

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Supplementary Budget Estimates 2011-2012**

**Agency - Fair Work Ombudsman**

**DEEWR Question No. EW0747\_12**

**Senator Abetz asked on 19 October 2011 , Hansard page 51**

**Question**

**FWO Brochure details**

Senator ABETZ: On one of the inside pages it says: ... if an employer dismisses or threatens to dismiss an employee to re-engage them as an independent contractor to do substantially the same work, the Fair Work Inspector can apply to the courts to ... and then it talks about protecting the employee, which is all good. Have you produced a similar document for small business employers as to what sham contracting may or may not involve and what rights they might have to contract people and what benefits there may be for them, for their business, in engaging contractors rather than employees? Mr Wilson: We will take that on notice as well.

**Answer**

*The Fair Work Ombudsman has provided the following response.*

The Fair Work Ombudsman website has a dedicated section titled 'Independent contractors' that provides information about independent contracting, sham contracting and the difference between employees and independent contractors.

As part of the Fair Work Ombudsman's national campaign on sham contracting, a brochure titled *Independent contracting: Is your contract a sham?* was produced to assist employers and workers to identify sham contracting and understand the difference between contractors and employees.

The Fair Work Ombudsman is currently developing an interactive online assessment tool to assist workers and businesses in identifying whether someone is more likely to be an employee or independent contractor. The assessment tool is scheduled for release in February 2012.