



Fair Work
OMBUDSMAN

QLD Pest control and gardening services campaign 2013

Final report – June 2014

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Campaign overview

Total of

224

businesses audited

We found

95%

of employers were paying their
employees correctly

More than

\$9k

was recovered on behalf of 16
employees

Summary

The Fair Work Ombudsman (FWO) conducted an education and compliance campaign in the Queensland pest control and gardening services industry sectors.

The campaign aimed to promote and assess compliance with Australia's workplace laws.

During the campaign we assessed the time and wage records of 224 businesses. We assessed the records to ensure that:

- record-keeping practices were correct
- pay slips contained all required details and were issued in a timely manner
- pay rates were accurate.

In addition to conducting assessments, we spoke to employers about their obligations and provided them with information and resources to help make compliance easier.

In assessing time and wage records we found:

- 212 (95%) businesses were paying their employees correctly
- 210 (94%) businesses were compliant with record-keeping and pay slip requirements.

We recovered \$9 695 from 11 businesses, on behalf of 16 employees.

For further information on our findings, please refer to the body of this report.

Purpose of the campaign

The aim of the campaign was to promote and assess compliance with the *Fair Work Act 2009*, the *Fair Work Regulations* (the Regulations), the *Pest Control Industry Award 2010* and the

Gardening and Landscaping Services Award 2010.

In particular, our objectives were to:

- inform employers about their workplace obligations
- promote our self-help tools available at www.fairwork.gov.au, including [PayCheck Plus](#) and information on [Record-keeping](#) and [Pay slips](#)
- assess compliance with record-keeping and pay slip obligations
- assess compliance with correct rates of pay.

Our industry partners

We met with the following stakeholders to provide feedback on the campaign and to assist us in promoting it amongst their networks:

- Landscape Queensland
- Environmental Pest Managers Association – Queensland Branch

Why did we conduct the campaign?

During the 2010/11 financial year, we received 162 complaints from the Queensland building cleaning, pest control and gardening services industry. In almost 70% of complaints, employees had been underpaid.

FWO has previously conducted education and compliance activity in the building cleaning sector, but not in the pest control and gardening services sectors. On this basis, we decided to conduct the campaign in these two sectors.

What did we do?

Having engaged with stakeholders, we randomly selected a sample of pest control and gardening services business from across Queensland for inclusion in the campaign.

In January 2013, we informed the selected businesses about the campaign and we explained that we would require copies of their time and wage records for an assessment.

Fair Work Inspectors reviewed the records to ensure employers were meeting the following obligations:

- Issuing sufficiently detailed pay slips in the required timeframe
- Observing correct record-keeping practices
- Paying rates in accord with those prescribed in the relevant award, including overtime and penalty rates.

Where we identified record-keeping and pay slip errors, we explained our findings to the employer and provided them with information about how to maintain correct record-keeping and pay slip practices. We also required them to agree in writing to maintain correct records into the future.

Where we found that employees were underpaid, we informed the employer of our findings both verbally and in writing. We ensured that they rectify all underpayments identified and provide proof of having paid back any money owing to affected employees.

As we engaged with employers throughout the campaign, we regularly answered their questions about workplace obligations and we provided them with information and advice to

help them understand and comply with their obligations.

What did we find?

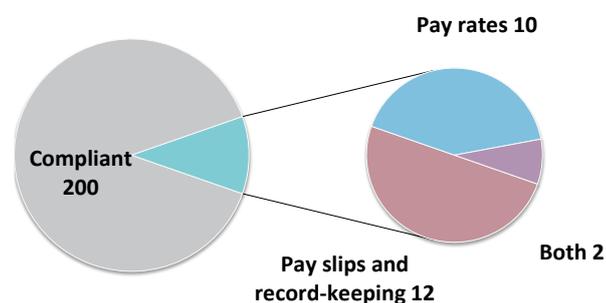
Of the 224 businesses assessed we found:

- 95% were paying their employees correctly
- 94% were following correct record-keeping practices and issuing compliant pay slips

Further details of the assessment results show that:

