

Small business can count on our help – deal?

8 August 2014

The Fair Work Ombudsman has today reassured the small business community of its commitment to helping employers understand and comply with workplace laws.

However, Fair Work Ombudsman Natalie James says small business operators do need to make an effort to get the basics right in the first place.

“We know workplace laws can be complicated for the uninitiated, and for those who are not industrial experts, the margin for error is high,” she told the National Small Business Summit in Melbourne.

While most small businesses wanted to do the right thing, Ms James acknowledged that for employers faced with “a whole pile of rules you have to follow about all sorts of things, it is possible to get things wrong.”

“So here is our deal. We ask that you engage with us honestly and openly. That you use the tools and resources we provide and inform yourself,” she said.

“In return, you will be able to act with confidence. This protects you. It means that if a problem arises down the track, you can demonstrate your intention to do the right thing.”

Ms James told small businesses they had nothing to fear from the Fair Work Ombudsman “unless you deliberately exploit your employees or take advantage of those who are vulnerable.”

But she would frown upon employers who refuse to fix problems or continually ignore advice so they have a competitive advantage over others doing the right thing.

Ms James debunked perceptions in some quarters that the Fair Work Ombudsman was heavy-handed, revealing that only one in every 500 matters investigated ended up in Court.

“We have thousands of interactions with business owners every day, and yet very few issues see us reach for enforcement tools,” she said.

Ms James urged small business operators to use the Fair Work Ombudsman’s new website to assist them understand and comply with their workplace obligations.

“It prioritises the most common and fundamental information people look for. Where possible, it also tailors information for the user and provides specific answers that you can act on,” she said.

“You can save pages and you can set up your own space of regularly-used materials.”

Underpinning the Fair Work Ombudsman’s website tools and resources is its Small Business Helpline, where employers can get advice they can rely on with confidence.

“When you ring us, and in good faith seek our advice, we expect you to act on that advice. And when you do, if it turns out we have got it wrong, we will acknowledge this and not seek a penalty from you if breaches have occurred as a result,” Ms James said.

Commenting on the Modern Award review being undertaken by the Fair Work Commission, Ms James said that while the national system was now simpler than it was, there was still room for it to be made simpler and clearer again.

“At times, I listen into calls my Advisers take to get a sense of the issues people grapple with, and often we are asked about seemingly very basic issues,” she said.

“There are many people who are a long way from understanding the intricacies of things such as the interaction between the National Employment Standards and Awards – or the difference between above-Award payments, Enterprise Agreements and an Individual Flexibility Arrangement.”

Ms James says this is why the Fair Work Ombudsman put forward its experience to the Fair Work Commission review – on behalf of hundreds of thousands of people who were not members of industrial organisations or workplace relations experts.

“Year after year, our most common inquiries and complaints are about minimum wages and entitlements. It is our obligation to make

sure the experience of ordinary people, those not directly involved in the proceedings, is considered,” she said.

“We wish to assist in achieving the Modern Award Objective of ensuring ‘a simple, easy to understand, stable and sustainable modern award system for Australia’.

“We have no vested interest. We have nothing to say about whether the entitlements are too generous or not generous enough. We are solely focused on the need for simplicity.

“For example, we have suggested that Awards should contain tables displaying hourly rates. That way, businesses don’t need to do the maths or read lots of clauses and piece them all together.

“Similarly, we have said that there should be clearer definition about when penalty and overtime rates apply and how they intersect with casual rates.

“Unless you are an industrial relations expert, we think that only 12 of the current 122 Modern Awards are really clear on when overtime hours apply and only five on when penalties apply.

“And, if we can decrease complexity then this reduces the red tape you have to grapple with.

There is a clear productivity benefit.”

The Fair Work Ombudsman’s new website – www.fairwork.gov.au – has attracted more than 650,000 visitors since it was revamped in June and the Online Learning Centre on the website has now attracted more than 12,000 users, mostly small business operators.

The Fair Work Ombudsman’s small business helpline – which launched in December to provide tailored advice to small business people – has now responded to more than 100,000 calls.

Small businesses can sign up to a regular E-newsletter from the Fair Work Ombudsman with helpful workplace tips and information.

Small business employers calling the Fair Work Infoline on 13 13 94 can opt to be put through to the helpline to receive priority service. A free interpreter service is also available on 13 14 50.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (<http://twitter.com/NatJamesFWO>), the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au (<http://www.facebook.com/fairwork.gov.au>).

Find out more:

- [Natalie James' speech to the National Small Business Summit \(DOCX 49.6KB\) \(www.fairwork.gov.au/ArticleDocuments/764/Natalie-James-address-for-the-national-small-business-summit.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/764/Natalie-James-address-for-the-national-small-business-summit.docx.aspx) (PDF 198.8KB) (www.fairwork.gov.au/ArticleDocuments/764/Natalie-James-address-for-the-national-small-business-summit.pdf.aspx)

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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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