

Melbourne warehouse worker gets \$55,000 back-pay after lodging complaint

2 June 2010

A packer at a warehouse at Clayton South in Melbourne has been reimbursed \$55,400 after an investigation by the Fair Work Ombudsman found she was underpaid.

The worker complained that she was not being paid her minimum hourly rate or overtime penalties.

When Fair Work inspectors raised the issue with the company, the employee was immediately reimbursed without the need for further action.

The recovery is among a number of cases finalised recently on behalf of workers in Melbourne's South and South-Eastern suburbs.

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

Significant amounts were recovered in the retail, sales, trade and service industries.

Common non-compliance issues encountered by inspectors include underpayment of workers' minimum hourly rates, penalty rates and overtime, failure to pay full entitlements to workers upon termination of their employment and workers not being paid for all hours worked.

Other recoveries include:

- \$10,800 for an Upwey casual receptionist underpaid the minimum hourly pay rate,
- \$10,400 for a Beaconsfield dispatch clerk underpaid her minimum hourly rate, weekend and public holiday penalty rates,
- \$10,300 for a Pakenham automotive worker not paid for all hours worked,
- \$9000 for a Keysborough administration and account manager underpaid redundancy entitlements and notice of termination,
- \$8200 for a Clayton South purchasing assistant underpaid the minimum hourly, overtime and penalty rates of pay,
- \$8000 for a IT officer in Cheltenham underpaid annual leave entitlements and not paid for all hours worked,
- \$7500 for a Burwood technician not paid for all hours worked or reimbursed for work -related expenses,
- \$7000 for a Dingley salesperson not paid the minimum hourly pay rate for the past two years,
- \$6500 for a Clayton South storeman underpaid the minimum hourly and penalty rates,
- \$5900 for a labourer on the Mornington Peninsula underpaid his hourly and overtime pay rates plus travel allowances,
- \$5700 for a Cheltenham sales representative underpaid the minimum hourly pay rate and annual leave entitlements,
- \$5600 for a sales assistant in Carrum Downs not paid accrued annual leave entitlements,
- \$5500 for a Brighton sales employee underpaid the minimum hourly pay rate and penalty rates,
- \$5300 for a Canterbury window tinter underpaid redundancy entitlements and pay in lieu of notice,
- \$5200 for 20 product co-ordinators in Notting Hill underpaid the minimum hourly pay rate and annual leave entitlements,
- \$5100 for a Kilsyth project manger underpaid annual leave and payment in lieu of notice, and
- \$5100 for a Mulgrave sales manager underpaid annual leave entitlements.

Fair Work Ombudsman Executive Director Michael Campbell says that because the employers fully co-operated with inspectors and voluntarily rectified the underpayments, no further action will be taken.

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

Mr Campbell says most of the underpayments were the result of a lack of understanding by employers of their legal obligations, including rates of pay and other entitlements.

"That's why the Fair Work Ombudsman places such a strong focus on educating employers and assisting them to understand and comply with workplace laws," he said.

The Fair Work Ombudsman has a variety of tools on its website - www.fwo.gov.au - to assist employees and employers to check minimum rates of pay, including Paycheck.

Small to medium-sized businesses without human resources staff can also ensure they are better equipped when hiring, managing and dismissing employees by using free template employment documentation available online.

Employers or employees seeking assistance or further information can also contact the Fair Work Infoline on 13 13 94 from 8am-6pm weekdays. 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.

Media inquiries:

Craig Bildstien, Director, Media & Stakeholder Relations,
0419 818 484
craig.bildstien@fwo.gov.au

Richard Honey, Media & Stakeholder Relations Senior Adviser
0457 824 146
Richard.honey@fwo.gov.au

Page reference No: 4586

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

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

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.