

Senate Standing Committee on Education and Employment

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

Agency - Fair Work Ombudsman

Department of Employment Question No. EM1261_15

Senator Ludwig provided in writing.

Question

FWO - Departmental Staff Misconduct

Since Budget Estimates in June, 2014: 1. Please provide a copy of the departmental staff code of conduct. 2. Have there been any identified breaches of this code of conduct by departmental staff? a. If yes, list the breaches identified, broken by staffing classification level. b. If yes, what remedy was put in place to manage the breach? If no remedy has been put in place, why not? c. If yes, when was the breach identified? By whom? When was the Minister made aware? d. If yes, were there any legal ramifications for the department or staff member? Please detail.

Answer

1. Fair Work Ombudsman employees are required to comply with the Australian Public Service (APS) Code of Conduct as detailed the *Public Service Act 1999*.
2. Since 2 June 2014, there have been three identified breaches of the APS Code of Conduct by Fair Work Ombudsman employees.
 - a. The following table provides a breakdown of breaches found by classification.

Classification of employee	Breach identified
APS5	Section 13(1)- An APS employee must behave with honesty and integrity in the course of APS employment Section 13(5)- An APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has the authority to give the direction Section 13(8) – An APS employee must use Commonwealth Resources in a proper manner Section 13(11) – An APS employee must behave in a way that upholds the APS values and Employment Principles and the integrity and good reputation of the employee's Agency and the APS

APS6	<p>Section 13(1)- An APS employee must behave with honesty and integrity in the course of APS employment</p> <p>Section 13(11) – An APS employee must behave in a way that upholds the APS values and Employment Principles and the integrity and good reputation of the employee’s Agency and the APS</p>
APS6	<p>Section 13(1)- An APS employee must behave with honesty and integrity in the course of APS employment</p> <p>Section 13(5)- An APS employee must comply with any lawful and reasonable direction given by someone in the employee’s Agency who has the authority to give the direction</p> <p>Section 13(8) – An APS employee must use Commonwealth Resources in a proper manner</p> <p>Section 13(10) – An APS employee must not make improper use of:</p> <ul style="list-style-type: none"> a) inside information; or b) the employee’s duties, status, power or authority; in order to gain, or seek to gain, a benefit or advantage for the employee or for any other person <p>Section 13(11) – An APS employee must behave in a way that upholds the APS values and Employment Principles and the integrity and good reputation of the employee’s Agency and the APS</p>

b. The following remedies were put in place to manage the three identified breaches:

- All three breaches of the Code of Conduct were managed in accordance with the Fair Work Ombudsman’s *Procedures for Handling Suspected Code of Conduct Breaches*.
- Two APS5 employees received a Formal Reprimand and a Reduction in Salary. One APS6 employee received a Formal Reprimand and a Reduction in Classification.
- Additional education was also identified for employees on the application of agency policies and procedures related to the accurate recording of attendance and agency resources.

c. One breach for an APS5 employee was identified in August 2014, with the remaining breaches of the Code for an APS5 and APS6 identified in September 2014.

All three breaches of the Code were identified by a Delegate of the Fair Work Ombudsman in accordance with the Fair Work Ombudsman’s Human Resource Delegations. The Minister was not made aware of any of the three identified breaches of the Code.

d. There were no legal ramifications identified for the three breaches of the Code.