



Australian Government  
Department of Immigration  
and Border Protection

# On-hire labour agreements

Information for employers about  
labour agreement submissions

September 2013



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# Introduction

This booklet is a comprehensive package of information about the on-hire labour agreement programme and a step-by-step guide to presenting a business case to the Department of Immigration and Border Protection for access to skilled overseas workers through an on-hire labour agreement.

The information in this document clarifies many elements of policy that are frequently asked or provided through client and stakeholder feedback.

Forms are provided to assist you in making a complete and thorough proposal for a labour agreement and conducting meaningful and transparent stakeholder consultation.

Complete submissions can be sent to the department.

**Email:** [on-hire.industry@immi.gov.au](mailto:on-hire.industry@immi.gov.au)

**By post:** The Director  
Labour Agreements Policy Section  
Department of Immigration and Border Protection  
PO Box 25  
Belconnen ACT 2616

## What is an on-hire labour agreement?

An on-hire labour agreement (OHLA) is a formal arrangement negotiated between an on-hire business (sometimes known as a labour hire business) and the Australian Government. It allows the business to recruit skilled overseas workers on a temporary basis on Subclass 457 visas for occupations approved under the agreement and then on-hire them to an end-user employer. The OHLA replaces the standard business sponsorship process, which on-hire businesses have been excluded from since 14 September 2009.<sup>1</sup>

The OHLA is a template labour agreement, meaning that the terms and conditions of the OHLA are not negotiable. This is designed to 'level the playing field' for all on-hire businesses within the OHLA framework and reduce 'negotiations' to a discussion about occupations, numbers and salaries.<sup>2</sup> If your business is unable to meet the conditions of the OHLA as they currently stand, you will be unable to enter into an agreement.

It is important to note that under an OHLA, workers must be paid the market salary rate, which must be above the Temporary Skilled Migration Income Threshold (TSMIT) and they must be hired as full-time employees (see schedule 4.2 of the OHLA). This is likely to be different to the conditions under which you employ Australians, New Zealanders or other overseas workers who may hold other working visas such as working holiday makers, students or spouse visas. Overseas workers under the OHLA must be paid their equivalent full-time salary each salary period (though this amount includes paid leave periods). 'Benching', or putting workers 'on hold' with no salary or benefits, or compelling them to use their annual leave, while they await their next assignment, is not allowed under the OHLA.

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<sup>1</sup> If your on-hire business is on-hiring subclass 457 visa holders who are attached to your business through standard business sponsor arrangements, you should immediately contact the department to discuss this situation. This arrangement is not allowed.

<sup>2</sup> The government is interested in feedback from users and potential users of the OHLA about improvements that can be made. You can send any comments to [on-hire.industry@immi.gov.au](mailto:on-hire.industry@immi.gov.au)

Businesses seeking access to an OHLA must only nominate occupations that are currently listed on the [Consolidated Sponsored Occupations List](#). They will also need to provide compelling and concrete evidence that there is genuine and significant demand for the nominated occupations and that this demand cannot be met from within the Australian labour market. The number of skilled overseas workers requested under the OHLA should represent a minor proportion of the business' workforce.

The input of stakeholders in your industry is of key importance. Stakeholder consultation is a mandatory part of the labour agreement negotiation process and the Department of Immigration and Border Protection (the department) recommends that this is initiated as early as possible in the process of seeking access to overseas skilled workers.

Where standard immigration pathways such as the Temporary Work (Skilled) Subclass 457 visa, the Employer Nomination Scheme, or the Regional Sponsored Migration Scheme are options, they should be used in preference to an OHLA. An OHLA negotiation may be a lengthy process and places onerous obligations on the employer.

Overseas workers sought under an OHLA must meet the English language requirements of the standard subclass 457 programme which is an English competency of at least five in each of the four test components of the International English Language Testing System (IELTS) or an Occupational English Test (OET) score of B, unless exemptions apply. Higher English language competency levels may be a mandatory component for registration or licensing requirements in some occupations.

Employers requesting access to an OHLA should provide a comprehensive submission to the Department of Immigration and Border Protection. The Labour Agreements Policy Section within the department administers OHLA policy and negotiates OHLAs on behalf of the Minister for Immigration and Border Protection. Centres of Excellence, based in the department's state and territory offices, process nominations and visa applications under the OHLA once it is executed.

