

Sydney adult education targeted campaign

Summary

This report provides a summary of the Sydney adult education sector targeted compliance campaign conducted by the Workplace Ombudsman between February 2008 and June 2008.

Workplace inspectors from the Sydney office of the Workplace Ombudsman audited 15 employers in the private adult education sector, focusing on Sydney's CBD and eastern suburbs.

Key outcomes of the campaign as at 1 October 2008 are:

- A total of \$2,276.46 was recovered for 13 workers.
- 67% of employers were keeping records and issuing pay slips in accordance with the [Workplace Relations Regulations 2006](#).
- 7% of employers were in breach of pay slip and record keeping laws and were not providing appropriate meal breaks.
- 20% of employers were not paying the appropriate [Australian Pay Classification Scale \(APCS\)](#).

Background

The targeted campaign of the adult education sector was undertaken after a large number of complaints to the Workplace Ombudsman from this relatively small sector. This sector has not previously been targeted by the Workplace Ombudsman.

The focus of the campaign was to:

- educate and increase awareness in the sector on the role and assistance available from the Workplace Ombudsman.
- ensure employers were keeping records in accordance with the [Workplace Relations Regulations 2006](#).
- ensure wages were paid in accordance with the relevant APCS.

The campaign was approved and began in February 2008.

Campaign aim and objectives

The aim of the campaign was to improve compliance with Commonwealth workplace laws in the Sydney adult education sector, with particular focus on record keeping obligations as contained in Part 19 of the [Workplace Relations Regulations 2006](#) (the Regulations) and specifically to:

- audit the level of compliance by a number of employers with time and wage record keeping and pay slip obligations
- ensure targeted employers complied with their obligations
- provide education and information across the sector to assist employers meet their obligations under federal legislation
- assist further investigations in this area - anecdotal evidence suggested employers in the sector were not keeping records or the records were not adequate.

Stakeholder involvement

Stakeholders were alerted to the campaign via a [media release](#) posted on the Workplace Ombudsman website on 18 March 2008.

Methodology

The first stage of the campaign involved compiling a list of employers in the sector using a variety of public resources such as the internet and internal databases.

A total of 15 employers were selected for audit which included:

- English colleges
- Information technology colleges
- Beauty colleges
- Massage schools
- Business colleges.

The second phase involved sending formal correspondence to the 15 targeted employers advising them that they had been selected for a compliance audit to occur on 21 February 2008. These employers were asked to provide the Workplace Ombudsman with wages and conditions records and other specified information for the period 27 August 2007 – 9 September 2007 and 5 November 2007 – 18 November 2007.

These periods were specifically chosen to cover the Asia Pacific Economic Corporation forum public holiday on 7 September 2008 and to ensure the wage increases from October 2007 had been implemented, and received by employees.

The third phase involved conducting desk based inspections of records assessing the information provided against the relevant industrial instrument. Where an employer was found to be non compliant further investigation was undertaken as appropriate.

If minor breaches were detected relating to record keeping or meal breaks, workplace inspectors requested a signed compliance undertaking from the employer to voluntarily rectify the breach.

If a monetary breach was identified a formal breach notice was issued to the employer, providing two weeks to rectify the breach.

Status of audits

When the results of the campaign were compiled 14 of the 15 audits had been finalised (93%).

Results

The following table provides an overview of audit findings as at 1 October 2008.

Total employers audited	15
Total audits completed	14 (93%)
No breaches identified	10 (67%)
Breaches identified	3 (20%)
Breach notices issued	3 (20%)
Employer undertakings received	2 (13%)

Monies recovered	\$2,276.46
No of employees owed money	13

Identified breaches

As at 1 October 2008 the following breaches were identified.

- One breach relating to meal breaks covered by the Notional Agreement Preserving the Clerical and Administrative Employees (State) Award.
 - The employer signed an undertaking that in the future they will ensure relevant employees receive appropriate meal breaks
- One breach relating to the content of payslips.
 - The employer signed an undertaking that from the next pay period, all employees will receive payslips which are in line with the [Workplace Relations Regulations 2006](#).
- Three employers were breached in relation to minimum rates under the APCS.

Anecdotal and other results

Workplace inspectors noted that in general, the colleges audited had good record keeping practices and most academic staff appeared to be paid above the minimum requirements of the APCS. However, Workplace Inspectors found that support and clerical staff were underpaid.

Conclusions

The targeted campaign was undertaken in light of a high number of claims received from the adult education sector which had not previously been targeted by the Workplace Ombudsman.

The results of this campaign have assisted in educating and raising the profile of the Workplace Ombudsman in the adult education sector. It found that most employers were complying with Commonwealth workplace laws. Further audits in this sector may be undertaken as only a small number of audits were conducted in this campaign.