

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2015 - 2016

Agency - Fair Work Ombudsman

Department of Employment Question No. EMSQ15-000172

Senator Sterle asked on 02 June 2015 on proof Hansard page 34

Question

FWO - Road Safety Remuneration Tribunal orders

Senator STERLE: Can you take on notice and just tell us what the complaints were? Are you able to do that?

Mr Campbell: We will probably be able to tell you the nature of them but probably not the parties.

Senator STERLE: Whatever you can do to provide the committee with the opportunity to go through and see what actual work has been done following on from complaints and referrals of the tribunal would be very helpful.

Answer

The Fair Work Ombudsman has a role to monitor and ensure compliance with the Road Safety Remuneration Act 2012 and enforceable instruments. The Fair Work Ombudsman is also responsible for educating workplace participants about the legislation. The first Road Safety Remuneration Order commenced on 1 May 2014.

As at 24 June 2015, the Fair Work Ombudsman has dealt with a total of 12 matters arising under this function. Three matters were referred from the Road Safety Remuneration Tribunal (RSRT) and nine were requests for assistance from the public:

Received via	Concerns/allegations	Jurisdiction	Outcome
RSRT referral	<ul style="list-style-type: none">Not paid for time spent unloadingExcessive hours of work	RSR Order	Letter of Caution issued
RSRT referral	<ul style="list-style-type: none">Driver killed at work	Not FWO matter	Investigation by State Workplace Health & Safety (WH&S) agency – no FWO action taken
RSRT referral	<ul style="list-style-type: none">Driver killed at work	Not FWO matter	Investigation by State WH&S agency and State Police – no FWO action taken

Request for assistance	<ul style="list-style-type: none"> • Frequency of payment 	RSR Order	Letter of Caution issued
Request for assistance	<ul style="list-style-type: none"> • Frequency of payment 	RSR Order	Letter of Caution issued
Request for assistance	<ul style="list-style-type: none"> • Frequency of payment 	RSR Order	Letter of Caution issued
Request for assistance	<ul style="list-style-type: none"> • Frequency of payment 	RSR Order	Letter of Caution issued
Request for assistance	<ul style="list-style-type: none"> • Excessive hours of work 	RSR Order	Intelligence noted for future activities
Request for assistance	<ul style="list-style-type: none"> • Not paid within 30 days 	Not FWO matter	Driver not covered by RSR Order*, no further action
Request for assistance	<ul style="list-style-type: none"> • Not paid within 30 days 	Not FWO matter	Driver not covered by RSR Order*, no further action
Request for assistance	<ul style="list-style-type: none"> • Not paid within 30 days • No written agreement • No drug and alcohol policy 	RSR Order	Investigation Ongoing
Request for assistance	<ul style="list-style-type: none"> • Underpayment of overtime rates • Record keeping 	FW Act	Investigation Ongoing

* Driver was not engaged in road transport work within the scope of the RSR Order and was an independent contractor.