

Fair Work Ombudsman recoups \$27,000 back-pay for Toowoomba salesperson

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A Toowoomba salesperson has been back-paid \$27,000 after an investigation by the Fair Work Ombudsman found he was underpaid.

The employee lodged a complaint with the Fair Work Ombudsman when he was made redundant but not paid commission on finalised sales contracts.

After inspectors contacted the company, the employee was promptly reimbursed without the need for further action against the company.

In a separate case, two Toowoomba agricultural workers have been reimbursed more than \$18,000 in back-pay.

The two were also made redundant and lodged complaints after their employer did not pay their final weeks' wages or accrued annual leave entitlements.

Similarly, the employer rectified the issue after contact from Fair Work inspectors.

The recoveries are among a number of cases finalised recently on behalf of workers in South-East Queensland.

Inspectors discovered the underpayments through a combination of routine audits and investigations into complaints from workers.

Common non-compliance issues inspectors have encountered in the South-East include underpayment of workers' minimum hourly, overtime and penalty rates and failure to pay full entitlements to workers upon termination of their employment.

Other recoveries include:

- \$26,000 for eight labourers in the Lockyer Valley who were underpaid their casual hourly rate,
- \$8800 for a Toowoomba fitter and turner underpaid severance entitlements and payment-in-lieu of notice,
- \$7200 for a Warwick salesman underpaid commissions on finalised sales contacts after his employment was terminated,
- \$6900 for a Toowoomba transport worker underpaid his hourly, overtime and penalty rates,
- \$5600 for a Hatton Vale labourer who was underpaid because his employer used incorrect pay rates, and
- \$4000 for a Toowoomba painter underpaid his overtime rate and penalty rates.

Fair Work Ombudsman Executive Director Michael Campbell says his Agency places a strong focus on educating and assisting employers to understand and comply with workplace laws.

"We have a flexible, fair approach and our preference is always to work with employers to help them voluntarily rectify any non-compliance issues we identify," he said.

The Fair Work Ombudsman can help employers and workers to understand their rights and obligations under new National Employment Standards and Modern Awards, which took effect on January 1.

It has a range of user-friendly resources on its website to assist employers comply with workplace laws and operate their workplace at best practice.

For example, 11 Best Practice Guides have been developed to assist employers make better use of the provisions of the Fair Work Act and better understand other aspects of workplace laws.

The guides cover work and family, consultation and co-operation, individual flexibility arrangements, employing young workers, gender pay equity, small business, workplace privacy, managing underperformance, effective dispute resolution and improving workplace productivity.

Employers or employees seeking advice or assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au.

For translations call 13 14 50.

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

NOTE: We are unable to identify individual businesses or provide additional information about the cases listed.

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