



Australian Government

Fair Work OMBUDSMAN

Powers of Fair Work Inspectors

Australia's new workplace relations system

From 1 July 2009, most Australian workplaces are governed by a new system created by the *Fair Work Act 2009*.

The Fair Work Ombudsman helps employees, employers, contractors and the community to understand and comply with the new system. We provide information and advice, investigate workplace complaints and enforce Commonwealth workplace laws.

Who are Fair Work Inspectors?

Fair Work Inspectors are government officials appointed by the Fair Work Ombudsman.

Their job is to:

- carry out targeted education campaigns
- conduct compliance audits
- investigate workplace complaints
- investigate suspected contraventions of workplace laws
- take steps to enforce workplace laws through the court system (where necessary).

Types of matters they investigate

A Fair Work Inspector may investigate matters such as:

- underpayments of wages and entitlements, including entitlements related to terminating an employee
- pay slip and time and wages record-keeping requirements
- freedom of association
- right of entry by unions
- coercion, undue influence or pressure and misleading and deceptive conduct in agreement making
- transfer of business arrangements
- sham contracting arrangements
- unprotected industrial action
- unlawful discrimination.

Need to know more?

The investigations process:

www.fwo.gov.au/Investigations



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A Fair Work Inspector may enter premises without force during work hours if:

- they reasonably believe the *Fair Work Act 2009* or a Fair Work instrument (e.g. an award) applies to the workplace
- records or documents relevant to compliance are on the premises (including documents on a computer).

When a Fair Work Inspector is on premises they may:

- inspect any work, process or object
- interview anyone (with their consent)
- require a person to tell them who has or who can access a record or document
- require the person with access to a record or document to hand it over on the spot or within a specific timeframe
- inspect and make copies of any record or document kept on site (hardcopy or on computer)
- take samples of any goods or substances in line with procedures in the *Fair Work Regulations 2009*
- bring an assistant, such as an IT specialist, accountant, or interpreter.

The Fair Work Inspector must give their name and show their identity card as soon as they can. They must not enter any residential premises unless they reasonably believe people work there.

Penalties for not producing records or documents

If a person fails to comply with a written notice to produce records or documents to a Fair Work Inspector and has no reasonable excuse, the Fair Work Inspector may recommend the matter go to court.

If this occurs, the following maximum penalties may apply:

- \$6600 (for an individual)
- \$33,000 (for a corporation).

Contact us

- **Fair Work Online:** www.fairwork.gov.au
- **Fair Work Infoline:** 13 13 94
Monday to Friday, between 8.00am–6.00pm.
- **Need language help?**
Contact the Translating and Interpreting Service (TIS) on **13 14 50** for free help.
- **Hearing & speech impairment**
Call through the National Relay Service (NRS):
 - For TTY: **13 36 77**
Ask for the Fair Work Infoline 13 13 94.
 - Speak & Listen: **1300 555 727**
Ask for the Fair Work Infoline 13 13 94.