



Fair Work OMBUDSMAN

NSW - Far North West Compliance & Education Audit Campaign 2010 Final Report

Summary

The Fair Work Ombudsman (FWO) conducted an education and compliance campaign in far North West New South Wales (NSW) during March 2010. The regions of Dubbo, Narrabri and Moree were specifically selected for the program with the aim to promote the FWO's role and services within the region.

Fair Work Inspectors completed a combination of education visits and audits as part of this program. Twenty seven employers were visited by Fair Work Inspectors and provided with information regarding their rights and obligations. Fair Work Inspectors also spent time with employers discussing concerns, answering their workplace relation queries and advising employers of the various tools available on the FWO website.

A further 10 employers were visited and selected for audit. Of the employers audited 4(40%) were found to be compliant.

Further information about the program is detailed below.

Background

In early February 2010 the *Sydney Morning Herald (SMH)* published an article on a Moree employer accused of solely employing 457 visa workers in a region of high unemployment and allegedly underpaying them. The article advised of the Department of Immigration and Citizenship (DIAC) investigation into the employer as well as the Construction, Forestry, Mining and Energy Union (CFMEU) involvement in the matter. With many employers in the region being 457 visa sponsors and the then recent media, the FWO took the opportunity to conduct a campaign to check if employers were complying with their obligations under Commonwealth legislation.

Aim & objectives

The aim was to ensure that employers in the regions of Dubbo, Narrabri and Moree are complying with their obligations under Commonwealth legislation,

The specific objectives were to:

- educate employers on their time and wage record and hourly rates of pay obligations
- randomly select a handful of employers for an audit assessment

- promote the roles and services of FWO in the region

Methodology

Prior to conducting the visits we identified employers to visit in the regions of Dubbo, Narrabri and Moree. On arrival in the regions we randomly selected a number of employers who would also be audited.

During each visit, Fair Work Inspectors provided employers with information on how the new legislation impacted the employer and discussed the various tools and resources available on the FWO website. To further assist them meet their obligations we spent time answering their queries and provided them with a written report summarising the site visit.

After the education aspect of the program was complete, those employers who were selected for audit were requested to provide time and wage records for assessment.

Where contraventions were identified, records were returned to the office for further assessment and an audit finding letter was sent to the employer, detailing the contravention identified and how to rectify it.

Results

Statistical findings

At 21 July 2011, when the results of this campaign were compiled, we had achieved the following:

- 37 employers had received an education visit
- 10 of the 37 employers were also audited

The table below outlines the findings of the audits.

Far North West Compliance & Education Audit Program 2010 Statistics	
Number of employers audited	10
<ul style="list-style-type: none"> • <i>Employers compliant</i> 	4 (40%)
<ul style="list-style-type: none"> • <i>Employers in contravention (voluntary compliance)</i> 	6 (60%)
Total amount recovered	\$0
Number of employees paid	-

Of the six employers found in contravention, five matters related to non compliance of payslip and record keeping requirements, whilst one matter related to a business applying rates of pay inconsistent with Federal rates of pay, the employees of which were not financially disadvantaged.

Emerging issues:

Local employers generally welcomed the opportunity to meet with Fair Work Inspectors and to ask questions. Many employers indicated that the information provided was helpful. Questions asked by local employers primarily related to such things as modern awards and the National Employment Standards.

Conclusion

The program was successful as it enabled FWO to educate regional employers in far North West NSW on their rights and obligations under Commonwealth workplace laws and advise them of where they could access further information.

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