

Findings on investigation relating to ACT Ambulance Service

27 November 2013

The Fair Work Ombudsman has today published a report detailing the findings of its investigation relating to workers at the ACT Ambulance Service.

The Fair Work Ombudsman's investigation was in response to concerns raised by the Transport Workers Union of Australia relating to the accuracy of employee leave records kept by the ACT Government and the attempts to recover apparent overpayments to workers.

The investigation determined the ACT Government entity employing the workers was the Justice and Community Safety Directorate in the ACT.

The Fair Work Ombudsman's report details a chronology of events and issues which led to concerns over the accuracy of employee records, including the employer's publication of incorrect and potentially inflated leave balances on employee pay slips for a period of more than two years.

The report acknowledges actions taken by the employer to address problems with payroll management systems over time but states, 'this action did not successfully manage the potential consequences resulting from the continued publication of incorrect leave balances'.

In its report, the Fair Work Ombudsman states that it expects the Justice and Community Safety Directorate will consider its findings and ensure that it resolves this and any further similar disputes in accordance with workplace laws.

The Fair Work Ombudsman has found the Justice and Community Safety Directorate contravened workplace laws relating to keeping accurate employee records and correcting those records as soon as the employer becomes aware of error.

The Fair Work Ombudsman will issue a Letter of Caution to the Justice and Community Safety Directorate in relation to these contraventions and has put it on notice regarding future compliance.

The Fair Work Ombudsman examined the issue of recovery of leave overpayments and determined that under the Fair Work Act, it may be lawful for the Justice and Community Safety Directorate to use the employees' Enterprise Agreement to recover overpayments by deduction from employees' wages, subject to statutory and procedural requirements.

Group Manager Operations for the Fair Work Ombudsman, Michael Campbell, said: "There needs to be genuine agreement, recorded in writing, between employer and employee before an employer makes deductions from an employee's pay. In this, and similar matters, the employer must demonstrate a sound evidence base quantifying the overpayments and when the overpayments occurred. The Enterprise Agreement provides clear guidelines. The employer must come to an agreement with each employee on a reasonable rate of recovery and reasonable terms of repayment."

The Fair Work Ombudsman will conduct further inspection of the Justice and Community Safety Directorate's records before September 2014 to check that it is complying with its obligations.

The Fair Work Ombudsman's report is available at www.fairwork.gov.au.

Employers and employees seeking assistance should visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available by calling 13 14 50.

Find out more:

- [ACTAS - Statement of Findings \(PDF 325KB\) \(www.fairwork.gov.au/ArticleDocuments/590/ACTAS-Statement-of-Findings.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/590/ACTAS-Statement-of-Findings.pdf.aspx)
- [ACTAS - Statement of Findings \(DOCX 184.5KB\) \(www.fairwork.gov.au/ArticleDocuments/590/ACTAS-Statement-of-Findings.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/590/ACTAS-Statement-of-Findings.docx.aspx)

Media inquiries:

Ryan Pedler, Assistant Director, Media & Stakeholder Relations,
0411 430 902
ryan.pedler@fwo.gov.au

Page reference No: 3081

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.