

We're here to help small business, says Fair Work Ombudsman

5 January 2010

Fair Work inspectors will visit almost 50,000 small businesses throughout the country to help guide them through Australia's new workplace laws.

The visits will target private sector employers entering the national workplace relations system for the first time.

Fair Work Ombudsman Nicholas Wilson announced the transitional visits in Adelaide today as part of the Federal Government's Fair Work Week to mark the full implementation of Australia's new Fair Work system on January 1.

Mr Wilson says his Agency will stand shoulder-to-shoulder with small businesses to assist them to better understand, comply with and maximise the benefits of the new legislation.

"We are very serious about our job of building knowledge and fairer workplaces and are strongly focussed on ensuring the community understands its workplace rights and obligations," he said.

This year, the Fair Work Ombudsman plans to call on 10,000 small businesses in NSW, 10,000 in Queensland, 5000 in South Australia and 1000 in Tasmania.

There will be additional visits in 2011 and 2012.

During December, the Fair Work Infoline fielded over 4000 calls a day, peaking at 4750 on the Monday before Christmas. About 35 per cent of callers are employers or their representatives.

Mr Wilson said questions about Modern Awards ranked in the top five issues raised by callers on December 29, 30 and 31 – indicating that employers were clearly engaging with the changes.

"Inspectors will adopt a flexible, fair approach to businesses found to be in breach of the new laws, as it is always our preference to work with employers to educate them and help them voluntarily rectify any non-compliance issues we identify," he said.

"The Fair Work Act gives us a safety net of fair, relevant and enforceable minimum employment terms and conditions by which to encourage harmonious, productive and co-operative workplace relations."

Mr Wilson says the Fair Work Ombudsman has been progressively expanding the range of user-friendly resources on its website to not only assist employers understand and comply with new laws, but also to operate their workplaces according to best practice.

More than 42,000 copies of 11 new Best Practice Guides posted in September had been downloaded by Christmas. The most popular has been "Small Business and the Fair Work Act".

Mr Wilson says while small to medium-sized businesses contribute enormously to the nation's wealth and provide significant private sector employment, experience suggests they are largely inexperienced in the field of workplace relations and need assistance to understand and comply with workplace laws.

He revealed that when Fair Work inspectors discovered a problem in a workplace, ignorance was often the reason for the contravention.

"Ignorance is no excuse, but we recognise that in order to comply, we must help employers understand the law and the obligations it imposes upon them," he said.

Mr Wilson says that of the 30,000 matters his inspectors investigate annually, 99 per cent are resolved co-operatively and voluntarily by employers without the need for litigation.

"Other than in exceptional circumstances, we do not initiate legal action against businesses where they have demonstrably tried to do the right thing," he said.

The Fair Work Ombudsman has a range of resources on its website – www.fwo.gov.au – to assist employers large and small alike.

Recent additions include:

- The Fair Work Information Statement – translated into 20 languages
- An explanation of the new 10 National Employment Standards
- Modern Awards, including phasing in pay rates
- Workplace discrimination – what is it?
- An overview of State referrals for employers new to the national system
- Multimedia versions of a number of Best Practice Guides
- Templates for small business for engaging new employees, probation periods and termination of employment.

Use of a “live help” service on the website has recently increased from an average of 10 “chats” a day to about 70.

Mr Wilson says www.fairwork.gov.au also provides employers with payslip and record-keeping templates, a self-audit checklist and fact sheets on dozens of topics including leave, industrial action, public holidays, enterprise bargaining, gender pay equity and family-friendly workplaces.

He says employers need to be aware that under Commonwealth workplace laws they must keep accurate time, wages, annual leave and other employment records and issue sufficiently detailed payslips.

Mr Wilson says as well as Online resources, the Fair Work Ombudsman has more than 200 highly-skilled advisers available to speak with small business people with questions on its Fair Work Infoline on 13 13 94 – open 8am-6pm weekdays.

And he says State referrals to the national system will also allow an expansion of the Fair Work Ombudsman’s face-to-face contact with employers in more regional areas throughout Australia. In South Australia, for example, the Agency already has offices in Adelaide, Port Augusta and Mt Gambier, but under contractual arrangements with the State, will also have a presence in Port Pirie, Whyalla and Port Lincoln.

Fast facts: In the five months from July 1, 2009 to November 30, the Fair Work Ombudsman nationally:

- Received 8718 complaints
- Commenced 2468 targeted audits
- Recorded over 200,000 visits to its website
- Fielded 392,774 telephone calls
- Responded to 8421 email, fax and internet inquiries
- Recovered \$12 million for 7538 underpaid workers

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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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.