

Disability service workers back-paid

29 March 2021

The Fair Work Ombudsman (FWO) has recovered \$43,204 in unpaid wages for 322 workers following an investigation into National Disability Insurance Scheme (NDIS) service providers in NSW and Victoria.

Fair Work Inspectors investigated 27 businesses operating in Western Sydney, NSW's Central Coast and Mid-North Coast, and Inner-East Melbourne between September 2019 and July 2020.

Fair Work Inspectors assessed employment records against the Fair Work Act 2009, Fair Work Regulations 2009, the Social, Community, Home Care and Disability Services Award 2010, Supported Employment Services Award and relevant enterprise agreements.

Businesses audited offered various forms of assistance to NDIS users, such as accommodation services, household tasks, community participation and personal mobility equipment.

The FWO found that 13 of the businesses (48 per cent) were non-compliant with workplace laws. Inspectors found underpayments at 11 of these businesses, while 3 businesses had not met pay slip and record-keeping obligations.

In total, the FWO recovered \$43,204: \$32,337 for 234 workers at five businesses in Western Sydney, \$10,314 for 85 workers at three businesses in NSW's Central Coast and Mid-North Coast, and \$553 for three workers at two businesses in Inner-East Melbourne.

Recoveries from individual businesses ranged from \$23 for one worker at a Western Sydney business to \$21,549 for 222 workers at a separate Western Sydney business.

The most common contraventions related to underpayment of the minimum wage, followed by underpayments of weekend penalty rates and failure to pay travel allowances.

Fair Work Ombudsman Sandra Parker said that inspectors targeted locations where there had been growth in NDIS provider numbers, and where more vulnerable workers were being employed.

"The FWO was concerned about the potential for non-compliance with workplace laws among NDIS service providers because of the sector's rapid growth, with increased competition from new, relatively inexperienced employers," Ms Parker said.

"The Fair Work Ombudsman's investigation should serve as a reminder to new employers and those in expanding industries about the importance of prioritising compliance with workplace laws."

Inspectors issued Compliance Notices to 10 businesses requiring employers to rectify breaches of the law, resulting in \$41,838 in back-payments for 315 workers. Inspectors also issued one Infringement Notice with penalties totalling \$1,200. These businesses were put on notice that any future breaches may lead to higher-level enforcement action.

The Fair Work Ombudsman will continue to act on intelligence, including requests for assistance received from employees in the disability support sector.

Workers and employers can access free information at www.fairwork.gov.au, including our [Pay and Conditions Tool \(https://calculate.fairwork.gov.au/findyouraward\)](https://calculate.fairwork.gov.au/findyouraward), or call 13 13 94 or a free interpreter service on 13 14 50. Know a workplace not doing the right thing but don't want to get involved? [Report it \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff) anonymously – in your language.

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