

## Fair Work Ombudsman releases results of NSW audits

14 June 2018

The Fair Work Ombudsman has today released the findings of its proactive compliance and education campaigns targeting the mid-north coast and mid-western regions of NSW, which resulted in the recovery of \$431,792 for 629 local workers.

As part of the campaigns, Fair Work inspectors assessed the time and wages records of 626 businesses across towns including Port Macquarie and Taree in the mid-north coast and Coonabarabran, Dubbo, Gloucester, Gunnedah, Moree, Narrabri and Wellington in the mid-western region.

Inspectors found that almost half (48 per cent) of businesses audited across both areas were not fully complying with Australian workplace laws, identifying a total of 417 individual breaches of the Fair Work Act.

In the mid-north coast region, 147 of the 307 businesses audited were not complying with workplace laws, with:

- 96 (31 per cent) of businesses not paying their employees correctly; and
- 78 (25 per cent) of businesses not complying with record-keeping and payslip requirements.

A total of \$229,565 was back-paid to 365 workers in the region.

In the mid-western region, 152 of the 319 businesses audited were not complying with workplace laws, with:

- 107 (34 per cent) of businesses not paying their employees correctly; and
- 73 (23 per cent) of businesses not complying with record-keeping and payslip requirements.

A total of \$202,227 was back-paid to 264 workers in the region.

Across both regions, the Fair Work Ombudsman issued 19 formal cautions, 15 infringement notices (on-the-spot fines) and 10 compliance notices.

The mid-western campaign also led to the signing of an Enforceable Undertaking (<https://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/march-2017/20170316-soul-food-eu-release>) between the Fair Work Ombudsman and Soul Food Design Depot and Gallery Pty Ltd, which resulted in the recovery of \$22,724.60 for 24 underpaid restaurant workers in Narromine, and a commitment from the company to commission professional audits of its workplace records over the next two years.

Common workplace breaches identified across both regions in the campaigns related to pay slips and incorrect pay rates.

Fair Work Ombudsman Natalie James says that there are no excuses for businesses failing to meet their basic workplace obligations.

"It is just not good enough that almost half of the businesses in these regions were found to be non-compliant with workplace laws when there is so much information freely available," Ms James says.

Ms James is urging businesses to make use of the regulator's wide range of free tools and resources available at [www.fairwork.gov.au](http://www.fairwork.gov.au), and to register for [My Account \(www.fairwork.gov.au/my-account/registerpage.aspx\)](http://www.fairwork.gov.au/my-account/registerpage.aspx) to receive personalised information such as updates about workplace laws and wage rate changes.

"It's not that hard for employers to check their obligations – and if they need further tailored advice, they can come directly to us for help," Ms James says.

"The Fair Work Ombudsman will continue to check in with non-compliant businesses across these regions."

In one matter, a retail business was issued with two infringement notices after a Fair Work inspector discovered that the employer did not issue pay slips, was not keeping adequate records of the hours worked by employees, and had insufficient records of workers' employment entitlements, such as leave accruals. The employer had also underpaid all five casual employees their hourly rates of pay.

The employer was provided information on their workplace obligations and agreed to back-pay \$4000 owed to their workers.

Ms James says that resolving issues through early intervention is the most appropriate outcome in most cases, ensuring that

workers' entitlements can be recovered quickly.

"However, businesses must be aware that recent legislative changes mean that penalties for serious breaches, as well as those for record keeping and payslip breaches, have significantly increased," Ms James says.

"All businesses in Australia have a responsibility to be informed about their workplace obligations, and my agency will not hesitate to take action in response to serious and deliberate cases of non-compliance."

Employers and employees seeking assistance can visit [www.fairwork.gov.au](http://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 via the Infoline or visit the Fair Work Ombudsman's [Small Business Showcase](https://www.fairwork.gov.au/small-business-showcase) (<https://www.fairwork.gov.au/small-business-showcase>), a hub for online resources to assist small businesses.

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Read the [New South Wales Mid-West and Mid-North Campaign Report](http://www.fairwork.gov.au/reports/nsw-mid-west-and-mid-north-coast-campaign-report) ([www.fairwork.gov.au/reports/nsw-mid-west-and-mid-north-coast-campaign-report](http://www.fairwork.gov.au/reports/nsw-mid-west-and-mid-north-coast-campaign-report)) (PDF 1.1MB) (<https://www.fairwork.gov.au/ArticleDocuments/1353/nsw-mid-west-and-mid-north-coast-campaign-report.pdf.aspx>)

Media inquiries:

Mira Millane, Media Adviser

Mobile: 0439 835 855

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