

Senate Standing Committee on Education and Employment

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2014-2015**

Agency - Fair Work Ombudsman

Department of Employment Question No. EM1109_15

Senator Ludwig provided in writing.

Question

FWO - Hiring

1. How many people are employed in your department on non-ongoing contracts?
2. How many people are employed in your department on ongoing contracts?
3. How many non-ongoing contracts has your department extended since the 2013 federal election?
4. How many non-ongoing contract extensions did your department submit to the Public Service Commission for approval?
5. How many of these extensions were approved by the Public Service Commission?
 - a) For every approved extension please provide the following details: the employee's age, gender, wage, APS level, a description of their job, their length of continuous employment by the APS, the length of approved extension, the reasons why the extensions was submitted and the reasons why the extension was approved by the Public Service Commission, as well as all relevant dates.
 - b) How many of these extensions were rejected by the Public Service Commission?
 - i. For every rejected extension please provide the following details: the employee's age, gender, wage, APS level, a description of their job, their length of continuous employment by the APS, the length of extension sought by the department, the reasons why the extensions was submitted and the reasons why the extension was rejected by the Public Service Commission, as well as all relevant dates.
 - c) How many non-ongoing contracts have been extended by your department without the Public Service Commission's approval?
 - i. For every unapproved extension please provide the following details: the employee's age, gender, wage, APS level, a description of their job, their length of continuous employment by the APS, the length of the unapproved extension, the reasons why the extension was granted, whether the extension was submitted to the Public Service Commission for approval, and the reasons why the extension was granted without the approval of the Public Service Commission, as well as all relevant dates.
 - d) How many non-ongoing contracts have expired without extension since the 2013 federal election?
 - i. For every expired non-ongoing contract please provide the following details: the employee's age, gender, wage, APS level, a description of

their job, their length of continuous employment by the APS, the reason why an extension was not sought, as well as all relevant dates.

- e) How many new employees have been engaged by your department on non-ongoing contracts since the 2013 federal election?

6. How many new non-ongoing engagements were submitted to the Public Service Commission for approval since the 2013 federal election?

7. How many of these new non-ongoing engagements were approved by the Public Service Commission?

- a) For every approved new engagement of a non-ongoing employee please provide the following details: the employee's age, gender, wage, APS level, a description of their job, the length of their non-ongoing contract, whether this position was advertised externally, the reason for engaging this new employee and the reason given by the Public Service Commission for approving this engagement, as well as all relevant dates relating to this application.

8. How many of these new non-ongoing employee applications were rejected by the Public Service Commission?

- a) For every new non-ongoing engagement rejected by the Public Service Commission please provide the following details: APS level, a description of their job, the length of their non-ongoing contract, the reason for engaging the new employee and the reason given by the Public Service Commission for rejecting this engagement, as well as all relevant dates relating to this application.

9. How many new employees have been engaged on non-ongoing contracts without the approval of the Public Service Commission?

- a) For every non-ongoing employee engaged without the Public Service Commission's approval please provide the following details: the employee's age, gender, wage, APS level, a description of their job, the length of their non-ongoing contract, whether this position was advertised externally, the reason for engaging this new employee and the reason for engaging this employee without the Public Service Commission's approval, as well as all relevant dates.

10. How many new employees have been engaged by your department on ongoing contracts since the 2013 federal election?

11. How many new ongoing engagements were submitted to the Public Service Commission for approval since the 2013 federal election?

12. How many of these new ongoing engagements were approved by the Public Service Commission?

- a) For every approved new engagement of a ongoing employee please provide the following details: the employee's age, gender, wage, APS level, a description of their job, the length of their ongoing contract, whether this position was advertised externally, the reason for engaging this new employee and the reason given by the Public Service Commission for

approving this engagement, as well as all relevant dates relating to this application.

13. How many of these new ongoing employee applications were rejected by the Public Service Commission?

- a) For every new ongoing engagement rejected by the Public Service Commission please provide the following details: APS level, a description of their job, the length of their ongoing contract, the reason for engaging the new employee and the reason given by the Public Service Commission for rejecting this engagement, as well as all relevant dates relating to this application.

14. How many new employees have been engaged on ongoing contracts without the approval of the Public Service Commission?

- a) For every ongoing employee engaged without the Public Service Commission's approval please provide the following details: the employee's age, gender, wage, APS level, a description of their job, the length of their ongoing contract, whether this position was advertised externally, the reason for engaging this new employee and the reason for engaging this employee without the Public Service Commission's approval, as well as all relevant dates.

