

**SENATE STANDING COMMITTEE ON  
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

**QUESTIONS ON NOTICE  
SUPPLEMENTARY ESTIMATES 2009-10**

**Agency** *Fair Work Ombudsman*

**DEEWR Question No.** **EW631\_10**

Senator Bilyk asked on 21 October 2009, EEWL Hansard page 68.

**Question**

*78 complaints received by the office of the Fair Work Ombudsman in Tasmania from 1 July to 30 September 2009*

Senator BILYK—What has happened with those 78 complaints? Where have they gone?

Mr LOIZIDES—We generally resolve most of those by voluntary compliance. The payments are made—generally wages and conditions. In Tasmania we have also undertaken a number of litigations over the past 12 months. I can provide a more fulsome response and the types of litigation.

Senator BILYK—Yes, the workforce areas. Also, are you able to provide us with the age of the complainant and that sort of stuff?

Mr LOIZIDES—We do categorise the types of complaints to vulnerable workers and we can provide that information to you as well.

Senator BILYK—That would be really good. What sorts of areas did those complaints cover—not what type of work areas? Were they for back pay or for not being paid penalty rates? Can you clarify that?

Mr LOIZIDES—I cannot clarify all of those points for you—I can take it on notice—but most of them are related to wages and conditions matters or termination matters.

**Answer**

*The Fair Work Ombudsman has provided the following response:*

The Fair Work Ombudsman (FWO) is the Federal Government agency responsible for impartially enforcing compliance with Commonwealth workplace laws and promoting harmonious, productive and cooperative workplace relations. The FWO's jurisdiction extends to the investigation and enforcement of federal industrial instruments which includes Awards, Enterprise Agreements, Australian Workplace Agreements and Individual Transitional Employment Agreements.

The FWO attempts to resolve most complaints quickly by providing assistance to the parties to encourage an early resolution to the complaint. Complaints that are not resolved voluntarily at this early stage are referred for a full investigation by a Fair Work Inspector.

In the period between 1 July 2009 and 30 September 2009, the FWO received 78 complaints from Tasmanian workers and recovered \$180,409 on behalf of 172 Tasmanian employees.

46 of the 78 complaints received by the FWO in this period had been finalised by 31 October 2009. In excess of 30% of these complaints were resolved through voluntary compliance.

Of the contraventions recorded by the FWO between 1 July 2009 and 30 September 2009 against Tasmanian employers, 40% related to the underpayment of wages, penalties and loadings or allowances with more than 43% of contraventions relating to inadequate time and wages record keeping.

The FWO receives complaints from Tasmanian workers across a broad range of ages with 30% of complaints received between 1 July 2009 and 30 September 2009 from workers aged between 21 to 30 years of age and the majority of complaints aged between 31 and 60 years of age.

Litigation is also an important compliance tool of the FWO, with the FWO commencing legal action against 17 Tasmanian employers between 27 March 2006 and 30 September 2009.