



About the Fair Work Ombudsman

Australia's new workplace relations system

Most Australian workplaces are governed by a new system created on 1 July 2009 by the *Fair Work Act 2009*. The new fair work system is designed to protect the basic rights of the majority of people working in Australia.

Three independent government bodies represent the system:

- Fair Work Ombudsman
- the Fair Work Commission
- Fair Work Divisions of the Federal Court and the Federal Circuit Court of Australia.

Who are we?

The Fair Work Ombudsman is an independent statutory agency created by the *Fair Work Act 2009*. We replace and build on the work and services previously undertaken by the Workplace Ombudsman and the general advisory function of the Workplace Authority.

The Acting Fair Work Ombudsman and head of the Agency is Michael Campbell, a statutory appointee under the *Fair Work Act 2009*. The Fair Work Ombudsman is supported by Fair Work Inspectors and other staff assisting with the performance of workplace compliance and advisory functions set out in the *Fair Work Act 2009*.

The Fair Work Ombudsman has offices throughout Australia, which are located in a number of regional centres and capital cities of all states and territories.

What do we do?

In broad terms, the role of the Fair Work Ombudsman is to promote harmonious, productive and cooperative workplace relations, and to monitor, inquire into, investigate, and enforce compliance with relevant Commonwealth workplace laws.

The Fair Work Ombudsman assists employees, employers and outworkers throughout Australia by:

- providing education, assistance and advice on relevant Commonwealth workplace laws
- promoting and monitoring compliance with relevant Commonwealth workplace laws

- inquiring into and investigating any act or practice that may be contrary to relevant Commonwealth workplace laws
- commencing proceedings or making applications to enforce relevant Commonwealth workplace laws and, where appropriate, seeking a penalty for contraventions of relevant Commonwealth workplace laws
- representing employees or outworkers who are, or may become, a party to legal proceedings under relevant Commonwealth workplace laws.

How do we do it?

The Fair Work Ombudsman appoints Fair Work Inspectors empowered to investigate and enforce compliance with relevant Commonwealth workplace laws and industrial instruments, including:

- provisions of the *Fair Work Act 2009*, such as:
 - terms and conditions of employment
 - general protections, including workplace rights, freedom of association, discrimination, sham arrangements, coercion and undue influence
 - right of entry
 - unprotected industrial action
 - employee records and pay slip obligations
- provisions of the *Independent Contractors Act 2006*, including prohibited conduct in relation to reform opt-in agreements

- enforceable instruments made under the *Road Safety Remuneration Act 2012*, including road safety remuneration orders, road transport collective agreements and arbitration orders made by the Road Safety Remuneration Tribunal
- enterprise agreements
- agreement-based transitional instruments (including Australian Workplace Agreements, Individual Transitional Employment Agreements, Collective Agreements, and certain other agreements made prior to 1 July 2009)
- award-based transitional instruments (including Federal Awards, Notional Agreements Preserving State Awards, State Reference Transitional Awards, and Division 2B state awards)
- modern awards
- the National Employment Standards
- orders of the Fair Work Commission.

A Fair Work Inspector's role includes:

- conducting targeted education campaigns in industries and regions
- conducting Transitional Educational Visits (TEVs) to Division 2B employers in referring states
- conducting compliance audits
- investigating workplace complaints
- providing assistance in resolving workplace complaints
- investigating suspected contraventions of relevant Commonwealth workplace laws
- taking steps to enforce relevant Commonwealth workplace laws through the court system (where necessary).

For more information about Fair Work Inspectors, including the ability to enter premises and the conditions surrounding these powers, please see the *Fair Work Ombudsman Fact Sheet – Powers of Fair Work Inspectors*.

When should you ask the Fair Work Ombudsman for help?

The Fair Work Ombudsman offers employees and employers free information and advice on pay, conditions, and workplace rights and obligations under the Commonwealth workplace system. To check your workplace rights and obligations, you should contact the Fair Work Infoline on **13 13 94**.

You can make a workplace complaint to the Fair Work Ombudsman if you:

- are subject to relevant Commonwealth workplace laws or one of the industrial instruments set out above
- know you aren't getting the correct pay, conditions or workplace rights
- want a Fair Work Inspector to investigate your situation.

You can also make a complaint to the Fair Work Ombudsman if you think your employer (or prospective employer) is unlawfully discriminating against you.

If you run a business, the Fair Work Infoline can assist you if you are confused about your rights and obligations as an employer under a relevant Commonwealth workplace law or industrial instrument. This includes advice about pay rates, terms and conditions of employment for employees, record keeping and pay slip obligations, and other rights and obligations under the *Fair Work Act 2009*.

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: **13 13 94**

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

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