Please note that while many businesses ask a registered migration agent to compile their OHLA submission, the submission process has been designed to enable completion without major difficulties and as such you do not necessarily have to employ a migration agent. In addition, there are no priority processing or decision-ready arrangements in place for OHLA submissions made using a registered migration agent.

On-hire businesses who are considering the use of migration agent services are advised to ensure that the migration agent is registered with the Office of the MARA and to carefully consider the basis of any up-front fees that may be requested by the migration agent in preparing an OHLA submission and the agent's policies in relation to these fees should your submission not be successful. The fees charged by registered migration agents are expected to be reasonable and while fees are not set, the Office of the Migration Agents Registration Authority (Office of the MARA) provides details of the average range of fees charged by registered migration agents on its website.

Further information on the use of registered migration agents is available at [www.immi.gov.au/visas/migration-agents/](http://www.immi.gov.au/visas/migration-agents/) and [www.mara.gov.au](http://www.mara.gov.au)

The submission will be assessed by departmental case officers and additional information may be requested. A departmental case officer may ask for additional information or details until they are satisfied that they have sufficient information on which to make a recommendation to the decision maker to either approve or decline the request for an OHLA. It is not uncommon for the labour agreements team to decline a request for an OHLA when it is apparent the on-hire business is not making (or will not make) efforts to meet the requirements of the OHLA programme. This includes not responding to requests for further information in a reasonable time (for more information, please see below). The information provided in this pack is to help you prepare a quality submission, which increases the chances of your OHLA being approved by the decision maker.

All information from the employer is treated as commercial-in-confidence. However, this information may be shared between relevant Commonwealth and state/territory government agencies including, but not limited to, the Department of Education, Employment, and Workplace Relations (DEEWR), the Office of the Fair Work Ombudsman, Fair Work Australia, the Australian Taxation Office and the Australian Federal Police. The employer's request to access a labour agreement is taken as being consent for this to occur.

## Assessment of on-hire labour agreements

The department will acknowledge the receipt of submissions and assess them as quickly as possible. The department will also generally provide you with an opportunity to submit additional material in support of your submission. Labour agreements take some time to negotiate due to the rigorous assessment of large amounts of information.

If an OHLA is approved, the next step is to nominate overseas workers who meet the requirements agreed to in the OHLA. In certain (limited) circumstances, it may be possible for workers onshore to lodge visa applications before the labour agreement is approved. Please contact the departmental officer assigned to your case to discuss after you have made your submission.

The negotiation period for an OHLA is generally six to eight months, noting that the department will not consider that negotiations have begun until we have received a substantially complete submission of assessable material. Although the department may begin assessment of the provided information prior to a complete submission being received, 'negotiation' or assessment periods can be drawn out until all requested information has been satisfactorily provided, including evidence of consultation with industry bodies and unions. As mentioned above, if you do not respond to requests for information within a reasonable time or take an unreasonable time to provide that information, the department may request that you resubmit other information, for example, labour market demand—on the basis that it will be out-of-date at the time of decision. The department may consider prolonged non-responses as 'withdrawal-by-default' from the OHLA negotiation process.

It is important that your OHLA proposal reflects your most accurate forecasts and projections for skilled labour needs. Once an OHLA is in place, a request for a variation can be time-consuming, particularly if there is a request for substantial changes to the numbers and/or types of occupations you are seeking to use on-hired overseas workers to fill.

The department will only consider requests for expedited assessment of the OHLA request if the company can demonstrate a significant benefit to the wider Australian community in addition to the employment of Australians. The decision to prioritise a request is made at the absolute discretion of the department.

## English language proficiency

Overseas skilled workers are required to have English language competency of five in each of the four test components (reading, writing, speaking and listening) of the International English Language Testing System (IELTS) or an Occupational English Test (OET) score of B. This requirement is consistent with the standard subclass 457 programme.

English language competency is required for work health and safety matters, for access to workplace relations protections and to promote transfer of skills from the overseas worker to Australian workers.

Higher IELTS levels or OET scores may be a mandatory component for registration or licensing requirements in some occupations. If so, a statement must be provided indicating that all skilled overseas workers will meet additional registration or licensing requirements.

