

\$23,000 pay-day for workers north-east of Melbourne

25 February 2017

The Fair Work Ombudsman has recovered \$23,432 for two workers in suburbs north-east of Melbourne.

A recently qualified apprentice mechanic in Lilydale received \$11,792 in back-pay after his employer failed to apply the relevant rate increases as the worker progressed from third year to fourth year and subsequently qualified.

The employee was paid the third-year apprentice rate of \$14.29 for the duration of his employment at the company over 17 months, despite progressing to fourth year and subsequently qualifying.

Under the Vehicle Manufacturing, Repair, Services and Retail Award 2010 the employee should have received at least \$17.49 as a fourth year apprentice and at least \$20.13 after qualifying.

The full-time employee was also underpaid his overtime and annual leave entitlements.

The employee contacted the Fair Work Ombudsman for assistance after resigning from the business and attempting to rectify the underpayment with his employer.

After being contacted by Fair Work Inspectors, the business admitted to applying the incorrect wage rates to the apprentice and voluntarily rectified the underpayment.

The business was also issued with a Letter of Caution, placing it on notice that future breaches of workplace laws may result in enforcement action, including litigation.

In a separate matter, the Fair Work Ombudsman recovered \$11,640 for a part-time administration assistant at a leisure facility in Chirnside Park.

A Fair Work investigation revealed that the worker's employer failed to pay her the relevant entitlements when she was made redundant following more than eight years of employment.

The company failed to provide the employee with written notice as prescribed by the Fair Work Act and failed to make payments for redundancy and notice entitlements in accordance with the Hospitality Industry award 2010.

The employee raised the matter with her employer and subsequently requested assistance from the Fair Work Ombudsman after it could not be resolved.




The business agreed to rectify the underpayment after being issued with a Findings of Contravention Letter by Fair Work Inspectors about its obligations under workplace laws in relation to redundancy and notice. The business was put on notice that future non-compliance with workplace laws may result in enforcement action, including litigation.

The business was issued with a contravention letter, placing it on notice that future non-compliance with workplace laws may result in enforcement action, including litigation.

Employers and employees who are seeking advice can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

"Our online tools and resources can assist employers to determine their applicable Award, as well as classification and pay rates, allowances, overtime and penalty rates," Fair Work Ombudsman Natalie James says.

The Fair Work Ombudsman's 'My Account' portal enables employers to view and save pay rates and receive alerts about minimum wage increases.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO)  (<http://twitter.com/NatJamesFWO>), the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au)  (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au  (<http://www.facebook.com/fairwork.gov.au>).

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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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

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