

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

**2006-2007 SUPPLEMENTARY BUDGET SENATE ESTIMATES HEARING
2ND NOVEMBER 2006**

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

QUESTIONS ON NOTICE

OFFICE OF WORKPLACE SERVICES

**Outcome 1 : The rights and obligations of workers and employers under the
Workplace Relations Act 1996 are understood and enforced fairly**

Output Group 1.1 : Education and Compliance Services

Question Number: W380-07

Question:

Senator Marshall asked in writing:

In total last year, how many (a) investigations and (b) prosecutions did OWS make for breaches by (a) employers (b) trade unions. Please breakdown these results by industry and detail what the breaches were for (ie the sections of the Act).

Answer:

(a) Investigations

OWS accepts and investigates all claims for breaches of the *Workplace Relations Act 1996*. During the 2005/2006 financial year OWS finalised 7,320¹ cases including investigations through targeted compliance activity.

The majority of claims received by OWS are from employees alleging breaches by employers. The specific breakdown of this information by employer, trade union or actual breach is not readily ascertainable, and to provide the requested answers in that format would require an unreasonable diversion of office resources.

(b) Prosecutions

All 21 prosecutions to date have been against employers. The industries include 8 in the hospitality industry (4 restaurants and 3 hotels), 6 in the retail industry, 1 in the cleaning and maintenance industry and 7 in services industry. Breaches covered underpayment of wages and entitlements (15), duress (4) and procedures for making a workplace agreement (1) and Freedom of Association (1).

Estimated Cost: To prepare this answer has taken approximately 3.45 hours at a cost of \$94.00

¹ Includes data from contracted states