## Training benchmark

Businesses requesting an OHLA need to demonstrate that they have a satisfactory record of, and an ongoing commitment to, the training of Australians. This requirement supports the government's position that temporary migration arrangements should complement, not substitute for, investment in training initiatives for Australians. On-hire businesses are able to change their selected benchmark throughout the life of the OHLA but we recommend that the financial implications of meeting all three benchmarks should be considered separately and carefully before you make a labour agreement submission. It is not unusual for a business to discover (usually towards the end of their first year) that they need to make significant additional expenditure just to meet the requirements of their selected training benchmark. In such a case, you might consider whether the number of overseas workers you are requesting under the OHLA justifies that additional expenditure. More information about the training benchmark is available in a separate 'training benchmark guidance' that should accompany this information pack.

## Start-up companies

Labour agreements with start-up companies are unlikely to be approved until the company can demonstrate 12 months of operation with supporting financial documentation. The department must be satisfied that the company is financially viable, has a good history of employing and training Australians, and is not overly dependent on overseas workers.

## Visa options

The OHLA allows only for the sponsoring of temporary skilled workers who will enter under the subclass 457 visa. This is because labour agreements are intended to provide specialised skilled workers to fill immediate gaps in the labour market while the employer commits to training Australian workers in these skills. The proportion of overseas workers in the business' workforce is expected to decrease over the life of the agreement.

Currently there is no ability for on-hire businesses to gain access to employer sponsored visas such as the Employer Nomination Scheme (ENS), except if you are looking for staff for direct employment within the on-hire business, such as recruitment consultants and managers. While there was a little-used option, under policy, for on-hire businesses to access the ENS in the past, this pathway was removed on 1 July 2012 to simplify the permanent employer sponsored programme, reduce administrative costs, and improve programme integrity.

# Submission requirements

Please use the attached business case proforma to make your submission to the department. The proforma will assist you in addressing all requirements and providing a well-ordered, properly evidenced submission ready for assessment by the department.

You must be able to provide a compelling, evidence-based case to access overseas skilled workers outside of the standard immigration programmes and your case must be supported by concrete, relevant and current evidence. An important, mandatory part of the process is that you consult with relevant industry stakeholders.

Evidence must specifically relate to the legal entity that is requesting a labour agreement. In most situations, the records of associated entities can not be used as evidence to support an employer's request.

The following information is a guide to providing a thorough and appropriate submission to the department.

## About your business

Refer to the business case proforma (item 1) to provide the following details:

### Registration details

- legal registered name of business
- Australian Business Number (ABN)
- Australian Company Number (ACN) (if applicable)
- Australian Registered Body Number (ARBN) (if applicable)
- Australian Stock Exchange Code (if applicable)
- state or territory in which the legal name is registered
- registered trading name/s
- business structure (sole trader, partnership, company, trust, or other entity)
- number of years of operation
- name of each director.

It is important that this information, in particular registered business names and numbers, is accurate as the entity identified on the OHLA will be entering into a binding agreement with the Commonwealth. Several recent cases where on-hire businesses have had an OHLA registered under a different name or ABN than was supplied to the Commonwealth through the negotiation process, have resulted in the OHLA being suspended or invalidated, resulting in a 'hiring-freeze' under the OHLA until the legal situation was resolved.

### Head office

- street address
- suburb/town
- state
- postcode
- postal address, if different from above
- your industry as defined by the Australian and New Zealand Standard Industrial Classification ([ANZSIC](#)).

### Employer contact details

- name
- position
- phone
- email
- street address
- suburb

- state
- postcode
- postal address if different from above.

If using the services of a migration agent or other third party representing your company, please provide contact details and complete and attach [Form 956](#)

### Operational locations of business

Please provide the address details for all operational locations of the employer where skilled overseas workers are expected to be placed. If different from the head office location, please provide address/postal details.

### Financial viability

The employer must provide a letter of support from a registered chartered accountant or a certified practising accountant stating the business has financial capacity to meet the migration obligations for the number of positions sought and for the period of the OHLA.

### Related entities (if applicable)

Please provide the following details of any related entities to the business:

- legal registered name of business
- ABN
- ACN
- relationship to employer (parent, subsidiary, trust, other)
- street address
- suburb/town
- postcode

A labour agreement cannot be negotiated with a trust, but may be negotiated with a trustee, for example, ABC On-hire Pty Ltd as trustee for ABC On-hire Unit Trust.

