

## Regulator recoups \$107,000 for underpaid workers in Sydney's south and south-west

11 June 2010

Workers in Sydney's south and south-western suburbs have been back-paid more than \$107,000 as a result of recent investigations by the Fair Work Ombudsman.

The largest recovery was \$15,000 for a Menai property manager underpaid commissions on sales and termination entitlements.

After Fair Work inspectors contacted the company, the worker was promptly back-paid the money he was owed without the need for further action against the company.

In a separate case, a Kingsgrove apprentice has been reimbursed \$13,600 after he was underpaid the minimum hourly rate, penalty rates, pay in lieu of notice, accrued annual leave and not paid for all hours worked.

Similarly, the employer voluntarily rectified the issue after contact by Fair Work inspectors and explained its lawful obligations.

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

Common non-compliance issues encountered by inspectors in the south-west suburbs include underpayment of workers' minimum hourly rates, penalty rates, failure to pay full entitlements to workers upon termination of their employment, workers not paid for all hours worked and apprentices not being registered and underpaid wages.

Other recoveries include:

- \$12,400 for two Fairfield convenience store workers who were underpaid their hourly rate, penalty rates, annual leave and not paid for all hours worked,
- \$12,700 for a Kingsgrove draftsman underpaid his hourly rate for more than 18 months,
- \$11,300 for a Punchbowl clerk underpaid overtime penalty rates and accrued annual leave,
- \$7500 for a Regents Park retail worker underpaid his redundancy entitlements,
- \$7000 for a Miranda sales person underpaid redundancy entitlements,
- \$6300 for a Heathcote labourer who was underpaid wages after his employer failed to lodge appropriate documentation to register his apprenticeship,
- \$6000 for a Hurstville tutor underpaid the minimum hourly rate, annual leave and accrued annual leave,
- \$6000 for a Wetherill Park driver underpaid penalty rates,
- \$5800 for two Fairfield convenience store workers who were underpaid their hourly rate, penalty rates, annual leave and not paid of all hours worked, and
- \$4000 for a Wetherill Park apprentice underpaid wages and annual leave entitlements.

Fair Work Ombudsman NSW Director Mark Davidson says most of the underpayments were the result of a lack of understanding by employers of their legal obligations, including wages and conditions.

"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.

Mr Davidson says in most cases, the Fair Work Ombudsman does not prosecute employers for inadvertent breaches of workplace laws.

"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.

Throughout 2010, the Fair Work Ombudsman will visit up to 10,000 NSW employers who are entering the national workplace relations system for the first time to provide educational material and advice.

The Fair Work Ombudsman has a number of tools on its website - [www.fwo.gov.au](http://www.fwo.gov.au) - to assist employees and employers to check minimum rates of pay, including Paycheck and PayrollCheck.

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 with step-by-step instructions or accessing a series of Best Practice Guides.

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.

Note – we are unable to provide additional information on the cases listed above.

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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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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

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