

Gippsland workers back-paid more than \$21,000

(www.fairwork.gov.au/%E2%80%9C#twitter) 9 November 2017

Twenty one workers across Victoria's Gippsland region have been back-paid more than \$21,000 in wages and entitlements after intervention by the Fair Work Ombudsman.

Acting Fair Work Ombudsman Kristen Hannah said the employing businesses are on notice that future breaches of workplace laws will not be tolerated.

In one matter, six café workers in Warragul, including a teenager, were underpaid \$8749 after the employer incorrectly classified the employees.

The employer's errors led to underpayments of the workers' ordinary hourly rates as well as their weekend and public holiday penalty rates under the Restaurant Industry Award 2010.

The workers were repaid after the Fair Work Ombudsman intervened and informed the business of its obligations under the law.

In another matter, 13 full-time employees in Leongatha were underpaid after their employer failed to update wage rates following the annual July increase to modern awards.

Despite underpayments of as little as 47 cents per hour, the failure to apply the updated wage rates led to a total back-pay bill of \$6027 under the General Retail Industry Award 2010.

Following intervention by the Fair Work Ombudsman including a Letter of Caution, the business cooperated and back-paid the employees in full.

In a third matter, a Lynbrook automotive servicing business underpaid two staff a combined \$7089. One of the employees was a full-time clerical worker who was underpaid ordinary hourly rates under the Clerks Private Sector Award 2010. The other worker, a casual labourer employed only during the summer holiday period, was underpaid their ordinary hourly rates under the Manufacturing and Associated Industries Award 2010.

After an audit request by the Fair Work Ombudsman, the business audited the workers' full employment periods and made back-payments.

Acting Fair Work Ombudsman Kristen Hannah said in each of the three cases it was the first time the employer had come to the agency's attention and the errors were quickly rectified.

Each business is on notice that further mistakes could result in serious enforcement action, including litigation and the potential for hefty penalties.

"Business operators can become overconfident and as we have seen, this can lead to mistakes like forgetting to pass increases applied in the annual wage review or paying your workers at the incorrect level within the modern award," Ms Hannah said.

"While these mistakes may be careless rather than malicious, the fact remains that there has never been more freely available information for employers than there is right now so there are no excuses for making these mistakes.

"In these cases we decided the best outcome was to make sure the workers were repaid quickly and lengthy court proceedings were not necessary," Ms Hannah said.

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for free advice and assistance about their rights and obligations in the workplace. A free interpreter service is available on 13 14 50.

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

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>).

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at www.fairwork.gov.au/mediareleases (www.fairwork.gov.au/mediareleases).

Media inquiries:

Matthew Raggatt, Senior Media Adviser

Mobile: 0466 470 507

matthew.raggatt@fwo.gov.au (mailto:matthew.raggatt@fwo.gov.au)

Page reference No: 7752

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.