

School bus driver's pay cut for complaining about lack of basic amenities

21 December 2012

A regional NSW bus driver is to be compensated after his working hours were cut when he complained there was no toilet at his bus depot.

The driver's employer has also agreed to formally apologise for its behaviour, following an investigation by the Fair Work Ombudsman.

The bus driver complained to his managers last year about a lack of basic amenities at the company's bus depot at Eureka, north-east of Lismore.

He drove for the Buslines Group Pty Ltd, which operates services throughout regional NSW, including Northern Rivers Buslines at Lismore.

The Eureka depot comprised a large shed on a farm and was not equipped with basic amenities such as electricity, a toilet, hot or cold water for washing, a change room or lockers.

After he complained, the driver was re-assigned to a different route and a different depot and his hours were reduced, resulting in a pay cut of \$176 a week.

When the driver expressed concern about a decrease in his pay, he was assigned additional hours to clean buses.

The Fair Work Ombudsman has determined that the lack of amenities at the Eureka depot breached the Northern Rivers Buslines enterprise agreement, which stated that such basic facilities had to be provided for staff at all depots.

After receiving a complaint from the driver, Fair Work inspectors apprised the Buslines Group of its obligations under workplace laws and its enterprise agreement.

As an alternative to litigation over its adverse action against the driver, the company has entered into an Enforceable Undertaking with the Fair Work Ombudsman.

Under the terms of the agreement, the Buslines Group must:

- Pay the driver \$2662 compensation for economic loss suffered
- Formally apologise to the driver in writing
- Develop processes for ensuring future compliance with workplace laws
- Conduct a self-audit of all of its depots to ensure they have the basic amenities and provide evidence of the audits to the Fair Work Ombudsman
- Arrange professional workplace relations training for the manager and operations manager of Northern Rivers Buslines, and
- Publish a public notice detailing its breaches of workplace laws in the Northern Rivers Echo newspaper and at all Northern Rivers Buslines premises.

Fair Work Ombudsman Nicholas Wilson says that in cases of significant non-compliance, Enforceable Undertakings are being used as an effective alternative to litigation.

"They are an important part of our Agency's commitment to drive future compliance and help us remain confident we are upholding the provisions of the Fair Work Act," he said.

The Fair Work Ombudsman has entered into more than 30 Enforceable Undertakings since July 2009, recovering \$5.4 million for more than 6900 employees.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au. A free interpreter service is available on 13 14 50.

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An 'Industries' section on the website provides extra, specialised information for employers and employees in the retail, cleaning,

clerical, hair and beauty, security, vehicle, horticulture, fast food and hospitality industries.

A new Fair Work Handbook has recently been designed to help employers better understand their workplace obligations. The Handbook outlines the aspects of the Fair Work Act that employers must be familiar with and also helps them to prevent and resolve workplace issues within their business. You can find the Handbook at www.fairwork.gov.au/employment/employers.

[Enforceable Undertaking Buslines Group Pty Ltd \(PDF 762.3KB\) \(www.fairwork.gov.au/ArticleDocuments/721/Redacted-EU-Buslines-Group-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/721/Redacted-EU-Buslines-Group-Pty-Ltd.pdf.aspx)

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