

## \$57,000 recovered for deceased worker's estate

26 October 2011

The estate of a Gippsland worker who believed he was not paid his full entitlements - but died before he was able to make a complaint - has been reimbursed a total of \$57,000 following intervention by the Fair Work Ombudsman.

The Warragul yard hand was classified and paid as a sub-contractor for six years - but his correct classification was as an employee.

After the worker passed away, the executors of his estate lodged an underpayment complaint with the Fair Work Ombudsman.

A Fair Work inspector conducted a thorough investigation and determined the worker should have been classified as an employee.

As a result of being misclassified as a sub-contractor, the employee had been underpaid the minimum hourly rate.

After the inspector contacted the employer to discuss its obligations under workplace laws, the company agreed to voluntarily back-pay all monies owed to the man's estate, without the need for further action against the business.

The inspector educated the employer about workplace laws relating to classifying workers to ensure the mistake is not repeated in future.

It is not the first time the Fair Work Ombudsman has been able to recoup outstanding entitlements for a deceased worker's estate.

In April last year, the Agency recovered \$54,000 for a female employee at Manning Valley, in NSW, who died from a terminal illness before she could be paid a voluntary redundancy package.

The Fair Work Ombudsman negotiated with the employer to voluntarily back-pay the money to her estate.

And in 2009, the Fair Work Ombudsman recovered \$6000 for the estate of a 51-year-old Perth woman who was not paid her full annual leave entitlements when she left her job as a human resources manager, but passed away before inspectors could settle the matter.

Workers or employers seeking support should get in touch with the Fair Work Ombudsman via the website - [www.fairwork.gov.au](http://www.fairwork.gov.au) - or call the Fair Work Infoline on 13 13 94.

Employers and workers seeking information about independent contracting and correct worker classifications should visit [www.fairwork.gov.au/contractors](http://www.fairwork.gov.au/contractors).

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

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