

## \$157,000 back-pay for Sydney CBD and inner-east workers after regulator intervenes

1 February 2010

The Fair Work Ombudsman has recently recovered \$157,400 for workers in Sydney's CBD and inner-eastern suburbs.

The biggest recovery was \$50,000 for an Ultimo caretaker.

The worker lodged a complaint with the Fair Work Ombudsman after he was underpaid annual leave and long service leave over a 23-year period.

In a similar case, a Surrey Hills call centre worker has been back-paid \$50,000 after he was not paid full entitlements when his job was terminated.

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

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

Other local recoveries include:

- \$23,500 for a CBD manager underpaid the severance pay, time in lieu of notice and accrued annual leave
- \$10,400 for a Mascot butcher not paid annual leave on termination
- \$8000 for a Kingsford worker in the IT industry underpaid annual leave entitlements
- \$5300 for a Matraville salesman underpaid the minimum hourly rate
- \$5200 for an Ultimo designer who had unauthorised deductions from wages, and
- \$5000 for a Mascot chef underpaid the minimum hourly rate and penalty rates.

Fair Work Ombudsman Executive Director Michael Campbell says that given the employers all co-operated and voluntarily rectified the underpayments, there will be no further action against the companies involved.

"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 the cases highlight the importance of employers and employees alike understanding their workplace rights and obligations.

"Employers need to regularly review their Award or agreement to ensure they are fully aware of their obligations to their workers," he said.

Mr Campbell says the Agency is very serious about its job of building knowledge and creating fairer workplaces.

"The best advice I can give to business operators is to get the basics right and everything else should start to fall into place," he said.

"By the basics, I mean knowing what Award applies to your employees, the correct classifications and pay rates."

The Fair Work Ombudsman has a number of tools on its website - [www.fairwork.gov.au](http://www.fairwork.gov.au) - to assist employees and employers to check minimum rates of pay, including PayCheck, Payroll Check and a Pay Rate Calculator.

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 or by accessing a series of Best Practice Guides.

The 'Industries' section on the Fair Work Ombudsman's website provides information specifically tailored for employers and workers in the retail, cleaning, clerical, hair and beauty, security and horticulture industries.

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

The Fair Work Ombudsman recovered \$7.65 million for 4718 underpaid NSW workers in the 2009/10 financial year.

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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