

## \$50,000 back-paid to workers in Melbourne's south east

12 January 2018

The Fair Work Ombudsman recently assisted workers at four businesses in suburbs south east of Melbourne to recover almost \$50,000 in unpaid wages and entitlements.

Fair Work Ombudsman Natalie James said the businesses are now on notice that they will be re-visited in future and may face serious enforcement action if further mistakes are identified.

"This was the first time these businesses had come to our attention and we determined that lengthy court proceedings were not necessary in these circumstances. However, we revisit non-compliant businesses and these employers risk serious enforcement action in future if we find they haven't changed their ways," Ms James said.

In one matter, a full-time financial adviser in Oakleigh East was back-paid \$14,246 because she was incorrectly paid on a commission only basis.

Under the Banking, Finance and Insurance Award 2010 the temporary visa holder was entitled to receive a minimum of \$21.77 per hour but for some weeks she received no pay at all.

After the Fair Work Ombudsman informed the business that the Award did not contain provisions for commission only payments, the outstanding wages were back-paid.

In a separate matter a retail manager in Cheltenham was back-paid \$19,000 in termination entitlements, including accrued annual leave and long service leave, as prescribed by the General Retail Award 2010.

The employee contacted the Fair Work Ombudsman for assistance after becoming concerned about the length of time it was taking for the business to pay the termination entitlements.

The business revealed its concerns that it could not afford to pay the entitlements in a lump sum so, with the assistance of the Fair Work Ombudsman, a weekly payment plan was established to ensure the employee received all outstanding entitlements.

In Keysborough a warehouse store person received \$5700 after being incorrectly paid a flat rate of \$18 per hour for eight months.

Under the Storage Services Award 2010 the casual worker was legally entitled to receive \$23.16 per hour for ordinary hours.

A full-time retail worker in Malvern East received \$9117 in unpaid wages and leave entitlements following termination of their employment.

Under the General Retail Industry Award 2010 the employee was entitled to receive final payment of wages for hours worked and entitlements for 35 hours of accrued leave.

The business had intended to use the employee's accrued time off in lieu of overtime to form part of the termination notice period, but rectified the error after receiving education from the Fair Work Ombudsman.

Employers and employees can visit [www.fairwork.gov.au](http://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) , the Fair Work Ombudsman [@fairwork\\_gov\\_au](https://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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Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

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