

Sunwater signs Enforceable Undertaking

28 August 2020

Queensland water service provider Sunwater is back-paying employees more than \$2 million and has entered into an [Enforceable Undertaking \(EU\) \(DOCX 94.3KB\)](http://www.fairwork.gov.au/ArticleDocuments/545/Sunwater-Enforceable-Undertaking-FINAL-REDACTED.docx.aspx) ([www.fairwork.gov.au/ArticleDocuments/545/Sunwater-Enforceable-Undertaking-FINAL-REDACTED.docx.aspx](http://www.fairwork.gov.au/ArticleDocuments/545/Sunwater-Enforceable-Undertaking-FINAL-Redacted.pdf.aspx)) (PDF 37.4MB) (www.fairwork.gov.au/ArticleDocuments/545/Sunwater-Enforceable-Undertaking-Final-Redacted.pdf.aspx) with the Fair Work Ombudsman.

The Queensland Government owned organisation self-reported to the regulator last year that it had identified underpayments during an annual remuneration review for employees on individual contracts. The affected employees were mainly technical specialists and managers.

The underpayments were the result of Sunwater failing to ensure its employees on individual contracts received all entitlements payable under the enterprise agreements covering its workforce, having incorrectly assumed these employees were excluded from coverage.

This resulted in employees on individual contracts being underpaid base salaries, annual leave loading, on-call and relocation allowance, superannuation and accrued time-off-in-lieu. Record-keeping laws were also breached.

Sunwater has so far back-paid 73 workers a total of more than \$2.3 million, which includes interest and superannuation, who were underpaid between 2006 and 2020. Individual underpayments range from less than \$60 to more than \$224,000.

While Sunwater has already back-paid the majority of workers, the EU requires the organisation to pay any outstanding amounts to former employees by 31 October this year.

Fair Work Ombudsman Sandra Parker said that an Enforceable Undertaking was appropriate as the organisation had cooperated with the investigation.

“Sunwater has demonstrated a strong commitment to rectifying underpayments, and the Enforceable Undertaking commits the company to stringent measures to protect its workforce. This includes engaging an expert auditing firm to conduct an independent assessment of the outcomes of its rectification program and to audit its compliance over the next two years,” Ms Parker said.

“This matter serves as a warning to all organisations that they must prioritise workplace compliance. Any employers who need help meeting their lawful workplace obligations should contact us.”

Under the Enforceable Undertaking, Sunwater will make a contrition payment into the Commonwealth’s Consolidated Revenue Fund. The size of the contrition payment will be 4.5 per cent of the total underpayment figure and is estimated to be more than \$100,000.

The public organisation must fund an independent organisation to operate a Hotline for the next 12 months that employees can use to make enquiries in relation to their entitlements, underpayments or related employment concerns.

Sunwater is also required to display public, workplace and online notices detailing its workplace law breaches.

Employers and employees can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94 for free workplace advice.

Follow 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).

Download the (www.fairwork.gov.au/ArticleDocuments/545/Sunwater-Enforceable-Undertaking-Final-Redacted.pdf.aspx) Sunwater Enforceable Undertaking (DOCX 94.3KB) (www.fairwork.gov.au/ArticleDocuments/545/Sunwater-Enforceable-Undertaking-FINAL-REDACTED.docx.aspx) (PDF 37.4MB) (www.fairwork.gov.au/ArticleDocuments/545/Sunwater-Enforceable-Undertaking-Final-Redacted.pdf.aspx) Sunwater Enforceable Undertaking - Schedule A (XLSX 27.8KB) (www.fairwork.gov.au/ArticleDocuments/545/Sunwater-Enforceable-Undertaking-%20Schedule-A-%20REDACTED.xlsx.aspx)

Media inquiries:

Matthew Raggatt, Assistant Media Director (A/g)
Mobile: 0466 470 507
matthew.raggatt@fwo.gov.au (mailto:matthew.raggatt@fwo.gov.au)

Page reference No: 9596

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.