

Fact Sheet

Labour Hire Licensing Act 2018

What is the Labour Hire Licensing Act 2018?

The Labour Hire Licensing Act 2018 is Victorian legislation passed on 20 June 2018. The purpose of the Act is to impose regulation to protect workers in the labour hire industry from being exploited by labour hire providers and their users; and to restore integrity to the labour hire industry. Queensland and South Australia have similar legislation.

What is the Labour Hire Licensing Scheme?

The Labour Hire Licensing Scheme commenced on 29 April 2019. The Scheme requires all labour hire providers to hold a labour hire licence in order to operate in Victoria. The Act provides that a labour hire provider is a business that has an arrangement in place with one or more individuals to supply the individuals to perform work in and as part of a host's business or undertaking and is obliged to pay the individual for the work performed for the host.

What is prohibited under the Act?

A person engages in prohibited conduct under the Act if they:

- Provide labour hire services without holding a license under the Act;
- Advertise or hold out that they provide labour hire services without holding a license;
- Enter an arrangement for the provision of labour hire services unless the proposed provider of the labour hire services has a current licence under the Act; or
- Enter into an arrangement with the purpose of avoiding obligations under the Act.

What is the impact on the University?

La Trobe University as a potential host organisation has an obligation under the Act to ensure that it only uses licensed labour hire providers to obtain labour for the organisation. La Trobe University takes the view that as your business may be captured by the Scheme, it strongly encourages you to check whether your business comes within the scope of the Scheme.

What is the impact on La Trobe University Suppliers?

La Trobe University requires suppliers to either provide a copy of their labour hire licence or proof of their application to obtain a licence.

If suppliers do not believe that their business is captured by the Scheme, you will be required to notify La Trobe University and you will be sent a declaration which is required to be signed by a duly authorised signatory of your organisation. You will be required to return that documentation to the University prior to services being commenced.

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Definitions:

Provider: Under the Victorian legislation, a provider provides labour hire services if in the course of conducting a business, the provider supplies one or more individuals to another person, business, organisation or entity (a **host**) to perform work in and as part of the host's business. A provider also recruits or places workers with a business and provides accommodation. A provider also recruits or places a contractor to a business and acts as the contract manager. A provider includes labour hire sub-contractors.

Host: is a person, business, organisation or entity who uses the services of a Provider as part of a business arrangement and receives the individuals supplied by the provider to perform work in and as part of their business.

Worker: A worker is the individual supplied by the provider to do work for another person (the **host**) and the provider pays the worker for that work. This includes contractors where the provider manages the contract.

Duration of licence: For a period to be set in the licence but not greater than 3 years from the date of issuing, subject to cancellation or suspension.

Extra-territorial operation: The Labour Hire Licensing Act applies to labour hire performed in Victoria and any labour hire arrangements made in Victoria even if the work is performed outside of Victoria.

If you have any queries about compliance with The Labour Hire Licensing Act or Scheme, please contact labourhireadmin@latrobe.edu.au for more assistance.