



Australian Government

Fair Work OMBUDSMAN

***Taste of Tasmania* Follow Up Campaign 2009/2010: Final Report**

Summary

Between December 2007 and January 2008, the Tasmanian office of the Fair Work Ombudsman (FWO) conducted an education and audit campaign at the *Taste of Tasmania* festival held on the Hobart waterfront. We focused on this festival as the majority of employees were young and/or transient workers employed for the short duration of the festival. The outcome of that campaign was 67% non-compliance among employers. Between 27 December 2009 and 3 January 2010, we conducted a follow up campaign to determine whether employer compliance had improved over the three year period.

The follow up campaign evaluated the effect of an intensive three year FWO education campaign. At the 2008, 2009 and 2010 festivals, we contacted stakeholders including the Hobart City Council, and the festival security and cash transit providers. We conducted education sessions at Hobart City Council briefings with *Taste of Tasmania* employers. We provided FWO information in the *Taste of Tasmania* stallholder manual, and the *Taste of Tasmania* website referred to the presence of Fair Work Inspectors at the festival¹. At the education session, we provided 62 participating businesses with a letter containing campaign information and an education pack. The pack contained fact sheets, time and wage record worksheets, and details of FWO information sessions.

Fourteen employers had contravened in the 2007-08 campaign. We selected eight of those employers for the 2009-2010 follow up audit, which occurred between January and April 2010. We found seven employers (88%) were compliant, while one employer (12%) had contravened. This employer voluntarily complied, and we recovered \$387 for one employee.

This follow up campaign demonstrated a positive change in *Taste of Tasmania* employers' awareness of their workplace obligations. Our targeted education program focused on the provision of relevant and up to date information to employers of vulnerable workers in an environment with long working hours over a short period of time. We recommend the continuation of FWO education sessions with *Taste of Tasmania* employers, and consideration of extending this program to other employer groups involved with high profile short time span community events.

The detailed findings are shown below.

¹ [Taste of Tasmania - The Mercury - The Voice of Tasmania](#)

Results

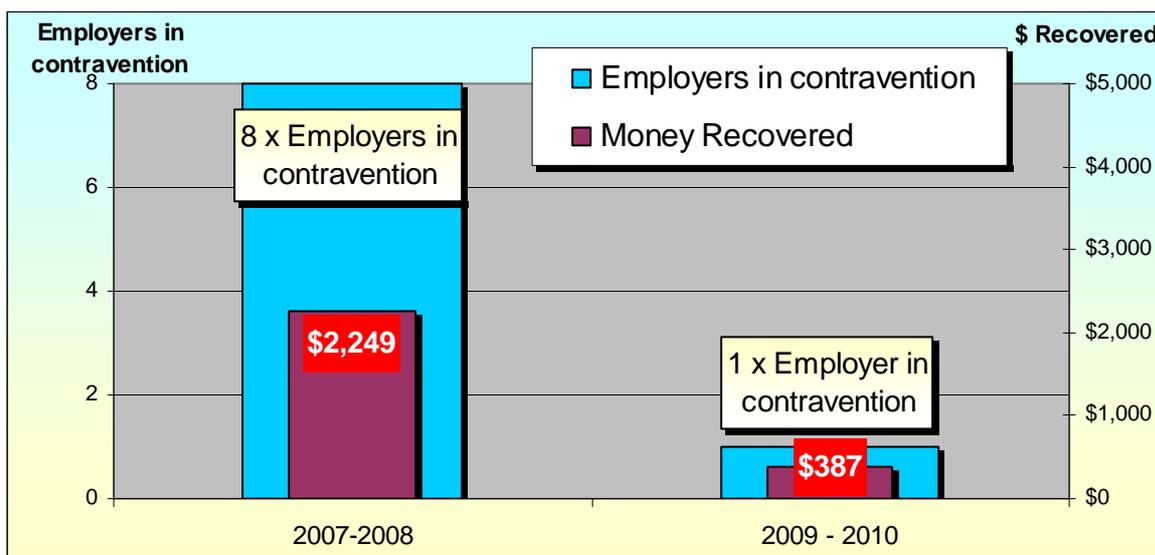
At 23 July, 2010, when the results of this follow up campaign were compiled, we had achieved the following:

- Contacted 62 employers involved in the 2009-2010 *Taste of Tasmania* festival and distributed 62 information packs
- Following a review of FWO case records, we re-audited eight of the 14 employers who had recorded contraventions in 2007-2008
- Of the eight re-audits undertaken:
 - 7 (88%) employers were compliant
 - 1 (12%) employer was found to have contravened the *Restaurant Keepers NAPSA*². There was one contravention:
 - Underpayment of wages
 - The employer voluntarily complied. We recovered \$387 for one employee

The following table provides an overview of the 2009/2010 *Taste of Tasmania* follow up audit in which 8 employers were audited:

Status of Audits – 2009/2010 Follow Up Campaign	
Employers Targeted	8
• Employers compliant	7 (88%)
• Employers in contravention	1 (12%)
Total amount recovered	\$387
Number of employees back paid	1

The following chart provides a comparison of eight employers audited in 2007-2008 with the same employers audited in the 2009-2010 Follow Up campaign:



² Notional Agreement Preserving a State Award

The results of the campaign indicate a high level of compliance among festival stallholder employers in the 2009-2010 follow up campaign. The employer who had contravened by underpaying an employee rectified the contravention voluntarily.

