



Welfare

🕒 This article is more than 1 year old

Australian social services department underpaid dozens of staff \$400,000 over five years

Almost 70 current and former staff were underpaid a total of more than \$400,000 in breach of enterprise agreement. FOI documents show

[Follow our Australia news live blog for the latest updates](#)
[Download the free Guardian app; get our morning email briefing](#)

[Luke Henriques-Gomes Social affairs and inequality editor](#)

Wed 22 Dec 2021 03:30 AEDT

A federal government department underpaid dozens of its staff a total of about \$400,000 over nearly five years, documents reveal.

The documents, **released under freedom of information laws**, show the Department of Social Services has acknowledged underpaying 68 current and former staff. The Fair Work Ombudsman later confirmed there were total underpayments of \$400,550.24.

The underpayments took place from October 2015 to February 2020, when the department says it became aware of the breach of its enterprise agreement and self-reported to the ombudsman.

The public sector union claimed on Tuesday the department was aware of the issue from 2017.

After an investigation, the Fair Work Ombudsman issued the department with a compliance notice in July.

It said in the compliance notice that the department had contravened several workplace agreements.

“To date, the underpayments arising as a result of these contraventions have not been rectified for [redacted] employees,” it said.

The past and current staff who were underpaid worked in the department’s communications services branch.

The underpayments related to the failure to pay overtime to staff who were required to monitor the media after hours.

This included checking the department’s media inbox every 15 minutes. However, the staff were paid “restriction allowance” rather than overtime, because this was not considered “active work”, internal department documents say.

The documents say the department has subsequently employed two part-time contract staff rather than Australian Public Service employees to carry out the work.

Department officials noted in internal correspondence that the Compliance Notice was “non-punitive” and “at the ‘lower-end’ of remedy actions available”. It was “based on the actions already undertaken by the department prior to the notification”.

Beth Vincent-Pietsch, the Community and Public Sector Union deputy national secretary, claimed the department was aware of the issue from 2017 and “failed to take any actions to rectify it until 2021”.

“The CPSU is aware of underpayments of well over \$10,000,” she said.

“The department overtime forms were knowingly in direct conflict with the Enterprise Agreement. Even after issues were raised and acknowledged by HR and management, the form was never changed, which has led to this issue.

“CPSU members are glad that the department has finally rectified the issue, but had they listened to workers when this issue was raised in 2017 this would have cost the department and workers a lot less pain.”

A Department of Social Services spokesperson said the department determined in 2020 that its “on-call communication staff had been paid restriction allowance rather than overtime allowance which potentially resulted in underpayment of allowances for these staff”.

“The department undertook an independent review of these arrangements and determined that additional allowances needed to be paid to 68 current and former staff,” the spokesperson said.

“Back payments were made between March and May 2021.

“The department self-reported this matter to the Fair Work Ombudsman in March 2021.

“The Fair Work Ombudsman advised the department in July 2021 that the matter is closed and no further action is required.”

The finance department also self-reported to the Fair Work Ombudsman earlier this year over the **underpayment of at least 60 staff**.

A Fair Work Ombudsman spokesperson confirmed there were underpayments of \$400,550.24 between October 2015 and February 2020.

“The Fair Work Ombudsman confirmed DSS had rectified the large majority of these underpayments by the end of April 2021,” he said.

He said a compliance notice rather than tougher penalties was an “appropriate enforcement tool in all the circumstances”. That included “DSS’s lack of any previous compliance history with the FWO, the confined nature of the breaches, the quantum, the full cooperation of DSS and various changes made by DSS to ensure sustainable compliance after February 2020”.

“DSS complied with the Compliance Notice,” he said. “Under the Fair Work Act 2009, compliance with a Compliance Notice does not constitute an admission (nor does it constitute a finding) of a breach of workplace laws.

“The FWO will continue to monitor DSS, as well as respond to any requests for assistance from workers.”

Related stories



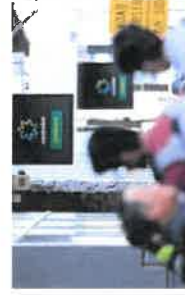
Services Australia apologises to staff over ‘unfair toll’ of robodebt

🕒 8 Sept 2023



Prosecutors pause dozens of criminal cases after Services Australia miscalculated debits

🕒 12 Aug 2023



‘Not above the law’: warning for Australia’s Department of Social Services over threat to ignore tribunal

🕒 7 Oct 2021



Services Australia staff say performance targets negatively impact work

🕒 2 Dec 2020



PM’s deputy says survey shows Australian government

🕒 19 Aug 202

Most viewed