

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

**QUESTIONS ON NOTICE
Additional Estimates 2009-2010**

Agency - Fair Work Ombudsman

DEEWR Question No.EW0947_10

Senator Cash asked on 10/02/2010, Hansard page 30.

Question

TYPES OF COMPLAINTS RECEIVED BY FWO

Senator CASH—Could I get you to take on notice to provide the committee with a breakdown of the types of complaints that have been received by your office, both at the contact centre stage to the extent that you are able to, and then at the inspectorate stage, since your office commenced? Mr Wilson—I am happy to do that. Can I just clarify what we can provide so there is no misunderstanding, I suppose. We categorise our contact centre work according to whether the call is about wages or awards or conditions et cetera, and we also categorise it according to industry. Would that be useful? Senator CASH—Yes, please. Mr Wilson—Okay. In relation to the inspectorate, we categorise it according to state and industry and size of business—no, not size of business, I am sorry. Senator CASH—Yes, whatever information you are able to provide me, that would be greatly appreciated.

Answer

The Fair Work Ombudsman has provided the following response:

In relation to the contact centre (Fair Work Infoline), enquiries made to the Fair Work Infoline are not identified or recorded as a complaint against an employer until the client proceeds to formally lodge a complaint with the Fair Work Ombudsman.

Fair Work Infoline Enquiries

Enquiries made to the Fair Work Infoline are recorded by the subject of the enquiry and the industry to which it relates.

Almost 70% of the 418,712 enquiries received by the Fair Work Infoline between 1 July 2009 and 31 January related to general enquiries regarding conditions of employment including wages and leave entitlements. Enquiries relating to termination of employment account for less than 10% (8%) of calls received by the Fair Work Infoline.

The top 5 types of enquiries made to the Fair Work Infoline between 1 July 2009 and 31 January 2010 by subject were:

| FWIL Enquiries by Subject | Total | % |
|----------------------------------|--------------|----------|
| Conditions | 285816 | 68% |
| Termination of Employment | 32746 | 8% |
| Referrals | 32303 | 8% |
| Rights & Obligations | 25002 | 6% |
| Workplace Agreements | 11026 | 3% |
| | | |

The retail, construction and accommodation and food industries were among the most commonly nominated industries for enquiries made to the Fair Work Infoline between 1 July 2009 and 31 January 2010.

The top 5 types of enquiries made to the Fair Work Infoline between 1 July 2009 and 31 January 2010 where an industry could be identified were:

| FWIL Enquiries by Industry | Total | % |
|-----------------------------------|--------------|----------|
| Retail Trade | 39404 | 9% |
| Construction | 34933 | 8% |
| Accommodation and Food | 30489 | 7% |
| Admin and Support | 27742 | 7% |
| Manufacturing | 20974 | 5% |
| | | |

Complaints lodged with the fair Work Ombudsman

In relation to formal complaints about possible contraventions of the *Fair Work Act 2009* lodged with the Fair Work Ombudsman Inspectorate for investigation, the Fair Work Ombudsman is able to provide a breakdown by State and Industry.

A breakdown of the subject of the complaint is provided where the complaint has been sustained and a contravention subsequently recorded.

Number of complaints received by State – 1 July 2009 to 31 January 2010:

| | |
|---------------------------------------|-------|
| NSW | 2,627 |
| VIC | 2,958 |
| QLD | 2,767 |
| WA | 1,015 |
| SA | 677 |
| TAS | 289 |
| NT | 268 |
| ACT (including National activities | 1,609 |

Number of complaints received in the top 5 Industries, where an industry was identified – 1 July 2009 to 31 December 2009:

| Industry | No. complaints received | % of total complaints |
|-----------------------------------|--------------------------------|------------------------------|
| Retail Trade | 1,689 | 16.16% |
| Accommodation and Food Services | 1,673 | 16.01% |
| Transport, Postal and Warehousing | 725 | 6.94% |
| Construction | 660 | 6.32% |
| Manufacturing | 653 | 6.25% |

Contraventions recorded – 1 July 2009 to 31 December 2009:

The most prevalent contraventions recorded in the course of investigating workplace complaints during the period 1 July 2009 to 31 December 2009 related to wages (32%), penalties and other loadings (18%), annual leave (15.6%) and time and wages record keeping (12%).