

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

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

**Agency - Fair Work Ombudsman**

**Department of Employment Question No. EMSQ15-000251**

**Senator Ludwig provided in writing.**

#### **Question**

##### **FWO - Code of Conduct**

1. How are code of conduct violations by departmental and/or agency staff mediated?
2. Are any outside firms contracted to assist with this process? If yes: please list them, please include:
  1. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc).
  2. Amount paid to each firm since the last budget.
  3. When the contract with the firm commenced.
  4. When the contract with the firm will expire.
  5. Why the firm was selected to provide the service.
  6. Please provide a list of disputes referred to the firm, including a brief description of the dispute.

#### **Answer**

As required under the Public Service Act 1999, the Fair Work Ombudsman has established procedures for determining whether an APS employee (or former employee) has breached the APS Code of Conduct.

Suspected breaches of the Code of Conduct are assessed in accordance with the Fair Work Ombudsman's Handling Misconduct Guide to determine if they should be handled informally or investigated formally.

If a decision is made to handle the matter informally a range of options may be considered including counselling, alternative dispute resolution (such as mediation or facilitated conversations) or other management actions such as individual training, interpersonal skills development training or group training for entire teams.

If the matter is handled formally it will be investigated in accordance with the Fair Work Ombudsman's Procedures for Determining Suspected Code of Conduct Breaches either by internal staff or an external investigator.

The Fair Work Ombudsman has not contracted any outside firms to assist with Code of Conduct processes in this financial year.