

National Library signs Enforceable Undertaking

2 November 2020

The National Library of Australia has entered into an Enforceable Undertaking (EU) with the Fair Work Ombudsman after underpaying employees almost \$250,000 in wages and superannuation.

The public Commonwealth entity, based in Canberra, self-reported to the Fair Work Ombudsman earlier this year that it had failed to pay casual employees the correct weekend and public holiday penalty rates they were entitled to under the applicable Enterprise Agreements.

During an internal payroll audit, the National Library identified that it had misunderstood its obligations under the Agreements in failing to pay penalty rates to its casual employees over two decades.

The underpaid casual employees were library assistants who, among other things, offered assistance to the general public in the reading rooms of the National Library on weekends and public holidays.

In total, the National Library underpaid 106 current and former employees a total of \$245,359 in wages and superannuation between 2000 and April 2020. Individual underpayments range from \$12 to \$19,997, with 11 employees underpaid \$5000 or more.

More than half of the underpayments have been rectified and the EU requires the National Library to pay amounts owing to every affected employee within the next three months. The National Library is also required to pay additional interest on all back-payments.

Fair Work Ombudsman Sandra Parker said that an EU was an appropriate enforcement outcome as the National Library of Australia had cooperated with the investigation and demonstrated a strong commitment to rectifying all underpayments.

“Under the Enforceable Undertaking, this entity has committed to stringent measures to comply with the law and protect its workforce. This includes engaging, at its own cost, an expert auditing firm to audit its compliance with workplace laws,” Ms Parker said.

“This matter serves as a warning to all public and private sector employers that if you don’t prioritise workplace compliance, you risk underpaying staff on a large scale. Any employers who need help meeting their lawful workplace obligations should contact the Fair Work Ombudsman for free advice.”

The National Library is also required by the EU to display an online notice detailing its workplace law breaches, apologise to workers, commission workplace relations changes for managerial staff and provide evidence to the Fair Work Ombudsman that it has developed systems and processes for ensuring compliance in future.

The National Library’s co-operation in rectifying its non-compliance issues, including making back-payments that occurred well beyond the statute of limitations, and implementing measures to ensure future compliance were key factors in determining that it should not be required to make a contrition payment.

Employers and employees can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94 for free workplace advice. A free interpreter service is available on 13 14 50.

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Download the [National Library of Australia Enforceable Undertaking \(DOCX 153.2KB\)](https://www.fairwork.gov.au/ArticleDocuments/1545/eu-national-library-of-australia-final-redacted.docx.aspx) (https://www.fairwork.gov.au/ArticleDocuments/1545/eu-national-library-of-australia-final-redacted.docx.aspx) (PDF 14.4MB) (https://www.fairwork.gov.au/ArticleDocuments/1545/national-library-of-australia-enforceable-undertaking.pdf.aspx)

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