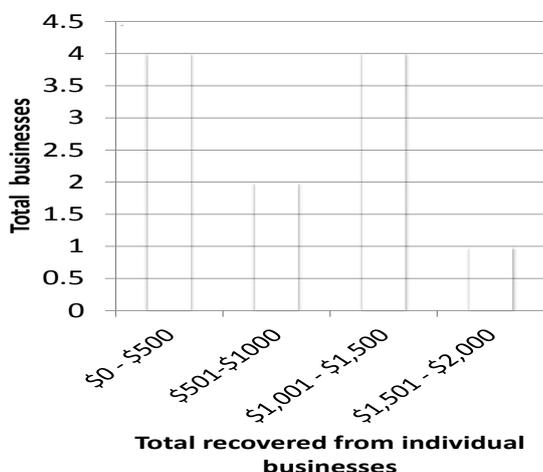
- 200 (89%) employers to be compliant with all requirements
- 24 (11%) employers had at least one error, of which:
 - 12 related to pay slips or record-keeping
 - 10 related to the incorrect rates of pay
 - 2 concerned both wages and pay slip or record-keeping errors

Chart 1 - Assessment results



We recovered \$9 695 from 11 businesses, on behalf of 16 employees who were underpaid. There was one business with incorrect rates of pay where the employees were not financially disadvantaged overall.

Chart 2 – Monetary recoveries



The amounts recovered from individual businesses ranged from just over \$80 to \$1 800, as shown in Chart 2.

Case study: Paying the wrong rates

We selected Kate's* business for assessment. In reviewing time and wage records which she had provided, we found that a casual employee, James*, was paid \$16.60 per hour.

Under the applicable award, casual employees are entitled to \$18.68 per hour as a minimum rate of pay. Kate had paid casual staff at the full time rate of pay rather than the casual rate.

We also found that Kate had not included all the necessary details on James' pay slip. The pay slip did not contain the ABN,

the period to which the payment related or the amount of superannuation paid by the business on behalf of James.

We discussed our findings with Kate and worked with her to ensure she understood the correct pay rates required and that James was entitled to receive back pay. We showed Kate how to use [PayCheck Plus](#) to calculate entitlements owing to James and to ensure that all her employees, including casual staff, were paid correctly in future.

Given the pay slip errors she had made, we also directed her to information on our website about [Pay slips](#).

As a result of our assessment, Kate paid James \$1251 in back pay and she also committed to issuing correct pay slips in future.

*Pseudonym

Other findings

Most of the businesses whose records we reviewed in this campaign did not have staff working on weekends.

Of the businesses which had made errors relating to pay rates, some were due to employers having paid 'going rates' or 'industry rates', which were below the rate prescribed by the award.

Concluding remarks

The results of the campaign show that there was a strong level of compliance among the pest control and gardening services businesses included in the campaign.

In instances where we did identify errors, it appeared that these occurred due to employers lacking awareness of correct entitlements or pay slip and record-keeping practices. The fact that all employers voluntarily rectified any errors we brought to their attention reinforced this observation.

We encourage employers in both the pest control and gardening services sectors to utilise the resources available at the [FWO website](#), to ensure that the positive findings of the campaign continue into the future.

About the Fair Work Ombudsman

The Fair Work Ombudsman is an independent agency created by the *Fair Work Act 2009* on 1 July 2009.

Our vision is fair Australian workplaces, and our mission is to work with Australians to educate, promote fairness and ensure justice in the workplace.

Our education and compliance campaigns target specific industries to assist them achieve compliance with national workplace laws. Our focus is usually industries that need assistance with compliance and employ vulnerable workers.

We like to work with relevant industry associations and unions to deliver our campaigns. We rely upon their 'real world' knowledge and communication channels to design and deliver our education activities and products.

This report covers the background, method and findings of the QLD Pest control and gardening services campaign 2013.

For further information and media enquiries please contact media@fwo.gov.au.

If you would like further information about the Fair Work Ombudsman's campaigns please contact Lynda McAlary-Smith, Executive Director - Proactive Compliance and Education (lynda.mcalary-smith@fwo.gov.au).

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