

Hotspots to be audited as spotlight put on the workplace basics of 1000 businesses

11 April 2018

The Fair Work Ombudsman has begun auditing 1000 businesses across Australia, as part of a new campaign to ensure employers have the basics right in their workplaces.

The industries and areas of focus selected for the campaign have been informed by the analysis of data obtained from the Fair Work Ombudsman's intelligence reports, including its anonymous reports, which have identified hotspots of concern.

The Workplace Basics campaign will see Fair Work Inspectors assist businesses in accessing and navigating the wide range of free resources available, to help them meet their obligations to pay workers correctly and follow record-keeping and pay-slip laws.

Inspectors will also be checking the time and wage records of randomly selected businesses across a wide range of industries, with a focus given to sectors where large numbers of vulnerable workers, such as casuals, migrants and students, are employed.

One area of focus will be the fast food, restaurant and café sectors in addition to others such as retail, security and manufacturing. Businesses within service networks and part of labour supply chains will also be examined.

The Fair Work Ombudsman will be seeking to ensure that employers are aware of the significantly higher penalties non-compliant businesses face under law changes passed last year to protect vulnerable workers, particularly those that relate to record-keeping.

Acting Fair Work Ombudsman Kristen Hannah says successive campaigns conducted by the Fair Work Ombudsman are finding that too many businesses were getting the basics wrong.

"Failures to pay correct base hourly, penalty and overtime rates and inadequate or non-existent record-keeping and pay-slips are some of the breaches we consistently see from employers," Ms Hannah says.

"If a business cannot get the basic requirements right, then there's going to be a whole host of problems down the track for the workers and also the employer.

"Businesses need to appreciate the campaign will not only have a strong audit and education focus, but the Fair Work Ombudsman will use its compliance and enforcement powers where required.

"Our field based activities will shine a spotlight on those hotspots of concern across Australia. We will not hesitate to take action at any time where there is evidence of serious, repeated or deliberate breaches, including the commencement of legal proceedings.

"It is imperative that businesses make themselves aware of their obligations as the potential penalties for such contraventions have never been higher," says Ms Hannah.

Changes made by the Fair Work Amendment (Protecting Vulnerable Workers) Act 2017 mean companies involved in serious contraventions now face penalties of up to \$630,000 per contravention. The maximum penalties for individuals are now \$126,000 per contravention.

The Act also doubled the maximum penalty for failing to keep employee records or issue pay slips to \$63,000 for a company and \$12,600 for an individual, and tripled the maximum penalty for knowingly making or keeping false or misleading employee records to \$12,600 for an individual.

A reverse onus of proof can also now apply, meaning that employers who don't meet record-keeping or pay slip obligations and can't give a reasonable excuse will need to disprove allegations of underpayments made in a court.

Employers and employees can seek assistance at www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. Small businesses can opt for priority service by following the prompts. A free interpreter service is available on 13 14 50.

Information on the website can be translated into 40 languages.

The Pay and Conditions Tool (PACT) can be accessed at calculate.fairwork.gov.au (<https://calculate.fairwork.gov.au/>) and provides advice about pay, shift, leave and redundancy entitlements.

Employers and employees can also sign up to remain informed and receive tailored information by registering for a free Fair Work

Ombudsman My Account (https://www.fairwork.gov.au/my-account/registerpage.aspx?utm_source=webchat&utm_medium=SB-My-acct-sign-up&utm_campaign=MyaccountLP) .

The Fair Work Ombudsman recently launched an online training course aimed at ensuring employers understand their record-keeping obligations. It and a number of other courses are available via the agency's award winning Online Learning Centre at www.fairwork.gov.au/learning (<http://www.fairwork.gov.au/learning>) .

The Fair Work Ombudsman also has a suite of supply chain resources accessible at www.fairwork.gov.au/supplychain (<http://www.fairwork.gov.au/supplychain>) , including practical guides to help businesses monitor their contract arrangements to help ensure workers in their networks are paid fairly.

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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