

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2013-2014**

**Agency - Fair Work Ombudsman**

**DEEWR Question No. EW0085\_14**

**Senator Marshall asked on 3 June 2013, Hansard page 20**

**Question**

**FWO - Complaints regarding Job Services Australia provider**

CHAIR: On a sort of related issue about unpaid work—I am going to follow this up with witnesses later in the day but I think it might be a little bit relevant to you—have you ever had any complaints from Job Services Australia about employers who seek, on a regular basis, to trial workers before they employ them but never actually get around to employing them? The reason I ask—and this might help explain it—is that it has been put to me by a couple of constituents in a particular Job Services Australia provider that they have been sent to a prospective job and put on a three-day trial and then not given the job and not paid and not thinking there was too much wrong with that until they talked to others in the same services provider to find out that virtually everyone with that job services provider has been to the same employer and everyone has had the same experience of effectively working for three days for nothing and the job never seems to be filled on a permanent basis. Have you had those complaints made to you? If so, what have been the results of your investigations? Mr Campbell: We may well have, but off the top of my head I cannot recall a case like that. Mr O'Shea: No, I cannot either. Mr Campbell: That being said, I am happy to look into our data. What we would normally do in that circumstance is go to the employer and ask them a little bit about their practices and probably ask them why the people who have come to them have not been sufficient and remind them of their obligation to pay for productive work and remind them that nonpayment of wages, particularly to vulnerable employees, is something that we are very concerned about. I would expect that that would be sufficient to get their attention.

**Answer**

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

The Fair Work Ombudsman has not received any complaints from Job Services Australia in relation to such matters.