

Sydney workers back-paid more than \$62,000 after seeking Fair Work Ombudsman help

6 April 2018

The Fair Work Ombudsman has assisted five workers employed by businesses in Sydney suburbs to recover \$62,979 in unpaid wages and entitlements.

Acting Fair Work Ombudsman Kristen Hannah says that the recoveries were made after the workers reached out to the regulator for help.

In one matter, a casual worker employed at a restaurant in Camperdown was back-paid \$12,500 after Fair Work inspectors found that they had been underpaid weekend penalty rates for a period of almost three years.

The worker was not paid the correct weekend rate as required under the Restaurant Industry Award 2010, being paid only \$19.56 per hour for Sunday work when entitled to rates of up to \$34.23 per hour.

After the worker contacted the Fair Work Ombudsman, the employer rectified the underpayment.

In another matter, the Fair Work Ombudsman received a request for assistance from a registered nurse who was being underpaid at a medical centre in Putney.

Fair Work inspectors found that the nurse, employed on a casual basis, had been paid under the wrong classification, and was also paid below the hourly rate of pay stipulated under the Nurses Award 2010.

The underpayments occurred over a period of more than two years, equating to a total underpayment of \$15,605.

Fair Work inspectors found that the employer was unaware of the worker's correct classification and that they were not familiar with the Award.

The employer fully cooperated with the Fair Work Ombudsman and back-paid the worker in full.

Ms Hannah says that both cases highlighted that it was incumbent upon employers to ensure they are aware of their workplace obligations.

"These cases reinforce the importance of employers making sure they are fully informed about the correct pay and entitlements that apply to their workers – or risk being hit with a hefty back-payment bill down the track," Ms Hannah says.

"Any cases of serious or deliberate contraventions may also expose businesses to heavy penalties in the courts."

In a third matter, a full-time financial accountant employed by a solar power panel installation business in Forest Lodge was back-paid \$6,088 in owed entitlements.

The worker requested assistance from the Fair Work Ombudsman after not receiving the redundancy payments and two weeks' payment in lieu of notice they were entitled to.

The Fair Work Ombudsman also assisted two other full-time workers in the inner Sydney area to recover outstanding final pay entitlements: a project manager at a digital marketing business in Surry Hills, as well as an accountant at a removalist company in Marrickville.

Following intervention by the Fair Work Ombudsman, the project manager was back-paid a total of \$15,470 in unpaid wages and entitlements, and the accountant was back-paid \$13,316.

The underpayments in these cases were due to the accumulation of a number of unpaid entitlements, including termination entitlements, annual leave entitlements, outstanding pro rata long service leave entitlements and unpaid bonuses.

Ms Hannah says that the Fair Work Ombudsman's priority in these matters was to see them resolved quickly and for the workers to be promptly back-paid.

"The vast majority of matters the Fair Work Ombudsman deals with are resolved through early intervention, as occurred in these cases," Ms Hannah says.

“This is a good outcome for workers as it ensures that owed payments can be recovered quickly, without the need for lengthy court proceedings.

“It is encouraging to see the positive outcomes secured for these workers after they contacted the Fair Work Ombudsman with their concerns, but these errors should not have occurred in the first place.

“I continue to urge both workers and employers to make use of our wide range of free resources and tools to ensure that they are fully informed of their rights and obligations, and to reach out to us if they need tailored advice.”

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. Small business owners can opt for priority service by following the prompts. A free interpreter service is available on 13 14 50.

Information on the website can be translated into 40 languages other than English.

The Fair Work Ombudsman’s [Pay and Conditions Tool \(PACT\)](https://calculate.fairwork.gov.au/) (<https://calculate.fairwork.gov.au/>) is also available at www.fairwork.gov.au, which 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>) .

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:

Mira Millane, Media Adviser

Mobile: 0439 835 855

mira.millane@fwo.gov.au (<mailto:mira.millane@fwo.gov.au>)

Page reference No: 8234

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.