

More than \$527,100 in back-pay for Bendigo workers

10 December 2012

One hundred and sixty-five workers in Victoria's Bendigo region have been back-paid a total of \$527,132 by 130 employers over the past three years following intervention by the Fair Work Ombudsman.

The latest recovery is \$15,000 for a 22-year-old apprentice mechanic who was underpaid his minimum rates, annual leave and holiday loading over four years.

Fair Work Ombudsman Nicholas Wilson urged Bendigo employers to double-check their records and ensure they were paying their workers up-to-date wages and entitlements.

"Our goal is to change long-term behaviour by providing tailored information about what people need to pay, or be paid," Mr Wilson said.

"We provide that information in person, over the phone and on our website to help businesses in regional centres like Bendigo to create fulfilling and productive workplaces.

"Our culture is to work constructively with everyone who approaches us, and this latest case is a good example of why we can be confident we are upholding the Fair Work Act."

In the latest case, the young apprentice did not know he was missing out on the entitlements until a question arose about holiday pay and his mother contacted the Fair Work Ombudsman to check the rates.

"I thought that was what a motor mechanic got paid," the apprentice said afterward.

"It (the back -pay) came right at the end of my apprenticeship; the money went into my account and it's stayed there for when I might need it one day.

"It pays to check up every year what you're owed and make sure your boss is doing the right thing."

Bendigo Fair Work inspector Luke Ryan says: "In this case, the apprentice was under-paid around 30 cents an hour in the first year, but when the Modern Awards replaced thousands of federal and state-based awards in January 2010 that under-payment increased to up to \$3 an hour.

"It appears an honest mistake was made and the young man's employer was cooperative and keen to work with us to rectify the oversight," he said.

"Even a small underpayment can build up over time, so it's important employers check and double-check that they're paying their staff the correct wages and entitlements.

"A regional centre like Bendigo relies on its ability to attract and keep highly skilled workers and the first step to ensuring that is to pay them what they're owed.

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

"That means knowing what Award applies to your employees, the correct classifications and pay rates."

The new Bendigo Regional Manager for the Victorian Chamber of Commerce and Industry (VECCI), Craig Bradley, said: "As a membership organisation that solely assists employers, VECCI provides ongoing advice and information to our members to ensure that they are kept fully informed as to changes in the legislation which impact pay and other conditions.

"In the broader business community we do see that these breaches may occur inadvertently which presents a huge risk for business.

"Our members see us as insurance for their business and we encourage all Victorian employers to consider what steps are required for their business, to ensure they are staying ahead of the new safety net."

Other recoveries in the Bendigo region since January this year include:

- \$54,700 for a warehouse worker who was underpaid the minimum hourly rate between 2006 and 2011;

- \$32,500 for 31 hospitality workers who were individually underpaid by amounts ranging from \$34 and \$3,900 between 2009 and 2011;
- \$28,100 for a cleaner underpaid loadings and penalty rates between May 2007 and July 2011;
- \$11,000 for an administration worker underpaid the minimum hourly rate for five years; and
- \$5,100 for a chef underpaid annual leave and carer's leave entitlements.

Last year, the Fair Work Ombudsman finalised 28,412 complaints and recovered \$39.8 million for almost 18,500 underpaid workers.

This amount includes \$7.7 million in back-pay for 3,877 workers in Victoria.

The Ombudsman's Executive Director of Customer Contact, Michael Clark, said agency staff provided over 772,400 responses to calls, web chats, email and the post in the past financial year.

"We provide people with tailored resources and information, employees and employers are better placed to understand and own their workplace rights and obligations," he said.

"More than one million fact sheets, templates and best practice guides highlighting workplace rights and responsibilities were downloaded from www.fairwork.gov.au.

"And our improved PayCheck Plus wage calculator was used over 497,000 times and a new Online Leave Calculator had more than 84,800 visits in its first five months."

Workers or employers seeking support should contact the Fair Work Ombudsman via the website - www.fairwork.gov.au - or call the Fair Work Infoline on 13 13 94.

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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

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