

RSPCA NSW signs Enforceable Undertaking

20 May 2021

The NSW branch of The Royal Society for the Prevention of Cruelty to Animals (RSPCA NSW) will back-pay staff more than \$220,000 under an Enforceable Undertaking (EU) with the Fair Work Ombudsman.

The workplace regulator commenced an investigation into the not-for-profit animal welfare organisation in 2019 after it publicly acknowledged that it had underpaid workers. RSPCA NSW became aware of the underpayment after being prompted by a query from an employee.

Between 2011 and 2020, current and former RSPCA NSW employees were underpaid entitlements under the Animal Care and Veterinary Services Award 2010 and a collective agreement.

Employees were underpaid a range of allowances and entitlements, including annual leave, public holiday entitlements, Christmas bonuses and superannuation.

Underpaid employees worked in metropolitan and regional areas across NSW, with many located in Sydney and the Hunter and Illawarra regions. They included inspectorate, animal welfare support and veterinarian service employees.

In total, 458 current and former employees are owed \$222,352.10 (including \$203,985.14 in wages and a further \$18,366.96 in interest and superannuation).

Individual back-payments range from less than \$2 to more than \$7,000. The EU requires the organisation to back-pay entitlements for all employees within the next 60 days.

Fair Work Ombudsman Sandra Parker said that an EU was appropriate because workers at the RSPCA were underpaid over nearly 10 years. An EU allows the FWO to closely monitor the implementation of a range of reforms to ensure this does not happen again. RSPCA NSW had co-operated with the investigation and demonstrated a commitment to rectifying underpayments.

“Under the Enforceable Undertaking, RSPCA NSW has committed to implementing stringent measures to ensure workers are being paid correctly. These measures include engaging, at the company’s own cost, audits of its compliance with workplace laws over the next three years,” Ms Parker said.

“The underpayments were the result of payroll errors and RSPCA NSW not having adequate payment systems and governance processes in place. This matter demonstrates how important it is for employers to place a high priority on workplace compliance and to perform regular payroll checks.”

“Any employer who needs help meeting their lawful obligations to their employees should contact the Fair Work Ombudsman for free advice and assistance,” Ms Parker said.

Under the EU, RSPCA NSW is required to display workplace notices detailing its workplace law breaches, apologise to workers, commission workplace relations training for staff in payroll and Human Resources, commission an independent organisation to operate a Hotline for employees for three months, and provide evidence that it has developed systems and processes for ensuring compliance in future.

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

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Download the [RSPCA NSW Ltd Enforceable Undertaking \(DOCX 210.3KB\)](http://www.fairwork.gov.au/ArticleDocuments/1545/rspca-nsw-ltd-eu-redacted.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/1545/rspca-nsw-ltd-eu-redacted.docx.aspx) (PDF 12.7MB) (www.fairwork.gov.au/ArticleDocuments/1545/rspca-nsw-ltd-eu-redacted.pdf.aspx)

Media inquiries:

Ryan Pedler, Assistant Director - Media
Mobile: 0411 430 902
ryan.pedler@fwo.gov.au (mailto:ryan.pedler@fwo.gov.au)

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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