

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2015 - 2016

Agency - Fair Work Ombudsman

Department of Employment Question No. EMSQ15-000393

Senator Lines provided in writing.

Question

FWO - Action taken in relation to underpayment of wages

What action have you taken in the last financial year in relation to underpayment of wages?
In relation to the action you took in the last financial year in relation to underpayment of wages:

Can you provide advice about the industries employers are operating in?

Can you provide advice about the size of the employers?

What proportion of the workers underpaid were Australian citizens?

What proportion were on student visas?

What proportion were on working holiday visas?

What proportion were on 457 visas?

What proportion were on other visas?

What was the scale of the underpayments? Over what duration?

Answer

In 2014–2015, the Fair Work Ombudsman finalised 18,030 matters from dispute form lodgements.

The majority (68 per cent) of disputes concerned minimum wages and conditions (49 per cent), annual leave entitlements (10 per cent), payment in lieu of notice (5 per cent) and failure to provide a payslip in the required timeframe (4 per cent).

Over half (51 per cent) of matters finalised related to the industry sectors of accommodation and food services (14 per cent), construction (12 per cent), retail (10 per cent), administration and support services (8 per cent) and other services – including hair and beauty, automotive and dry cleaning services (7 per cent).

4,761 of the matters finalised (26 per cent) related to a small business.

In 2014–2015, the Fair Work Ombudsman finalised 1,971 matters from dispute forms received from overseas workers. Of these, \$1,640,499 was recovered for 488 workers.

Of the dispute forms received from overseas workers, 181 (8 per cent) were from international students, 930 (43 per cent) related to subclass 417 working holiday visas and 315 (15 per cent) involved subclass 457 temporary skilled work visas.

These activities are outlined on pages 21, 22 and 40 of the Fair Work Ombudsman's 2014–2015 Annual Report, available at www.fairwork.gov.au/about-us/reports-and-submissions/annual-reports.

The Fair Work Ombudsman enforces workplace laws with respect to all workers in Australia, irrespective of their visa status or conditions. As such, the above information is based on cases where workers elect to disclose that they are on a visa, and/or their visa class. Some workers may disclose the former and not the latter, or neither.

The Fair Work Ombudsman does not require or store data on whether workers are Australian citizens.