### Industry association membership

If you are a member of an industry association please identify the association, and whether this association has a code of conduct/ethics or other membership conditions which:

- provides protection for employees in the industry in the form of guidelines for terms and conditions of employment or other form

and/or

- outlines responsibilities for the development and implementation of quality national training strategies for members of the association.

### Relevant industrial arrangements

The Fair Work Act 2009 and information on the National Employment Standards are available from the [Fair Work Australia](#) website. These conditions apply to all employees in Australia covered by the national workplace system, including skilled overseas workers.

## Background to your on-hire labour agreement request

See business case proforma (item 2)

Provide a brief description of your business including:

- core business activities
- clients
- contracts
- structure
- reasons for seeking access to a labour agreement
- how your proposed labour agreement would be in the national interest
- the impact on the business if a labour agreement is not approved.

Additionally, the department requires a complete-as-possible list of end-user clients where you expect to be placing overseas workers sponsored under the proposed labour agreement.

## Occupations, qualifications and experience

OHLAs are intended to meet labour needs for skilled and specialised occupations. The business seeking access to an OHLA must only nominate occupations that are currently listed on the [Consolidated Sponsored Occupations List](#) and you will need to provide strong justification for seeking them under an OHLA.

You will need to provide specific details of the occupations sought and of the estimated number of positions you are seeking for each year of the OHLA. The assessment team and the decision maker are principally interested in the labour force make-up (including the ceiling request) for the first year of the OHLA (the first year of operation after the OHLA is executed).

Should an OHLA be approved, about three months before the second and third anniversaries of the execution (signing by the department) of the OHLA you may negotiate a nomination ceiling for your second and third years (respectively) of the OHLA. You will not necessarily be 'held' to the projections you made at the time of the initial submission and may negotiate ceiling numbers for the second and third year that reflect your demonstrated business needs. Please note when you make a submission for a yearly ceiling you will be required to provide evidence of continued domestic recruitment activities for each occupation requested. Please see the section about labour market demand below and the attached proforma for more information about the requirements in this regard.

The Australian and New Zealand Standard Classification of Occupation ([ANZSCO](#)) Code must be provided as well as a description of the tasks the proposed workers would undertake. You must also provide the locations of work according to your best estimate.

OHLAs usually require that overseas workers have skills, qualifications and experience as described in ANZSCO. Overseas workers are expected to be able to meet all industry registration requirements to ensure they have skills to Australian standards.

See business case proforma for format (item 3). You must provide information on:

- minimum qualifications for the nominated occupation(s)
- minimum experience required for the nomination occupation(s)
- registration or licensing requirements for the nominated occupation(s)
- the independent skills assessment process undertaken to ensure primary sponsored persons possess skills for the nominated occupations to the Australian standard
- a list of tasks that will be performed by an employee working in this occupation.

The Australian Government retains the right to make the final decision on the occupations and the number of positions approved under an OHLA.

## Labour market demand

The employer must be able to demonstrate a significant labour market need for the requested occupation and that there are not enough appropriately qualified Australian workers readily available to meet demand. See business case proforma (item 4).

**You must provide detailed information about all advertising and recruiting efforts over the past six months. This includes the period the job was advertised for, the number of applications received, the number of applicants who were hired, and reasons why those unsuccessful were found to be unsuitable. You must use the table provided at item 5 of the business case proforma to provide details of your local recruitment attempts over the past six months.**

You will need to provide evidence of demand (that cannot be met from the local labour market) for each of the occupations that have been nominated under the proposed labour agreement. Evidence may include but is not limited to:

- recent efforts to recruit from the Australian labour market for each occupation sought including copies of advertisement(s) placed within the last six months, the medium used, and the dates and length of time each advertisement ran
- the number of responses to the advertisement(s), the number of positions filled by Australians and general reasons for non-suitability of Australian applicants
- the location of the unfilled positions advertised
- evidence of participation in job and career expos, including any associated fees, the dates and locations of these and whether any positions were filled as a result
- written evidence from clients demonstrating demand for the nominated occupations—this may include service contracts, unfilled client orders or letters of support from client organisations
- relevant industry (or other) research released in the last 12 months related to labour market trends
- letters of support from state government authorities with the responsibility for employment
- retention strategies for retaining Australian workers.

