +61 8 **8124 1941**

[patrick.walsh@dwfoxtucker.com.au](mailto:patrick.walsh@dwfoxtucker.com.au)

**DW Fox Tucker Lawyers**

L14, 100 King William Street, Adelaide, SA 5000

p: +61 8 **8124 1811** e: [info@dwfoxtucker.com.au](mailto:info@dwfoxtucker.com.au) [dwfoxtucker.com.au](http://dwfoxtucker.com.au)

COMMERCIAL | CORPORATE | DISPUTES | FAMILY | INSOLVENCY | TAX | HOSPITALITY | IP | PROPERTY | ENERGY | RESOURCES  
EMPLOYMENT | WORKERS COMPENSATION | SELF INSURANCE | RISK MANAGEMENT | INSURANCE | WILLS | ESTATE PLANNING

*Disclaimer: The information contained in this communication does not constitute advice and should not be relied upon as such. Professional advice should be sought prior to any action being taken in reliance on any of the information.*