

## **Senate Standing Committee on Education and Employment**

### **QUESTIONS ON NOTICE Additional Estimates 2015 - 2016**

**Agency – Fair Work Ombudsman**

**Department of Employment Question No. EMSQ16-000569**

**Senator Ludwig provided in writing.**

#### **Question**

##### **FWO - Departmental Staff Misconduct**

Since the change of Prime Minister on 14 September, 2015:

1. Please provide a copy of the departmental staff code of conduct.
2. Have there been any identified breaches of this code of conduct by departmental staff?
  1. If yes, list the breaches identified, broken by staffing classification level.
  2. If yes, what remedy was put in place to manage the breach? If no remedy has been put in place, why not?
3. If yes, when was the breach identified? By whom? When was the Minister made aware?
4. If yes, were there any legal ramifications for the department or staff member? Please detail.

#### **Answer**

1. Fair Work Ombudsman employees are required to comply with the Australian Public Service (APS) Code of Conduct as detailed the Public Service Act 1999.
2. Between 14 September 2015 and 31 January 2016, one APS3 employee was found to have breached subsections 13(1) and 13(3) of the APS Code of Conduct. The sanction applied in relation to this breach was a reprimand.
3. The breach was identified by a FWO senior manager on the 26 March 2015 and reported to an appropriate decision maker for further consideration on appropriate action to take.
4. There were no legal ramifications for the Fair Work Ombudsman or the employee and, as the conduct in question had no impact outside the agency, the Minister was not advised.