

More than \$100,000 in unpaid wages and entitlements recovered for Perth workers

26 July 2017

Intervention by the Fair Work Ombudsman to assist employees and employers to resolve workplace disputes has resulted in more than \$100,000 back-pay for 41 workers across Perth.

In one matter, the Fair Work Ombudsman found 33 shop assistants at a chain of retail outlets were underpaid a total of \$74,532 over seven months. The employees worked at various locations around Perth, including Perth CBD, Rockingham and Mandurah.

The Fair Work Ombudsman uncovered the underpayments after receiving a request for assistance from one of the employees.

Inspectors subsequently found that the shop assistants were underpaid their base hourly rate, casual loading and weekend and public holiday penalty rates, and were not appropriately remunerated for the minimum shift period of three hours.

The workers also had amounts unlawfully deducted from their wages to cover till shortages.

It was found that the employer had paid the workers varying rates of between \$17 and \$21 per hour on weekdays.

While workers were paid up to \$22.50 on weekends and up to \$40.50 on public holidays, the rates did not meet those required under the relevant Award.

Under the General Retail Industry Award 2010 each casual employee was entitled to receive up to \$24.30 for ordinary hours, up to \$26.24 on Saturdays, \$38.88 on Sundays and up to \$53.46 on public holidays.

The highest amount recovered for an individual worker was \$8,084.

Fair Work Inspectors determined that the errors occurred as a result of the operator relying upon the advice and knowledge of a bookkeeper that had been engaged to carry out pay and record keeping duties. The operator cooperated with the Fair Work Ombudsman and has rectified the underpayments.

Fair Work Inspectors issued the business with a Letter of Caution, notifying it that its employment and record keeping practices will be subject to audit again in future and enforcement action, including possible litigation, will be taken if subsequent contraventions are identified.

Other recent matters in Perth resulted in back-pay of:

- \$9000 for a car salesperson in Mount Lawley who did not receive annual leave and long service leave entitlements upon termination of employment;
- \$8246 for a carpenter in Armadale who was underpaid his redundancy entitlements;
- \$7323 for five warehouse employees based at Perth Airport who were underpaid their minimum entitlements under the Storage Services and Wholesale Award 2010;
- \$6895 for a casual cook in Inglewood who was underpaid his minimum entitlements under the Restaurant Industry Award 2010.

Fair Work Ombudsman Natalie James says small business owners must ensure they abide by the minimum wage rates and other working conditions applicable to their business.

"The Fair Work Ombudsman is here to assist employers if they are unsure about their obligations in relation to pay, entitlements and record keeping," Ms James said.

"In each of these matters a lack of understanding of workplace obligations led to employers breaching the law by not paying workers their legal entitlements."

"Mistakes like this can add up over time and leave an employer with a hefty bill for back-payments they were not budgeting for."

Ms James said that when errors are identified her agency assists employers to rectify the issues as quickly as possible and put processes in place to ensure mistakes are not repeated.

"The businesses in these matters co-operated with Inspectors, rectified the errors identified, and volunteered to take measures to ensure that underpayments do not occur in future."

“Our aim is to foster a culture of compliance within Australia’s workplaces by educating employers about their obligations and assisting them to take steps to ensure that they are met.”

Employees and employers who are unsure about their workplace rights and obligations should visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94.

Small business owners can opt for priority service when calling the Fair Work Infoline by following the prompts.

The Fair Work Ombudsman’s Pay and Conditions Tool (PACT), available at www.fairwork.gov.au, provides advice about pay, shift, leave and redundancy entitlements.

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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