

Medical institute signs Enforceable Undertaking

31 July 2020

The Walter and Eliza Hall Institute of Medical Research is back-paying employees more than \$350,000 after entering into an [Enforceable Undertaking \(EU\) \(DOCX 135.9KB\) \(www.fairwork.gov.au/ArticleDocuments/545/Walter-and-Eliza-Hall-Institute-of-Medical-Research-Enforceable-Undertaking.docx.aspx\)](#) (PDF 8.6MB) ([www.fairwork.gov.au/ArticleDocuments/545/Walter-and-Eliza-Hall-Institute-of-Medical-Research-Enforceable-Undertaking.pdf.aspx](#)) with the Fair Work Ombudsman.

The not-for-profit organisation, which conducts biomedical research and offers postgraduate training, self-reported last year that it had underpaid current and former employees.

The underpayments are the result of the organisation failing to correctly transition to modern awards. The institute continued to pay the affected employees according to pre-modern awards which it believed applied, when it should have been paying them according to modern awards, which contained more generous provisions for a number of pay rates and entitlements.

This resulted in underpayments of employees' minimum shift engagements, meal allowances, first aid allowance, and penalty rates for overtime, weekend and public holiday work. Affected employees include research and animal assistants and technicians, facilities/maintenance employees and students undertaking casual research, data entry, events and office work.

In total, the organisation underpaid 423 current and former employees a total of \$350,322 between January 2014 and October 2019. Individual underpayments range from \$3 to \$ 21267.

The Walter and Eliza Hall Institute of Medical Research has located and back-paid the majority of employees. It has also paid superannuation and interest on back-payment amounts.

Fair Work Ombudsman Sandra Parker said that an Enforceable Undertaking was appropriate, as the organisation demonstrated a strong commitment to rectifying all underpayments promptly.

"The Enforceable Undertaking commits the organisation to stringent measures to improve workplace compliance, including funding external audits over the next two years," Ms Parker said.

"This matter should serve as a warning to all organisations that if you don't prioritise workplace compliance, you risk underpaying staff on a large scale and face not only a massive administrative and logistical exercise but the cost of a significant back-payment bill."

Ms Parker said that Walter and Eliza Hall Institute of Medical Research's cooperation with the investigation, and the significant impact of COVID-19 pandemic on its revenue, were factors considered in determining that it should not be required to make a contrition payment.

Under the Enforceable Undertaking, the Institute must operate a hotline for the next six months that employees can use to make enquiries in relation to their entitlements, underpayments or related employment concerns.

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

For any affected employees who cannot be located, the organisation will pay outstanding amounts to the Fair Work Ombudsman to be held in trust until the employees can be found.

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

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