

## New methods successfully resolve workplace disputes before they escalate

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The Fair Work Ombudsman is saving business operators and workers time and money - and preventing some jobs from being lost altogether - by increasingly using new methods to resolve workplace disputes before they escalate.

The number of formal allegations of non-compliance lodged with the Fair Work Ombudsman dropped to 18,468 in the 2014-15 financial year, down from more than 24,000 in 2013-14.

The figures are revealed in the Fair Work Ombudsman's 2014-15 annual report.

The big decrease is largely due to the Fair Work Ombudsman's success in resolving more than 7000 workplace disputes through its new early intervention program.

Early intervention involves the Fair Work Ombudsman assisting employers and workers to resolve disputes quickly and co-operatively, without the need for formal allegations or investigations.

Most early interventions occur after workers contact the Fair Work Infoline in relation to wages and other entitlements they believe have been underpaid.

The Fair Work Ombudsman's trained dispute resolution specialists offer individually tailored solutions, which can include steps such as coaching parties about the workplace laws that apply to their situation, facilitating discussions between the parties and working through examples of effective workplace conversations.

Fair Work Ombudsman Natalie James says the aim is to maintain positive working relationships by keeping the matter in the hands of the parties and supporting them to resolve the issue so the business can be compliant and productive in the future.

"Through early intervention, we're resolving disputes before they escalate, saving time and money for all parties and preserving employment relationships," Ms James said.

"This can often involve preserving an employment relationship that might otherwise have ended.

"There will always be cases of serious non-compliance that require us to take formal compliance action, but we find that assisting employers and workers to resolve disputes themselves is often the most efficient and preferable option for all parties."

The Fair Work Ombudsman recovered \$22.3 million in wages and entitlements for 11,613 underpaid workers nationally in 2014-15, with more than \$3 million achieved through early interventions, which were finalised in an average of six days.

Ms James said the Agency was also increasingly effective at using mediation services to resolve formal allegations of non-compliance. Mediation involves assisting parties to discuss their dispute and find a mutually acceptable settlement.

In 2014-15, the Fair Work Ombudsman's team of accredited and impartial mediators finalised more than 6000 workplace disputes, assisting 2117 employees to receive almost \$7.7 million in back-payment.

Ms James says the Fair Work Ombudsman continued moving towards a modern, efficient, customer-focused service model that best suits a 21<sup>st</sup> Century workforce.

"By providing practical advice that is easy to access, understand and apply, employers and workers can confidently make good workplace decisions," she says.

"This is why we have focussed on delivering our services in a way that best matches our customer needs and preferences and is effective in achieving compliance in a sustainable way."

The Fair Work Ombudsman's website – [www.fairwork.gov.au](http://www.fairwork.gov.au) – is its primary channel for providing advice and assistance to employees and employers about their workplace rights and obligations.

The website attracted more than 13.3 million visits in 2014-15, up 14 per cent on the 11.7 million hits recorded in 2013-14. Overall, there were more than 45 million page views.

The Fair Work Ombudsman's interactive online courses were viewed more than 20,000 times last financial year.

And almost 40,000 new customers registered for My Account, a self-service gateway that lets users save tailored information relating to their workplace circumstances, which they can access at their convenience.

Views of the Fair Work Ombudsman's 40 Fact Sheets increased by 62 per cent to 2.3 million and views of its Best Practice Guides were up 237 per cent to 424,394.

Email updates on workplace relations issues were sent to more than 37,000 subscribers, up 14 per cent over the previous 12 months. More than 12,000 people now subscribe to the Fair Work Ombudsman's periodical newsletters, up from 9945.

Fair Work advisers answered 468,754 calls during the year, 135,775 of them via the dedicated Small Business Helpline established to give priority service to small businesses requesting assistance.

Wages continued to be the number one reason people sought advice over the phone, with calls commonly related to hospitality, hairdressing and beauty services and the construction industry.

In its first 40 days to the end of the financial year, the Fair Work Ombudsman's new mobile-friendly Pay and Conditions Tool (PACT) recorded more than 464,800 visits.

The majority of formal allegations of non-compliance lodged with the Fair Work Ombudsman in 2014-15 came from employees in NSW, Victoria and Queensland, followed by Western Australia, South Australia, Tasmania, the ACT and the Northern Territory.

Industries accounting for the highest levels of allegations included accommodation and food services, construction, retail, and administration and support services.

Ms James says the Fair Work Ombudsman has targeted its effort and resources on activities which will influence positive behavioural change, achieve the greatest long-term impact and benefit and create a culture of compliance.

"We are addressing systemic non-compliance by inquiring into, understanding and responding to the structural and behavioural drivers that lead to widespread non-compliance," she says.

"Further, we are working with business and government to identify unnecessary compliance and regulation costs and to deliver useful support and services".

Ms James says the Fair Work Ombudsman will continue to work with community groups to ensure people who are new to Australia and unfamiliar with its workplace laws do not find that culture and language differences are a barrier to workplace participation.

"We aim to put information into the hands of those who need it and support them to come to us for help if they remain unsure," she said.

Formal allegations of non-compliance from overseas workers have increased steadily in recent years to more than 2100 last financial year. Of these, 930 related to subclass 417 working holiday visas, 315 to 457 temporary skilled work visa-holders and 181 to international students.

Allegations received from overseas workers were highest in Queensland (28 per cent); NSW (25 per cent) and Victoria (22 per cent).

A total of \$1.6 million was recovered for visa-holders in 2014-15, up from \$1.1 million the previous financial year.

Ms James says that more than a quarter (26 per cent) of all formal allegations of non-compliance last financial year came from young workers aged 25 or less, with more than \$2.8 million recovered for 1218 young workers.

The accommodation and food services sector accounted for 22 per cent of matters involving young workers, followed by the construction industry with 16 per cent and retail trade with 11 per cent.

More than 1000 formal allegations of non-compliance also came from apprentices, and more than \$700,000 in underpaid wages and entitlements was recovered for 270 of them.

Employers and employees seeking information or advice are encouraged to visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on 13 13 94.

The 2014-15 Fair Work Ombudsman annual report can be accessed on the [annual reports page \(www.fairwork.gov.au/about-us/access-accountability-and-reporting/annual-reports\)](http://www.fairwork.gov.au/about-us/access-accountability-and-reporting/annual-reports) .

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Media inquiries:

Lara O'Toole, Media Adviser  
Mobile: 0439 835 855  
[lara.otoole@fwo.gov.au](mailto:lara.otoole@fwo.gov.au) (mailto:lara.otoole@fwo.gov.au)

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## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

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

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