

New app to prevent exploitation of young and migrant workers

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The Fair Work Ombudsman has released a new app aimed at tackling the persistent problem of underpayment of young workers and migrant workers around the country.

The 'Record My Hours' app equips workers with a record of the time they spend at their workplace by using geofencing technology to register when they arrive at work and when they leave.

Fair Work Ombudsman Natalie James said the app would be a valuable back-up for workers when employers failed to meet their record-keeping obligations.

"Most business owners do the right thing and when mistakes occur, many are genuine oversights and are rectified quickly without issue," Ms James said.

"However we still see far too many examples of records that are either deliberately misleading or so sub-standard that it's not even possible to conduct an audit and determine whether employees are being paid their correct entitlements.

"In the six months to December, two-thirds (64 per cent) of the cases we filed in court included alleged record-keeping or pay slip contraventions.

"For many years we have been encouraging workers, particularly young people, to keep a record of work hours. We know this is absolutely crucial for ensuring you receive the correct wages for all hours you have worked.

"Downloading this app won't cost you a cent, but it could save you hundreds or even thousands of dollars if you are concerned that you are not being paid your correct entitlements," Ms James said.

Ms James said the app would prompt users to confirm their hours at the conclusion of each shift and users could also choose to record their hours manually with all data to remain private unless the user chooses to export their information to someone else, such as their employer, the Fair Work Ombudsman or another party.

"Metadata in the app will make it clear when the records have been manually edited and should any dispute arise the Fair Work Ombudsman will interrogate the app data and the employer's own records," Ms James said.

"Record My Hours has a number of additional features that will also benefit the business community and we would encourage employers to promote the use of the app amongst their staff.

"The app allows rosters and work-related notifications and reminders to be imported to a worker's phone, reducing the number of late starts and absenteeism.

"The app will also be of particular benefit to small business owners who do not have the resources to install expensive automated time-recording systems, especially those in the retail and hospitality industries where staff are more likely to work irregular hours that do not always reflect rosters.

"In these instances the data from an employee's Record My Hours app can be checked against the businesses' records to identify any discrepancies and resolve any issues before they arise," Ms James said.

The Record My Hours app is available for download from iTunes or Google Play stores.

Ms James said it was important that businesses used the app to complement their own records, rather than replace them entirely.

"Workplace laws require employers to keep accurate records of the hours their employees have worked.

"Minor discrepancies in record-keeping are usually resolved without the need for formal enforcement action," Ms James said.

"However we take matters very seriously when we come across examples of record-keeping that is so sub-standard it compromises our ability to determine a worker's entitlements.

"We support the Government's commitment to increase penalties for record-keeping contraventions, particularly in instances where

the conduct has been systemic and deliberate,” Ms James said.

Workers from migrant backgrounds are also encouraged to download the app, which is available in 12 different languages and will automatically detect the language settings on the user’s smartphone.

“We know that young and migrant workers are particularly vulnerable to being short-changed because they are often not fully aware of their workplace rights and can be reluctant to complain,” Ms James said.

Editors’ note:

Between July 1 and December 31, 2016, the Fair Work Ombudsman issued 347 Infringement Notices (on the spot fines) ranging from \$540 to \$2700 to employers for contraventions of record-keeping and pay slip laws.

The Fair Work Ombudsman can also take legal action in court for serious record-keeping failures.

Last month the Fair Work Ombudsman announced it had initiated proceedings against a labour-hire firm over claims its failure to keep records of employee’s hours prevented the agency from determining whether 260 migrant workers had received their full entitlements. See [Labour-hire operator allegedly flouts laws relating to overseas workers on Queensland farms \(www.fair-work.gov.au/about-us/news-and-media-releases/2017-media-releases/february-2017/20170207-ha-farmings-litigation\)](http://www.fair-work.gov.au/about-us/news-and-media-releases/2017-media-releases/february-2017/20170207-ha-farmings-litigation) .

The Fair Work Ombudsman also recently commenced legal action against the operator of a number of massage parlours in Adelaide, alleging basic record-keeping failures prevented Fair Work inspectors from determining whether employees were being paid their lawful minimum entitlements (see: [Adelaide massage parlour operator faces court \(www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/january-2017/20170124-wuyu-litigation\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/january-2017/20170124-wuyu-litigation)).

Ms James says she welcomes the Government’s commitments to enhance workplace laws to better protect vulnerable workers, including increasing applicable penalties for serious record-keeping contraventions.

Employers and employees seeking assistance can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50 and the website contains materials translated into 27 different languages.

Tools and resources available on the website include templates for time-and-wages sheets and pay slips, and information on the laws that apply to deductions from wages.

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