

Farming waste company promises compliance step-up after underpaying workers nearly \$94,000

18 August 2017

A farming waste company in regional NSW that underpaid 16 truck drivers nearly \$94,000 is back-paying the workers and overhauling its workplace practices, following intervention by the Fair Work Ombudsman.

Deniliquin-based company Downes Rice Hulls Pty Ltd short-changed the workers, mainly as a result of underpaying their overtime and weekend penalty rates.

Downes Rice Hulls collects and transports rice hulls in the NSW Riverina region and has major depots in Leeton and Deniliquin. It formerly also had a depot at Coleambally.

The Fair Work Ombudsman investigated after receiving a request for assistance from a driver who had previously been employed out of the Leeton depot and found the worker had been underpaid \$50,856 between 2011 and 2014.

The Fair Work Ombudsman found that the worker, aged in his 50s, was paid a \$24 hourly base rate, \$25 for night-shift work and \$27 for overtime work.

However, under the Waste Management Award 2010 at the time, he was entitled to overtime rates of between \$31.91 and \$42.54, up to \$42.54 on Sundays and up to \$63.81 on Christmas Day and Good Friday. His afternoon and night-shift loadings were also underpaid.

The Fair Work Ombudsman then conducted a wider audit and identified that similar issues had led to Downes Rice Hulls underpaying a further 15 full-time or casual workers a total of \$43,138 across a three-month period from January to March, last year.

The company also failed to pay annual leave loading and contravened record-keeping laws.

Downes Rice Hulls has entered into an Enforceable Undertaking (EU) with the Fair Work Ombudsman, committing to rectify all underpayments within 12 months and to take a range of steps aimed at ensuring future compliance with workplace laws.

This includes commissioning external audits of its compliance and rectifying any contraventions found; ensuring all managerial staff complete training on their workplace obligations; displaying public notices in its workplaces detailing the contraventions; providing written apologies to the workers; and signing up to the Fair Work Ombudsman's My Account online portal.

The company has also agreed to donate \$5000 to the GetSet employment readiness program for young people in Leeton.

Fair Work Ombudsman Natalie James says the case highlights the importance of employers ensuring they are aware of the minimum entitlements that apply to their employees.

"We are committed to helping employers rectify their non-compliance issues, but business operators need to make an effort to get the basics right in the first place," Ms James said.

Employers and employees can seek assistance at www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

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Download the [Downes Rice Hulls Pty Ltd Enforceable Undertaking \(DOCX 500.8KB\)](http://www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-downes-rice-hulls-redacted.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-downes-rice-hulls-redacted.docx.aspx) (PDF 2.3MB) (www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-downes-rice-hulls-redacted.pdf.aspx)

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