Answer

1. As at 31 October 2014 the Fair Work Ombudsman employed 35 non-ongoing staff.
2. As at 31 October 2014 the Fair Work Ombudsman employed 760 ongoing staff.
3. Between 7 September 2013 and 31 October 2014 the Fair Work Ombudsman has extended 6 non-ongoing contracts.
4. None. Approval is not required for non-ongoing contract extensions unless the contract will be in place for more than 12 months or constitutes large scale recruitment. As per interim recruitment arrangements, agencies were only required to report each month on new non-ongoing contracts and non-ongoing extensions.
5. a) – c) Not applicable.
d) Since 7 September 2013 five non ongoing contracts have expired without extension, as follows:

No of contracts	Classification	Position	Length of Employment in the APS	Contract Expiry
4	APS 3	Industry Based Learning Participants	One year	Jan 2014
1	EL 2	Legal	Two years	Oct 2013

Further breakdown of staff particulars is not possible without identifying individuals.

The four APS 3 contracts were for a specific period of time and the EL2 position was a maternity leave position and ceased when the incumbent returned to work. The employees were paid in accordance with the wage levels prescribed in the Fair Work Ombudsman's Enterprise Agreement.

e) Between 7 September 2013 and 31 October 2014, the Fair Work Ombudsman has engaged 61 new non-ongoing employees.

6. As per interim recruitment arrangements, agencies are only required to seek approval for non-ongoing engagements in place for more than 12 months, and large-scale recruitment. A request to continue with an existing recruitment process to engage 30 new APS 3 non-ongoing employees was sent to the APS Commissioner on 14 November 2013.
7. The APS Commissioner approved all 30 non-ongoing contracts and approval was received on 29 November 2013. The Fair Work Ombudsman made offers to 28 suitable people.
 - a) The APS level 3 positions were advertised externally and 28 staff were engaged to work on the Fair Work Infoline for a period of 12 months.

Further breakdown of staff particulars is not possible without identifying individuals.

The positions were necessary to ensure our staffing levels met the priorities of the agency.

All staff commenced on 7 February 2014 and were paid in accordance with the Fair Work Ombudsman's Enterprise Agreement.

The APS Commissioner's reason for approving the engagements was that they were "the most practical and effective means to meet the agency's business requirements in the circumstances."

8. Nil.
9. Between 7 September 2013 and 31 October 2014 the Fair Work Ombudsman has engaged 61 new non ongoing employees. In all cases approval was either provided by the APS Commissioner or was not required in accordance with the interim recruitment arrangements.
 - a) Not applicable.
10. Between 7 September 2013 and 31 October 2014 the Fair Work Ombudsman has engaged 30 ongoing employees.
11. The requirement to send requests to the Public Service Commission to advertise ongoing employment opportunities has been in place since 31 October 2013. Since this date (to 31 October 2014), the agency has made five requests to advertise (some with multiple positions) ongoing employment opportunities, resulting in the engagement of 16 new ongoing employees.
12. For the five requests to advertise that were sent to the Public Service Commissioner for approval, 16 new ongoing employees were approved, as follows:

No.	APS Level	Position
12	APS4	Fair Work Inspector
3	EL1	Senior Lawyer
1	EL2	Principal Lawyer

All employees are paid in accordance with the wage levels prescribed in the Fair Work Ombudsman's Enterprise Agreement.

Further breakdown of staff particulars is not possible without identifying individuals.

13. No applications made by the Fair Work Ombudsman were rejected by the Public Service Commissioner.
a) Not applicable

14. All employees engaged by the Fair Work Ombudsman have been approved by the Public Service Commissioner as required in accordance with the Interim Recruitment arrangements in place since 31 October 2013. Any employees engaged prior to this date did not require Public Service Commissioner approval. These employees are as follows:

No.	APS Level	Position
9	APS3	Fair Work Infoline Advisor
2	APS4	Special Support Officer
1	APS6	Lawyer
1	EL1	Senior Lawyer
1	EL2	Principal Lawyer

All employees are paid in accordance with the wage levels prescribed in the Fair Work Ombudsman's Enterprise Agreement.

Further breakdown of staff particulars is not possible without identifying individuals.