

## Goldfields truck driver back-paid \$28,000 after complaint to Fair Work Ombudsman

30 April 2010

A Goldfields truck driver has been back-paid \$28,000 after an investigation by the Fair Work Ombudsman found he was underpaid.

The truck driver, from south of Bendigo, was underpaid overtime rates over a six-year period.

After the truck driver lodged a complaint, inspectors contacted his employer and negotiated for the money owed to be reimbursed.

The recovery is one of a number finalised recently on behalf of workers in Victoria's Goldfields region.

The underpayments were unearthed through a combination of routine audits and investigations into worker complaints.

Significant underpayments were discovered in the retail, transport and hospitality industries.

They include:

- \$16,900 for a shop assistant south of Bendigo who had been underpaid night, weekend, public holiday and overtime penalty rates over a period of more than two years, as well as pay in lieu of notice and accrued annual leave on termination,
- \$12,960 for a Maryborough hospitality industry worker underpaid overtime penalty rates,
- \$11,700 for an administrative worker in Bendigo who had not been paid for a period of time worked,
- \$11,160 for 13 workers at a Ballarat food outlet underpaid the minimum hourly rate and annual leave entitlements,
- \$8070 and \$3360 for two retail workers near Ballarat who were underpaid the minimum casual hourly rate,
- \$7600 for a customer service retail worker in Bendigo who had been underpaid the minimum hourly rate and annual leave entitlements,
- \$6700 for an apprentice south of Bendigo who had been underpaid shift and overtime penalty rates, allowances and annual leave entitlements,
- \$6500 for a cook south of Bendigo who was underpaid the minimum hourly rate, night and weekend penalty rates and annual leave entitlements, and
- \$5990 for a migrant customer service worker at a Bendigo food outlet underpaid the minimum hourly rate.

Fair Work Ombudsman Executive Director Michael Campbell says most of the underpayments were the result of a lack of understanding by employers of their legal obligations.

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

"However, employers need to be aware that they can face fines of up \$33,000 per breach if we do take matters to court," he said.

"Most of the \$100 million we have recovered for workers throughout Australia over the past three years has been recouped without resorting to litigation."

Mr Campbell says employers or employees seeking up-to-date information on wage rates and conditions should visit [www.fwo.gov.au](http://www.fwo.gov.au) or contact the Fair Work Infoline on 13 13 94. Translations are available by calling 13 14 50.

"The Fair Work Ombudsman's website also includes information and templates to help employers better manage employment records and payslips," he said.

"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."

Eleven Best Practice Guides have been developed by the Fair Work Ombudsman to assist employers make better use of the provisions of the Fair Work Act and better understand other aspects of workplace laws.

The new guides are on the website and 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 in bargaining.

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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**Page reference No: 4765**

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