



Australian Government

Fair Work OMBUDSMAN

Belconnen Building Site NSW/ACT RST Local Initiative

9 September 2009

Summary

A targeted investigation was undertaken following a media report appearing in *The Canberra Times* on 8 July 2009. The matter was referred to NSW/ACT Regional Service and Targeting on 24 July 2009. The media article related to illegal workers detained by the Department of Immigration and Citizenship at a building site in Belconnen ACT.

Desk based audits and site visits were conducted by NSW/ACT Regional Service and Targeting between 24 July 2009 and 2 September 2009 relating to four target businesses. Several detained workers were formally interviewed. No contraventions of Commonwealth Workplace Relation laws were detected.

Results

Four businesses were targeted during the local initiative.

1. Hasson's Interior Lining Pty Ltd
2. JJ Interiors
3. PDA Marble and Granite
4. Rohys Painting

All four businesses complied and supplied audit documents as per Fair Work Ombudsman requests. No prima facie contraventions were detected.

Outcome of Audit							
							<i>Total</i>
Employers compliant (in terms of the parameters of the audit)	4						4
Employers found to be in contravention	0						
▪ Sustained – no further action	0						
▪ Sustained – resolved – voluntary compliance	0						
						Total	4

Anecdotal Findings

It was noted that all four business records indicated tradespersons employed directly by them had a high hourly rate. During the course of the local initiative, it was noted that the illegal workers confirmed they were receiving a high hourly rate and that all monies owed, even after detention, was paid by their 'employer'. None of the four businesses targeted directly employed the illegal workers. As a result, NSW/ACT Regional Service and Targeting is pursuing enquiries in regard to a sub-contractor identified during the course of the initiative as the employer of the illegal workers.

It was further noted that sub-contractors may wear the uniform (i.e. shirts) of the primary contractor for ease of identification whilst working on building sites.

Background

The local initiative commenced on 24 July 2009 and concluded on 2 September 2009. During the course of the initiative Fair Work Inspectors from the Investigations Team South (Sydney) interviewed persons detained at the Villawood Detention Centre.

Fair Work Inspectors from Canberra conducted desk based audits and associated site visits of the four businesses of interest. The audit of the time and wage records covered the period 3 July 2009 to 17 July 2009.

Campaign aim and objectives

Conduct analysis of the records returned from the audit letters and determine any contraventions of Commonwealth Workplace Relations laws. The expected outcome of this initiative was to establish whether any of the illegal workers at the building site were being exploited in relation to the terms and conditions of their employment.

Conclusion

At the conclusion of the local initiative, no contraventions of Commonwealth Workplace Relation laws were detected against the four target businesses.