



Fair Work
OMBUDSMAN

SA dental, orthodontic and medical rooms audit program

Report – September 2013

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Campaign snapshot

A total of

90

businesses were audited

Almost

70%

of employers were compliant

Over

\$7k

was recovered on behalf of 11
employees

Summary

The Fair Work Ombudsman conducted the SA dental, orthodontic and medical rooms audit program (the program) in 2012.

The aim of the program was to inform employers of dental, orthodontic and medical rooms (the profession) about their workplace obligations and to assess their compliance with the *Fair Work Act 2009* (the Act), the *Fair Work Regulations 2009* (the Regulations) and the *Health Professionals and Support Services Award 2010* (the Award).

During the program, we visited 90 employers across South Australia. We found that 62 (69%) were compliant with their obligations, while 28 (31%) were in contravention.

As a result of the program, we have recovered \$7060 for 11 employees.

Purpose of the campaign

The purpose of the program was to inform the profession in South Australia of their workplace obligations.

The objectives of the campaign were to:

- assess compliance levels in the industry
- provide employers with information about their obligations and access free tools and resources
- engage with external industry stakeholders to promote and encourage compliance with the industry.

Information sessions

We held three information sessions at the Australian Dental Association SA Branch, during March 2013. These were attended by over 75 employers from the dentists, orthodontists or general medical rooms sector.

Why did we conduct the campaign?

Analysis of the complaints we have received in recent years revealed that many were from employees working in dental, orthodontic and medical rooms. In almost 40% of the complaints received, we identified contraventions.

We wanted to ensure that employers in these professions were aware that their businesses had moved into the national workplace relations systems, and their employees are covered by the *Health Professionals and Support Services Award 2010*.

What did we do?

In late March 2012 we randomly selected employers from across metropolitan Adelaide and from the major regional centres of Port Pirie, Whyalla, Port Lincoln and Mount Gambier.

We contacted the selected employers to inform them of the program and to arrange a time to meet and conduct an assessment of their time and wage records.

We visited employers and assessed a sample of their records. Where we identified record keeping or pay slip contraventions, we informed the employers of their responsibilities under the Act and Regulations.

We sought their written commitment to rectify any contraventions.

Where we identified potential underpayments, we sought further information and records from the employer and investigated the apparent contraventions. If we confirmed the underpayments, we provided the employer with a written summary of our findings and sought their voluntary compliance.

We worked with employers to ensure that all underpayments were back-paid to the affected employees.

In addition to conducting the assessments, we spoke with employers about their obligations and provided them with information. We demonstrated our suite of online tools and resources, to enable employers to remain compliant into the future.

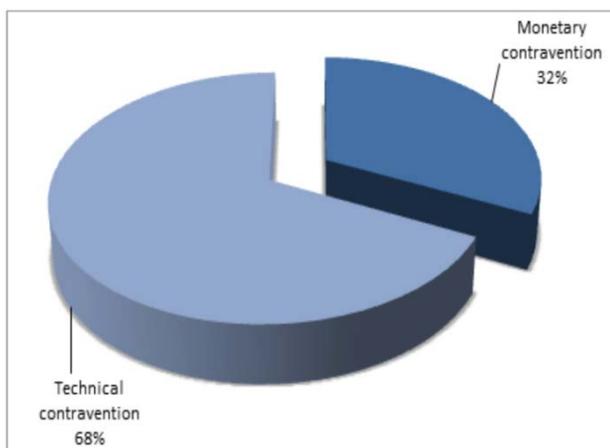
What did we find?

Of the 90 audits completed we found:

- employers compliant 62 (69%)
- employers in contravention 28 (31%)

We recovered \$7 060 on behalf of 11 employees.

Of the 28 businesses we found in contravention, 19 (68%) had technical contraventions relating to record keeping or pay slips, while nine (32%) had underpaid employees.

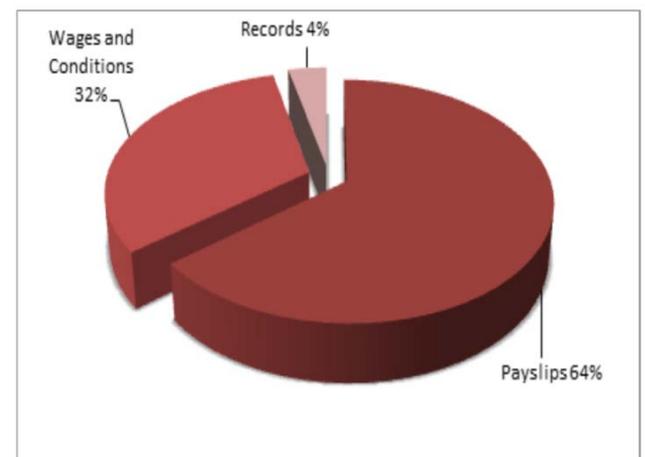


Audit results:

The individual contraventions identified amongst the 28 businesses in contravention consisted of:

- pay slip contraventions 64%
- wages and conditions 32%
- record keeping contraventions 4%

Individual contraventions identified:



Other findings

We were informed by many employers that they welcomed the information provided to them during the program. Most employers in this industry operate under a range of state and commonwealth regulatory requirements and it was evident most employers take compliance seriously.

Where we found employers in contravention, they were keen to rectify their contraventions and talk with inspectors to ensure future compliance.

Concluding remarks

The results of the program were quite encouraging, with most businesses complying with their obligations. Where contraventions were identified, only a third related to underpayments, and those were for generally smaller amounts.

We were pleased with the positive attitude shown by employers and their general willingness to achieve compliance and to work with us.

We are hopeful the education and information provided to employers in the professions will ensure long term compliance with Australia's workplace laws.

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 SA dentists, orthodontists and medical rooms audit program 2012.

For further information and media enquiries please contact media@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).

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