Issues which emerged in the process of conducting this campaign include:

- The significantly reduced non compliance rate following three successive years of pro-active education and direct Fair Work Inspector contact with stakeholders and employers
- The effectiveness of a tight focus follow up campaign which clearly demonstrates the positive effects of a targeted education strategy
- Festivals such as *Taste of Tasmania* attract young and transient people employed, potentially, for long working hours over a short period of time. Such festivals are an ideal focus for future FWO education and compliance activity targeting employers' responsibilities in this working environment

Background

We chose the *Taste of Tasmania* festival as a target for a pro-active education and compliance campaign as the employees were predominantly youth workers and/or transient workers employed across a short time span. An event of this type often signals the presence of workers considered to be particularly vulnerable. The *Taste of Tasmania* festival was initially audited in 2007/2008 resulting in a high level of non-compliance (67%). Since this time, we have conducted annual education programs with festival participants, attending *Taste* briefings run by the Hobart City Council, and providing information packages to all participants.

Campaign Objectives

It was proposed to conduct a follow up campaign targeting employers in the *Taste of Tasmania* festival for the following objectives:

- To provide information to assist employers to meet their obligations under federal legislation, including the Act, the *Fair Work Regulations 2009* [the Regulations] and to promote the role of the Fair Work Ombudsman
- To educate employers in relation to the transition of industrial relations powers from state to federal jurisdiction in Tasmania
- To conduct audits against the relevant industrial instrument, with particular attention paid to:
 - non payment for hours worked
 - underpayment of the prescribed hourly rate
 - non-payment of penalty rates and allowances
- - and record keeping, in regards to the keeping of time and wage records and issuing of pay slips
- To gather intelligence and trial methodology in preparation for education programs at future *Taste of Tasmania* festivals

Stakeholder involvement

The Hobart City Council began compulsory stallholder briefing workshops in September 2009. Inspectors attended the workshop and provided information packs to all stallholders. The security provider and cash transit provider contracted to the festival were also advised of the campaign and provided with education packs.

FWO had face to face discussions with the Hobart City Council (HCC) Community Liaison Officer prior to the commencement of the campaign, and we provided information for inclusion in the *Taste of Tasmania* stallholder manual.

Reference to the presence of Fair Work Inspectors at the festival was included in the *Taste of Tasmania* website.

Methodology

The methodology used to obtain these objectives followed four steps:

1. In the education stage of the campaign, we distributed letters to 62 *Taste of Tasmania* participating businesses, containing campaign information and an information pack containing fact sheets, time and wage record worksheets, and details of FWO information sessions
2. In the audit and compliance stage, we reviewed FWO records to determine which festival employers would be re-audited. We analysed those employers recording breaches in the 2007-2008 audit to determine their level of compliance and assess whether FWO education initiatives provided in past years had had any impact. Based on this review, we selected a total of eight participants for audit.
3. We requested these employers provide time and wage records for the period of the festival - 27 December 2009 to 3 January 2010.
4. The audits were largely desk based, with Fair Work Inspectors assessing the participating businesses' time and wages records against the relevant industrial instrument. The contravention identified was rectified by voluntary compliance.

Conclusion

The *Taste of Tasmania* follow up campaign was undertaken to promote long term compliance with Commonwealth workplace relations legislation, at an event attracting vulnerable workers. This campaign was predominantly a "revisit" audit. We had a very positive outcome in employers' increased awareness of their workplace obligations, and improved compliance from the 2007/08 audit, where approximately 67% of all participants were in contravention of Commonwealth and/or State workplace relations legislation.

The educative aspect of this campaign has increased Tasmanian employers' understanding of their workplace obligations and of the transfer of industrial relations powers from state to federal jurisdiction. Their awareness of where they can obtain relevant, up to date information on workplace law requirements has also increased. In

compliance terms, the follow up audits have demonstrated a significant increase in employer compliance, with only one contravention recorded.

It is recommended that FWO Tasmania continue its education sessions with *Taste of Tasmania* participants in following years, with a focus on providing information for the stallholder manual and attending stallholder briefing workshops. This will allow FWO to ensure that the compliance levels are maintained, particularly in relation to correct payment of wages and record keeping obligations. We further recommend extending this education and compliance program to other high profile special community events.

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