On-hire businesses may reference the recruitment activities of a client organisation as long as there is a contract in place with that organisation and that organisation can provide evidence of approximately six months of recruitment activities for the particular positions sought.

If the employer has consulted with DEEWR, please provide evidence of strategies to fill vacant positions, including copies of emails or agreed minutes of telephone conversations or meetings with Job Services Australia providers, about options to fill the vacant positions.

Please include the number of positions filled as a result of these consultations. Details of Job Services Australia providers can be found on the DEEWR website at [www.deewr.gov.au](http://www.deewr.gov.au)

It is a key requirement of the labour agreement negotiation process that the employer must submit sufficient evidence for the minister, or the minister's representative, to be satisfied that the employer has made genuine attempts to recruit workers from the Australian labour market.

## Training commitments

Businesses requesting an OHLA need to demonstrate that they have a satisfactory record of, and an ongoing commitment to, the training of Australians. This requirement supports the government's position that temporary migration arrangements should complement, not substitute for, investment in training initiatives for Australians.

For each year of the OHLA, at least one of the three following benchmarks must be met:

1. If the company has a workforce that is predominantly ANZSCO skill level one or two, the Commonwealth is satisfied that five per cent of its skilled workforce is recent Australian graduates and that these graduates are provided with structured training linked to professional development and/or licensing requirements. The definition of a 'recent Australian graduate' is

a person who has completed a higher education (university) course in the last 12 months. It is expected that a recent graduate has less than 12 months post-qualification employment experience).

2. If the Commonwealth is satisfied that 15 per cent of the company's workforce is Australian apprentices (or trainees) or recent Australian apprentices (or trainees) (with less than 12 months post-qualification employment experience) including those under contract to group training organisations but whose placements are coordinated by the business.
3. The company has training expenditure equating to two per cent of total gross wages on training Australians.

An official policy guidance has been issued to clarify the requirements for meeting training benchmark three although it also offers general advice on meeting the other two benchmarks. The policy guidance is meant to supplement the advice in this information pack. The advice should accompany this information pack (or if not, is available through [on-hire.industry@immi.gov.au](mailto:on-hire.industry@immi.gov.au)).

Please clearly state which of the above benchmarks you are intending to meet and provide evidence of a commitment to the training of Australians. Please see the table below for examples of evidence that may be included towards each training benchmark:

<b>Training benchmark 1 requirements (Graduates)</b>	<b>Training benchmark 2 requirements (Apprentices and Trainees)</b>	<b>Training benchmark 3 examples (2% of gross wages expenditure)</b>
<ul style="list-style-type: none"> <li>• structured training programme which works towards unconditional licensing and/or registration in the occupational field.</li> <li>and/or</li> <li>• certificate of registration with the relevant board</li> </ul>	<ul style="list-style-type: none"> <li>• participation in Australian Apprenticeships Incentives Programme</li> <li>and/or</li> <li>• group training organisation placement(s) in your workplace</li> <li>and/or</li> <li>• apprenticeship support and approval from the relevant state and/or territory training authority in which your business operates</li> <li>and/or</li> <li>• profit and loss statement clearly indicating salaries of apprentices currently employed in your business. This statement should be supported by an organisational structure chart.</li> </ul>	<ul style="list-style-type: none"> <li>• payments made to an industry training fund</li> <li>• payments for a formal course of study for the business' Australian employees</li> <li>• payments to external providers to deliver training to Australian employees</li> <li>• funding a scholarship in a formal course of study approved under the Australian Qualifications Framework for the business' employees who are Australian citizens and Australian permanent residents or, for TAFE or university students, as part of the organisational training strategy</li> <li>• gross wages paid to graduates, apprentices or trainees—provided certain conditions are being met; and</li> <li>• wages (or a proportion of the wages) of an employee who trains the business' employees who are Australian citizens and Australian permanent residents as a key part of their job.</li> </ul>

See business case proforma (item 6).

## Market Salary Rate

Salary requirements for OHLAs generally mirror those of the subclass 457 programme. The market salary rate must be paid to any worker under an OHLA and the terms and conditions of employment must be no less favourable than the terms and conditions of employment that would be provided to an Australian worker performing the same duties at the same location. The market salary must be above the [Temporary Skilled Migration Income Threshold](#) (TSMIT), which is currently \$53 900, but is indexed every year on 1 July, in line with the Australian Bureau of Statistic's 'average weekly earnings' indicators.

