

Child Care sector faces workplace scrutiny

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The Fair Work Ombudsman is targeting the child care sector in a national campaign to ensure compliance with workplace laws.

The move comes as a direct result of the high number of complaints to the Fair Work Ombudsman from child care workers over recent years.

In 2012-13, there were almost 400 complaints from child care workers, leading to 123 workers being repaid about \$255,000 in wages.

Fair Work Ombudsman, Natalie James, said a major emphasis of the campaign would be to work with the industry to ensure businesses have access to the tools and resources they need to make sure they are meeting their obligations under workplace law.

“A key part of the role of the Fair Work Ombudsman is to educate employers about how they can meet their workplace obligations,” Ms James said.

“We’re writing to about 14,000 child care businesses across Australia to advise them of the campaign and provide detailed information and tools available from the Fair Work Ombudsman’s website at www.fairwork.gov.au/childcare (www.fairwork.gov.au/how-we-will-help/helping-the-community/campaigns/national-campaigns/childrens-services-campaign) to help them comply with the Children’s Services Award 2010, the Fair Work Act 2009 and the Fair Work Regulations 2009.

“We’ve engaged with key industry stakeholders and will be providing businesses with materials specifically tailored for the industry that will support self-compliance with workplace law. We’re encouraging employers to conduct their own self-audit of compliance with workplace law, particularly payment of wages.”

From October, about 300 child care centres will be selected for detailed audits as part of a push to improve the industry’s compliance with workplace laws, particularly around wages and record-keeping.

Ms James said the audits would have a particular focus.

“About half the complaints investigated in 2012-13 have led to the identification of underpayment of wages, largely because of misclassification of employees or the failure to provide correct entitlements on termination,” Ms James said.

“Another issue identified was the failure on the part of a number of child care centres to maintain appropriate records or provide employees with pay slips - which are legal requirements under workplace law.”

Ms James said the child care sector was a major employer in Australia, with about 140,000 employees, 96 percent of whom are female and about a quarter of them are young workers, aged up to 24.

“We are mindful that this is an industry which employs large numbers of young people who can be considered vulnerable in the workplace because they may not be fully aware of their entitlements,” Ms James said.

As well checking that minimum entitlements are being provided to workers, Inspectors will also check that businesses are correctly classifying staff, maintaining appropriate records and providing pay slips.

“Where we identify issues, we will work with employers and explain what they need to do to meet their obligations. We will encourage them to voluntarily rectify any underpayments and put systems in place to ensure they are meeting their obligations in the future,” Ms James said.

“While any issues identified during the audits will need to be addressed by employers, we also want to ensure that businesses are well-informed and able to satisfy themselves that they are compliant.”

“Our past experience is that the overwhelming majority of employers want to ensure their staff receive everything they’re entitled to, and most are only too happy to quickly and voluntarily correct any mistakes identified by our Inspectors.”

The campaign will focus on Long Day Care Centres, which represents about half the industry. It will also include audits of Preschools, Out-of-School Hours Care/Vacation Care and Occasional Care Centres. It does not include centres operated by local government, as this is outside the Fair Work Ombudsman’s jurisdiction.

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Information about the child care campaign is available at: www.fairwork.gov.au/childcare (www.fairwork.gov.au/how-we-will-help/helping-the-community/campaigns/national-campaigns/childrens-services-campaign)

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