

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2005-2006 ADDITIONAL SENATE ESTIMATES HEARING
16 FEBRUARY 2006
EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

QUESTIONS ON NOTICE

Outcome 2: Higher productivity, higher pay workplace

Output Group 2.2: Workplace relations implementation

Output 2.2.4: Office of Workplace Services

Question Number: W732-06

Question:

Senator Marshall asked in writing:

QON W639-06 Building and Construction industry compliance – Can the Department please update the committee on the one prosecution taking place stemming from the campaign. When is the next campaign of this sort being planned?

Answer:

As noted in response to W639-06, the compliance phase of the campaign undertaken in the building and construction industry in 2004 entailed an inspection of the time and wages records of a sample of 315 employers.

Of the 315 employers, a total of 152 employers (48 per cent) were found in breach of their federal award, agreement, or the *Workplace Relations Act 1996* (the Act). The majority of these matters (71 per cent) related to breaches of the time and wages records and payslips provisions of the Workplace Relations Regulations. These breaches usually entailed the keeping of incomplete records or the non-issue of payslips or the issue of insufficiently detailed payslips. The remaining 29 per cent of breaches were monetary, mainly involving the underpayment of wages. A total of \$84,063 for 88 breaches was recovered on behalf of employees in underpaid entitlements. Ninety-nine per cent of employers rectified their breaches voluntarily.

Proceedings are proposed to be initiated in the NSW Chief Magistrates Court on the one prosecution to arise from the campaign. The matter relates to alleged breaches by an employer of the National Building and Construction Industry Award 2000.

The Office of Workplace Services (OWS) will undertake an increased number of targeted education and compliance campaigns under the WorkChoices reforms to protect the rights of workers and to inform employers of their obligations. It is

anticipated that further campaigns of this type would be undertaken in the building and construction industry by the Australian Building and Construction Commission and OWS as part of this programme.