Requests for concessions to the market salary requirement under an OHLA will not be approved. The Australian Government must be satisfied that overseas workers have sufficient income to support themselves and their dependants as they do not have access to the same range of benefits and services as Australian citizens and permanent residents.

See business case proforma (item 7). The following information should be provided:

- salary arrangements for the skilled overseas workers in each occupation requested under the labour agreement
- salary arrangements for Australian workers in the same occupation(s), performing equivalent work at the same location
- how the market salary rate has been determined
- the amount and purpose of deductions (if any) to be made from the skilled overseas workers' and Australian workers' salaries
- the amount and purpose of any allowances paid to the skilled overseas worker
- any salary packaging arrangements
- confirmation that the terms and conditions of employment will be no less favourable than the terms and conditions that are provided, or would be provided, to an Australian performing equivalent work in the sponsor's workplace at the same location
- confirmation that the skilled overseas worker will be paid the genuine market salary rate which must be above the temporary skilled migration income threshold
- the relevant industrial instrument covering the skilled overseas worker's occupation
- the letter of offer or appointment that will be provided to overseas employees.
- the amount and purpose of deductions (if any) to be made from the skilled overseas workers' and Australian workers' salaries, noting the employer will not recover certain costs from the skilled overseas workers or their dependants. This may be but is not limited to:
  - recruitment
  - migration agent fees
  - mandatory registration and licensing.

An employer may not make deductions from an employee's salary unless:

- the deduction is authorised in writing by the employee and is principally for the employee's benefit
- the deduction is authorised by the employee in accordance with an enterprise agreement
- the deduction is authorised by or under a modern award or a *Fair Work Act* order
- the deduction is authorised by or under a law of the Australian Government, state or territory, or an order of a court.

For further information regarding salary deductions, please contact the on-hire labour agreements team at [on-hire.industry@immi.gov.au](mailto:on-hire.industry@immi.gov.au)

## Adverse information

### Workplace relations compliance record

You are required to provide a statement advising the department of whether your business or any related entities have been investigated in the last three years by the Office of the Fair Work Ombudsman (OFWO), or former authority with this function, or relevant state government authority, in relation to compliance with workplace relations provisions. If so, please provide details of the outcome of these investigations.

### Occupational health and safety compliance record

Your business must provide a statement advising whether the business or any related entities have been investigated or audited by the relevant state government authority in relation to its compliance with occupational health and safety provisions in the last three years. If so, please provide details of the outcome of these investigations.

### Migration compliance record

Advise whether the business or any related entities are currently or have previously been an approved sponsor and/or a party to an OHLA. If so, the following details must be provided:

- date of approval
- approval or agreement number
- associated business name.

A statement must also be provided confirming whether the business or any related entity has been investigated or audited in the last five years by the relevant Australian or state/territory government authority in relation to its compliance with migration provisions. If so, please provide evidence of the outcome of these investigations.

See business case proforma (item 8).

## Workforce profile and projections

You will need to provide a current workforce profile and projections for the next three years.

Employers seeking access to an OHLA must demonstrate that the recruitment of overseas workers is only to supplement the Australian workforce and that an OHLA will not undermine employment or training opportunities for Australians. Over the life of an OHLA, the employer must make ongoing efforts to reduce its reliance on overseas workers.

Generally, comprehensive evidence (especially of labour market demand), is required if overseas workers under the OHLA are projected to account for more than one third of the on-hire business' workforce at the end of the first year (and every subsequent year during yearly ceiling negotiations).

See business case proforma for format (item 9).

## Mandatory stakeholder consultation

The government is committed to improving the transparency and accountability of the temporary skilled migration programme, to ensure that employment and training opportunities for Australians are not undermined and that the risk of exploitation of overseas workers is mitigated. Recruitment of overseas workers under an OHLA should also be demonstrably in the national interest. Therefore, as part of the OHLA negotiations, the employer is required to consult with relevant industrial stakeholders.

Relevant industrial stakeholders include:

- the industry body which best represents the interests of the employer
- the union which best represents the interest of the employee, noting that the union must be consulted even if none of the current employees of the business are union members
- any other agency or community group that may be impacted by the proposed labour agreement, for example schools or health services.

