

Regulator recovers \$54,000 for deceased worker's estate

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The estate of a NSW worker who believed she was not paid her correct entitlements – but died before she was able to make a complaint – has been back-paid \$54,000, following an investigation by the Fair Work Ombudsman.

The Manning Valley woman was diagnosed with a terminal illness and contacted her employer requesting a voluntary redundancy package.

The employer accepted the woman's request, but before the payment was made, she passed away. The company subsequently withheld the money.

The woman's estate lodged a complaint with the Fair Work Ombudsman, which negotiated with the company to voluntarily back-pay all monies owed to the woman's husband and children.

It is not the first time the Fair Work Ombudsman has been able to recoup outstanding entitlements for a deceased worker's estate.

Last year, the Agency recovered \$6000 for the estate of a 51-year-old Perth woman who was not paid her full annual leave entitlements when she left her job as a human resources manager, but passed away before inspectors could settle the matter. The investigation continued at her husband's request.

And in 2008, the Fair Work Ombudsman recovered money for the estate of a truck driver on Queensland's Sunshine Coast who died before the finalisation of an investigation that found he had been underpaid penalty rates and overtime.

Fair Work Ombudsman NSW Director Mark Davidson says the latest case illustrates the culture of the Agency to go the extra mile to resolve workplace issues and the willingness of inspectors to tackle complex cases when they believe there has been an injustice.

"This example is one of many challenging and complex cases our workplace inspectors face on a regular basis, but they do so with a determination to persist until it is resolved," he said

The Fair Work Ombudsman promotes harmonious, productive and co-operative workplaces. It also monitors compliance and investigates breaches of national workplace laws.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fwo.gov.au For translations call 13 14 50.

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Fair Work Online: www.fairwork.gov.au

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For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

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