

Great Ocean Road workers back-paid \$64,000

5 October 2017

The Fair Work Ombudsman has recovered \$64,334 for 36 workers employed at various locations along the Great Ocean Road and Otway region of Victoria.

Fair Work Ombudsman Natalie James said the workers' employers have been placed on notice that future breaches of workplace laws will not be tolerated.

In one matter, \$37,754 was recovered for 23 cleaners in Colac who were underpaid their shift and toilet cleaning allowances.

Under the Cleaning Services Award 2010 the full-time, part-time and casual employees received hourly rates of up to \$23.08 for ordinary hours, up to \$32.31 on Saturdays, up to \$41.54 on Sundays and up to \$50.77 on public holidays.

The employer was unaware that the cleaners were also entitled to a toilet cleaning allowance of up to \$2.52 per shift to a maximum of \$12.39 per week which they did not receive.

Under the Award an employee engaged for the major portion of a day cleaning toilets will be paid an allowance of 1.766 per cent of the standard rate per week or 0.359 per cent of the standard rate per shift.

The workers were also underpaid a penalty rate allowance of 15 per cent of the ordinary hourly rate for early morning shifts starting before 6am and afternoon shifts finishing after 6pm.

Inspectors issued the business with a formal caution warning that enforcement action will be taken if further breaches occur.

Other recent recoveries in the region include:

- \$13,191 for 10 hospitality workers in Beeac who were underpaid penalty rates for weekend work under the Restaurant Industry Award 2010.
- \$8209 for two casual labourers in Warrnambool who did not receive the appropriate pay rate for overtime hours under the Plumbing and Fire Sprinklers Award 2010.
- \$5178 for a bricklaying apprentice in Warrnambool who was underpaid the applicable base hourly rates under the Building and Construction General On-Site Award 2010.

Fair Work Ombudsman Natalie James said many businesses were overconfident when it comes to the intricacies of Australia's workplace laws and her agency will be taking an increasingly hard line with employers who cannot demonstrate that they made a diligent effort to understand their obligations.

"There has never been so much freely available information to assist employers to understand their workplace obligations. The time for excuses is over," Ms James said.

"We conduct follow-up audits of businesses previously found to be non-compliant to make sure they have changed their ways. Repeat offenders can expect to face enforcement action including potential litigation and significant court penalties."

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. An interpreter service is available on 13 14 50. A small business helpline is available at request when contacting the Infoline.

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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Need language help?

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

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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

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