



Australian Government

# Fair Work OMBUDSMAN

## Pooraka Produce Market Record Keeping and Pay Slip Audit –SA Report

**Date 16 November 2009**

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### Summary

On 3 August 2009, the SA office of the Fair Work Ombudsman initiated the Pooraka Produce Market Record Keeping and Pay Slip Audit. The decision to audit the market was due to the number of complaints we received from employees of market based employers. Many complainants referred to record keeping issues, particularly a lack of time keeping records and failure to issue pay slips.

Prior to undertaking the field based audits, we contacted stakeholders and asked if they wished to a) provide input into the audit, b) undertake the audit in conjunction with Fair Work Inspectors. We received a positive response, and undertook OH&S training provided by the Market management before commencing our audits.

Key results were that 15 (56%) of the 27 employers audited had no contraventions, 12 (44%) had contraventions in payslips and record keeping. A significant minority of employers contravened both pay slip and record keeping regulations. All employers resolved the contraventions voluntarily. Since completion of the audit, we have received no complaints from market based employees, and our public profile has increased with many market employers contacting inspectors with further workplace queries.

### Results

We conducted 27 random audits. Whilst 15 employers were found to be compliant with time record keeping and pay slip regulations, 12 employers were found to be in contravention. The following table provides an overview of audit findings as at 16 November 2009.

Outcome of Audit	
Employers compliant (within the parameters of the audit)	15 (56%)
Employers found to be in contravention (44%)	12 (44%)
<b>Total</b>	<b>27</b>

The following contraventions were identified:

- Pay slip regulations
- Record keeping regulations

Of the 27 market based employers audited, we found that 46% had contravened pay slip or record keeping regulations. Where pay slip regulations were contravened –

details of pay period and superannuation particulars not appearing on the pay slip were the common contraventions. One employer was found not to be issuing pay slips. Where record keeping regulations were contravened, employers were not recording hours worked which would have attracted penalty loadings, as per the relevant industrial instrument. We issued 12 Compliance Commitment Forms to employers who had contravened record keeping regulations. All employers rectified the contraventions voluntarily.

## **Anecdotal Findings**

In general, inspectors noted that the majority (56%) of employers are complying with pay slip and record keeping regulations. For those contraventions identified, Fair Work Inspectors reported common practices and misconceptions among employers such as;

- Family members and friends of employers, who were also employees, did not have to complete time sheets and/or be issued with pay slips;
- Pay slips did not need to be issued/supplied if the employees did not ask for them;
- If employees were working overtime/penalty hours, it is not necessary to record the hours.

Another concern noted by Fair Work Inspectors was that a minority of employers completed time books on behalf of their employees. In some circumstances the records were kept at a separate location from the workplace, hence the employees did not have access to them.

## **Background**

This targeted campaign resulted from complaints received from workers employed at the Pooraka Produce Market in relation to record keeping and pay slip regulations. The parameters of this audit campaign were to audit pay slip and record keeping compliance.

## **Campaign aim and objectives**

The aim of the campaign was to educate employers about their responsibilities in terms of record keeping and pay slip regulations, and the associated obligations of market based employers. By implementing an education and compliance campaign, our objectives were :

- To improve the level of compliance;
- To decrease the number of complaints received in relation to pay slip and record keeping and regulations;
- To build upon existing stakeholder relationships, and increase awareness of the role of the Fair Work Ombudsman.

## **Methodology**

Before we could commence planning for the campaign, we contacted the Pooraka Produce Market governing body, Adelaide Produce Markets Limited (APML) regarding the conduct of the audit, and arrangements for entry. We then contacted other stakeholders to gauge interest.

We used the following methodology to achieve our objectives:

- The APML promoted the campaign to their tenants, and provided a link to our website and contact name and number for them to call to discuss the pending audit;
- Fair Work Inspectors undertook compulsory onsite Occupational Health, Safety and Welfare (OHS & W) induction with APML prior to conducting the audits;
- Fair Work Inspectors randomly audited 27 employers operating at the market. On 28 August 2009, inspectors attended the Pooraka Produce Market and conducted audits with market based employers between the hours of 6am and 12pm. Although the employers were forewarned of the audits, they were not advised of the specific date. Employers were requested to provide a sample time sheet and pay slip for assessment to ensure compliance with the *Fair Work Regulations 2009*;
- Employers who were unable to provide time records and pay slips to inspectors at the time of the field audit were issued with Notices to Produce;
- Once the outstanding documents were received and assessed, campaign results were collated.

## **Conclusion**

In the months following the audit, it would appear that the campaign has been successful in meeting its objectives. No complaints from market based employees have been received by the Fair Work Ombudsman since the audit. Through voluntary rectification, all the market based employers audited are now meeting record keeping and pay slip regulations. In addition, the public profile of the Fair Work Ombudsman among market based employers has significantly increased, with many contacting the Fair Work Ombudsman and requesting to speak to the Fair Work Inspector who conducted the audit with them regarding workplace queries.

Given the number of market based employers identified to be contravening record keeping and pay slip regulations, it may be appropriate to conduct a follow up audit in the near future to assess long term compliance.