

WA workers back-paid almost \$390,000 and three businesses penalised in court following FWO campaigns

10 April 2018

Two Fair Work Ombudsman campaigns conducted in Western Australia have resulted in \$388,261 being back-paid to local workers, including more than \$300,000 recovered following court actions commenced by the regulator.

The results are included in the Fair Work Ombudsman's report on proactive education and compliance campaigns in the Southern Perth and Albany-Manjimup regions of Western Australia, released today.

Fair Work inspectors assessed the time and wages records of 148 businesses in Armadale, Kwinana and Rockingham in Southern Perth, as well as 147 businesses across Albany, Denmark, Manjimup and their surrounding regions.

Of the 148 businesses audited in Southern Perth, 39 per cent were found to be not complying with their obligations under Australian workplace laws.

The campaign found that 26 per cent of these businesses were not paying their workers correctly, and 19 per cent were not complying with pay slip and record-keeping obligations.

Inspectors uncovered a total of 92 individual breaches across 57 businesses. A total of \$40,391 was recovered for 73 workers in the region during the campaign activity.

An additional \$300,491 was recovered after the agency brought proceedings before the courts in respect of three businesses audited during the campaign.

The legal proceedings related to two Han's café franchisees (<https://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/march-2018/20180320-hans-cafe-penalties>) - Phua and Foo Pty Ltd, who operate a franchise in Armadale, and Tac Pham Pty Ltd, who operate a franchise in Rockingham – as well as Rockingham-based security company Sureguard Security (<https://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/february-2018/20180220-sureguard-penalty-mr>)

The three businesses were penalised a total of \$161,270 as a result of the court actions.

In the Albany-Manjimup region, 52 per cent of businesses were found to be non-compliant, with a total of 106 individual breaches identified across 76 businesses.

Thirty-four per cent of businesses audited in the region were not paying their employees correctly, while 28 per cent had record-keeping and payslip breaches.

Back-payments totalling \$47,379 were recovered for 147 local workers from 28 businesses.

Acting Fair Work Ombudsman Kristen Hannah says that any instance of non-compliance is cause for concern, and that the Fair Work Ombudsman would continue to use the full suite of tools at its disposal to deal with non-compliant businesses.

"The breaches uncovered by the inspectors in respect of three businesses audited during these campaigns were so serious as to warrant litigation in court, resulting in hefty penalties and back-payment bills," Ms Hannah says.

"We will not hesitate to take firm action against employers who we find to be seriously and deliberately flouting the law, as was the case in these matters."

Inspectors also issued 14 infringement notices (on-the-spot fines), 12 formal cautions and four compliance notices during the course of the campaign.

"Non-compliant businesses in the regions are now on notice, and we will be following up to ensure that they have rectified their issues and remain compliant going forward."

The majority of breaches were found to have occurred as a result of employer errors, such as missing annual wage increases or failing to include the required information on pay slips.

In one matter, inspectors assessed the wage records of a winery in the Albany-Manjimup region, finding that workers were being

paid a flat hourly rate below the minimum rate set under the Wine Industry Award 2010, and that they were not receiving additional penalty rates for weekend and public holiday work.

Inspectors calculated that three staff members were underpaid a total of \$8,750.63 and issued the employer with a Compliance Notice. The employer cooperated with inspectors and back-paid the workers in full.

Ms Hannah says that there are no excuses for such errors.

“All employers in Australia must be aware of their obligations under Australia’s workplace laws. They have a responsibility to ensure they are doing the right thing by their workers,” Ms Hannah says.

“The Fair Work Ombudsman works hard to ensure that workplace information is readily available free of charge and accessible to those that need it. We are here to help any business who needs assistance in complying with the law.”

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. Small businesses can opt for priority service by following the prompts.

The Fair Work Ombudsman recently launched an online training course aimed at ensuring employers understand their record-keeping obligations. It and a number of other courses are available via the agency’s award winning Online Learning Centre at www.fairwork.gov.au/learning (<http://www.fairwork.gov.au/learning>) .

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) .

Read the [Western Australia - Southern Perth & Albany-Manjimup Regional Campaign Report](http://www.fairwork.gov.au/reports/western-australia-southern-perth-and-albany-manjimup-regional-campaign-report/default) (www.fairwork.gov.au/reports/western-australia-southern-perth-and-albany-manjimup-regional-campaign-report/default) (PDF 462.7KB) (<https://www.fairwork.gov.au/ArticleDocuments/1307/western-australia-southern-perth-and-albany-manjimup-regional-campaign-report.pdf.aspx>)

Media inquiries:

Ryan Pedler, Assistant Director - Media

Mobile: 0411 430 902

ryan.pedler@fwo.gov.au (<mailto:ryan.pedler@fwo.gov.au>)

Page reference No: 8255

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.