You must include all of the following information:

- the requested number of skilled overseas workers in each year of the proposed labour agreement
- the requested occupations of the skilled overseas workers under the proposed labour agreement
- the locations where you propose to place skilled overseas workers
- the proposed salary for the overseas workers, preferably including how the market salary rate has been determined and whether a specific award applies
- any other information deemed relevant by the employer.

To assist your stakeholders in making an informed comment on your labour agreement proposal, you may also choose to include:

- details of the qualifications and years of experience that will be expected of workers
- how skills assessment will be conducted
- the number of Australians currently employed in the occupations requested under the proposed labour agreement
- a basic workforce profile showing the proportion of your workforce in Australia which would be overseas workers if a labour agreement were approved
- how you propose to meet the training requirement.

These requirements may vary—the department will advise and update materials if this occurs.

See business case proforma (item 10).

You must provide each stakeholder with two opportunities to respond to the OHLA proposal. Stakeholders should be advised on each occasion that their views will not provide a veto to the progress of an OHLA and if a response is not received, the labour agreement negotiation process will continue. Stakeholder responses should be provided back to the employer within 21 days of the receipt of the request for comment on the labour agreement proposal. If no response is received, the employer must follow up and allow a further 14 days for response by the stakeholder.

All reasonable steps must be taken to provide stakeholders with additional information they consider necessary to make informed comment on your proposed labour agreement.

You should also take all reasonable steps to respond to questions or concerns raised by stakeholders. The department is unlikely to proceed with negotiations unless all such matters are addressed satisfactorily.

Copies of all of the employer's written request(s) for comment on the proposed OHLA and the response(s) should be sent to the department. If there is no response from the stakeholder(s), the employer will need to provide the department with a copy of the follow-up request.

The employer may choose to provide the stakeholder with a copy of the OHLA submission. The department recommends that the stakeholder is advised that the information contained in the submission is 'in-confidence' and should not be disclosed to any other party without the employer's permission.

If you are uncertain about how to identify or contact relevant unions in relation to the occupations you are seeking to sponsor, the [Australian Council of Trade Unions](#) (ACTU) can assist with contacts and/or coordination.

In order to maintain client confidentiality, the department will not notify stakeholders you consulted of the outcome of the negotiations. You may choose to do so but it is not mandatory for you to disclose this information.

## Contact us

If you have any questions about the OHLA process or its requirements please contact on-hire labour agreements team.

**Email:** [on-hire.industry@immi.gov.au](mailto:on-hire.industry@immi.gov.au)

## Useful website links

Department of Immigration and Border Protection

[www.immi.gov.au](http://www.immi.gov.au)

[www.immi.gov.au/skilled/skilled-workers/la](http://www.immi.gov.au/skilled/skilled-workers/la)

Consolidated Sponsored Occupations List

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/csol.pdf>

Market salary rates requirements

[www.immi.gov.au/skills/skillselect/index/visas/subclass-457](http://www.immi.gov.au/skills/skillselect/index/visas/subclass-457)

<http://www.comlaw.gov.au/Details/F2013L01231> (TSMIT)

Skills assessment

[www.immi.gov.au/asri/a-z.htm](http://www.immi.gov.au/asri/a-z.htm)

[www.deewr.gov.au/TRA](http://www.deewr.gov.au/TRA)

[www.aei.gov.au](http://www.aei.gov.au)

[www.training.gov.au](http://www.training.gov.au)

[www.vetassess.com.au](http://www.vetassess.com.au)

English language proficiency

[www.ielts.org](http://www.ielts.org)

[www.occupationalenglishtest.org](http://www.occupationalenglishtest.org)

Health insurance

[www.immi.gov.au/skills/skillselect/index/visas/subclass-457](http://www.immi.gov.au/skills/skillselect/index/visas/subclass-457)

Department of Education, Employment and Workplace Relations

[www.deewr.gov.au](http://www.deewr.gov.au)

Workplace (employment and workplace relations services Australia)

[www.workplace.gov.au](http://www.workplace.gov.au)

Fair Work Australia

[www.fwa.gov.au](http://www.fwa.gov.au)

Safe Work Australia

[www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)

Australian Council of Trade Unions (ACTU)

[www.actu.org.au](http://www.actu.org.au)