

## North-West businesses back-pay workers after Fair Work Ombudsman inquiries

21 January 2010

Two small general stores, a bakery and a tourist park on Tasmania's north-west coast have been asked to back-pay some of their staff thousands of dollars after investigations by the Fair Work Ombudsman.

In one case, a female shop assistant has been reimbursed \$10,400 after Fair Work inspectors discovered the employer had failed to pay the woman the correct hourly rate, weekend penalty rates or public holiday rates.

In a separate case, a husband-and-wife working at a tourist park have been back-paid a total of \$4300 after lodging a complaint with the Fair Work Ombudsman after their employment was terminated.

Inspectors found the employer had short-changed the couple by paying a flat rate of pay which did not include weekend and public holiday penalty rates.

Other recent recoveries include:

- \$4200 for a 21-year-old employee at a bakery who had been underpaid her correct hourly rate since she joined the business as a trainee when she was 17.

The bakery was sold while inspectors were investigating the case, but after discussions with the Fair Work Ombudsman, has reimbursed the outstanding wages.

- \$3500 for a 19-year-old casual shop assistant who, similarly, had been underpaid since she started working for the store when she was 16.

The teenager was paid a flat hourly rate which did not take account of penalty rates, overtime or weekend rates.

When Fair Work inspectors identified the problem, the employer quickly rectified the matter and is now paying the staff member her correct entitlements.

In April last year, the operator of the Caltex petrol station at La Trobe was fined a total of \$241,000 for underpaying six of its workers – the second highest penalty achieved by the Fair Work Ombudsman for any of its prosecutions.

TKM Investments Pty Ltd was fined \$201,300 and company director Grania Kathleen Loone a further \$40,260. The Federal Magistrates Court also ordered that back-pay of \$41,000 outstanding to six workers be repaid.

Fair Work Ombudsman Executive Director Michael Campbell says the Agency has decided to visit 1000 small businesses across Tasmania in 2010 to help them to better understand, comply with and maximise the benefits of Australia's new national workplace relations system.

"We are very serious about our job of building knowledge and fairer workplaces and are strongly focussed on ensuring the community understands its workplace rights and obligations," he said.

There will be additional visits in 2011 and 2012.

Mr Campbell says the Fair Work Ombudsman has been progressively expanding the range of user-friendly resources on its website to not only assist employers understand and comply with new laws, but also to operate their workplaces according to best practice.

Recent additions include:

- The Fair Work Information Statement - translated into 20 languages
- An explanation of the new 10 National Employment Standards
- Modern Awards, including phasing in pay rates
- Workplace discrimination - what is it?
- An overview of State referrals for employers new to the national system
- Multi-media versions of a number of Best Practice Guides

- Templates for small business for engaging new employees, probation periods and termination of employment.

Mr Campbell says [www.fwo.gov.au](http://www.fwo.gov.au) also provides employers with payslip and record-keeping templates, a self-audit checklist and fact sheets on dozens of topics including leave, industrial action, public holidays, enterprise bargaining, gender pay equity and family-friendly workplaces.

He says employers need to be aware that under Commonwealth workplace laws they must keep accurate time, wages, annual leave and other employment records and issue sufficiently detailed payslips.

As well as Online resources, the Fair Work Ombudsman has more than 200 highly-skilled advisers available to speak with small business people with questions on its Fair Work Infoline on 13 13 94 from 8am-6pm weekdays.

Media inquiries:

Craig Bildstien, Director Media & Stakeholder Relations,  
0419 818 484  
[craig.bildstien@fwo.gov.au](mailto:craig.bildstien@fwo.gov.au)

Ryan Pedler, Media & Stakeholder Relations Senior Adviser  
(03) 9954 2561, 0434 365 924  
[ryan.pedler@fwo.gov.au](mailto:ryan.pedler@fwo.gov.au)

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## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

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Call through the National Relay Service (NRS):

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

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