

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2016 - 2017

Agency - Fair Work Ombudsman

Department of Employment Question No. EMSQ16-000994

Senator Marshall provided in writing.

Question

FWO - Exploitation of Workers

- Can you just tell us what/if any work you do dealing with the exploitation, underpayment etc. of au pairs?
- Can you just detail what/if any regulation is in place to stop people ripping off au pairs by exploiting them?
- What/if any capacity do you have to investigate allegations of exploitation?
- It was reported that Senator Di Natale has paid three au pairs to help with his family as little as \$150 a week after tax, or \$3.75 an hour - based on a standard 40-hour week - as well as room and board worth \$300 a week. That'd be of concern to you?
- What do you think could be done to prevent this sort of behaviour?

Answer

Au pairs can be engaged as either employees or under independent contracting arrangements. Au pairs engaged as employees are covered by the *Fair Work Act 2009* and entitled to the national minimum wage and the National Employment Standards.

In November 2015, the Fair Work Ombudsman (FWO) held a public workshop focusing on the nannies and au pairs industry. The session was attended by 30 participants from the sector and provided FWO with further insights into how the sector operates and concerns about compliance. Following consultation, FWO published information and articles on nannies and au pairs available through www.fairwork.gov.au.

In 2015-16, the FWO finalised 14 matters from dispute form lodgments from nannies and au pairs and recovered \$500 for one employee.

The FWO takes requests for assistance seriously. Any person concerned about their employment entitlements or who has information about a workplace issue may contact the FWO for assistance via our website at www.fairwork.gov.au (including via Anonymous Report) or via the Fair Work Infoline on 13 13 94. All requests for assistance are considered in accordance with the FWO's Compliance and Enforcement Policy available at www.fairwork.gov.au.