



Fair Work  
OMBUDSMAN

# NSW/ACT Fair Work information statement campaign

Final report – August 2013

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## Campaign snapshot

More than

630

audits were conducted during the campaign

Total of

74%

of employers were compliant

Over

\$24k

was recovered on behalf of 60 employees

## Summary

We conducted the NSW/ACT Fair Work information statement campaign 2011-12 (the campaign) between September 2011 and June 2012.

The campaign aimed to promote and assess compliance of employers with their obligations under Australia's workplace laws and in particular, the requirement of the National Employment Standards (NES) that employers issue a Fair Work Information Statement (FWIS) to employees. The FWIS contains important information about modern awards, individual flexibility arrangements, the NES and the role of the Fair Work Ombudsman (FWO).

We visited 631 employers from various industries across New South Wales (NSW) and the Australian Capital Territory (ACT) during the course of the campaign.

We found that 166 (26%) employers had contraventions. Over half of these contraventions related to employers failing to provide employees with a copy of the FWIS.

The other contraventions we identified related to wages and conditions or pay slips and record-keeping.

During the campaign we recovered over \$24,000 on behalf of 60 employees.

## Purpose of the campaign

The specific objectives of the campaign were to:

- assess compliance levels of employers regarding their obligation to provide employees with a FWIS and to ensure ongoing compliance.
- increase awareness of the FWO and the resources we have available to assist employers

- engage with employers and provide them with information about correct workplace practices

## Why did we conduct the campaign?

The NES came into effect on 1 January 2010 as part of the *Fair Work Act 2009* (the Act). The NES comprises 10 minimum standards that apply to all employees covered by the Act.

One of the standards introduced is the requirement that employers provide all new employees with a FWIS before, or as soon as possible after, each employee commences employment.

The FWIS contains important information about modern awards, individual flexibility arrangements, the NES and the role of the FWO. Failure by an employer to meet this obligation is a contravention under the Act.

## What did we do?

We visited randomly selected businesses across NSW and the ACT. When we arrived at a business we informed the employer of the purpose of the visit and spoke with them about the campaign. We then determined if employees engaged after 1 January 2010 had been issued with a FWIS.

Where we found that an employer had not been issuing the FWIS to employees, we advised them of their obligation to do so.

We sought a written undertaking from the employer that committed them to issue FWIS to both their current and future employees.

In addition, we took the opportunity to assess time and wage records of some of the employers we visited.

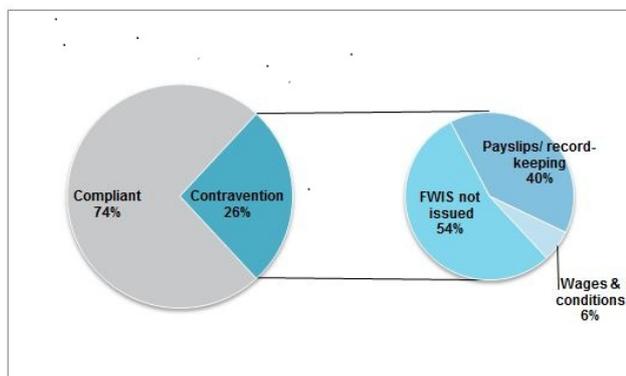
All of our findings and the action taken to rectify any contraventions identified were confirmed in a letter to the employer.

## What did we find?

Of the 631 audits completed, we found 465 (74%) employers compliant and 166 (26%) in contravention. We recovered \$24,541 for 60 employees.

Of the 166 employers in contravention, 90 (54%) had not issued employees with a copy of the FWIS, 66 (40%) had record keeping or payslip contraventions, and 10 (6%) had wages and conditions contraventions.

**Chart 1: Audit Results and contravention types**



### Case study

Fair Work Inspectors visited an accommodation business in the mid-western region of NSW.

We found that the business was providing the FWIS, as required. However, the employer asked us to assess their time and wage records, as they were unsure if they were paying staff correctly.

Our assessment revealed that while most employees were being paid correctly, one classification of workers were being underpaid their hourly rates. They were also underpaid penalty rates for weekends and public holidays.

The inspector discussed the findings with the employer and discovered that the employer had also failed to apply the July 2011 wage increase to these particular employees.

We worked with the employer to calculate money owing to affected employees and we showed the employer how to use our online resources to determine correct pay rates in future.

The employer paid a total of \$2835 to 19 employees who had previously been under paid.

At the conclusion of the assessment, the employer expressed gratitude for the assistance we provided in ensuring that they were paying employees correctly.

## Concluding remarks

The results of the campaign were encouraging, with the majority of businesses found to be issuing the FWIS. Businesses who were not issuing the FWIS had mainly failed to do so as they were unaware of the obligation.

The campaign was well received by the businesses we visited. Most employers appreciated the personal contact with inspectors and were able to discuss any issues of concern they had beyond the specific focus of the campaign. The opportunity to provide support to employers and answer their questions has proven to be a valuable part of our targeted activity.

We encourage employers to speak to us when unsure about any workplace issues and to refer to our online resources for regular assistance.

## About the Fair Work Ombudsman

The Fair Work Ombudsman is an independent agency created by the *Fair Work Act 2009* on 1 July 2009.

Our vision is fair Australian workplaces, and our mission is to work with Australians to educate, promote fairness and ensure justice in the workplace.

Our education and compliance campaigns target specific industries to assist them achieve compliance with national workplace laws. Our focus is usually industries that need assistance with compliance and employ vulnerable workers.

We like to work with relevant industry associations and unions to deliver our campaigns. We rely upon their 'real world' knowledge and communication

channels to design and deliver our education activities and products.

This report covers the background, method and findings of the NSW Fair Work information statement campaign

For further information and media enquiries please contact Ryan Pedler ([ryan.pedler@fwo.gov.au](mailto:ryan.pedler@fwo.gov.au)).

If you would like further information about the Fair Work Ombudsman's targeted campaigns please contact Steve Ronson, Executive Director - Dispute Resolution and Compliance ([steven.ronson@fwo.gov.au](mailto:steven.ronson@fwo.gov.au)).

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