

## Retail campaign recovers \$585,000 for 755 staff

10 January 2012

More than 750 workers at retail stores throughout Australia have received an unexpected bonus - more than half a million dollars in back-pay.

The underpayments came to light following random audits of almost 2000 retail employers by the Fair Work Ombudsman.

A targeted education and compliance campaign has recovered \$585,000 for 755 retail staff who were being unknowingly underpaid.

NSW employers accounted for 41 per cent of the total underpayment, with businesses being asked to reimburse \$237,786 to 220 employees.

Fair Work inspectors also recouped:

- \$153,820 for 187 staff in Victoria,
- \$74,729 for 95 staff in South Australia,
- \$45,071 for 125 staff in Queensland,
- \$43,659 for 66 staff in Western Australia,
- \$12,091 for 26 staff in Tasmania,
- \$10,242 for 16 staff in the Northern Territory, and
- \$8001 for 20 staff in the ACT.

Of 1866 employers audited so far, 492 (26 per cent) have recorded a total of 653 contraventions - primarily relating to underpayment of wages, failure to conform with payslip requirements and failure to adhere to time and wage requirements.

A further 224 businesses remain under investigation.

In addition to underpayment of wages, inspectors also found some retailers were:

- Employing adults only, potentially in breach of anti-discrimination laws,
- Unlawfully requiring staff to make purchases in-house and deducting the price from the employee's wages,
- Incorrectly classifying their employees, and thus underpaying their entitlements, and
- Expecting staff to perform set up and closing duties outside of trading hours for no payment.

The retail sector was earmarked for a national campaign after generating 4204 complaints in 2008-09, the highest number of any sector for that year.

In the period from March, 2006 to December, 2009, the Fair Work Ombudsman launched legal action against 39 retail employers.

An extensive education and awareness campaign, including consultation with key stakeholders, preceded random auditing of employer records.

This included:

- More than 40,000 postcards to young workers employed in the retail sector,
- Educational flyers distributed through key industry associations, local councils, chambers of commerce and shopping centres,
- Emails to almost 20,000 employers,
- Meetings with key stakeholders, including the Shop, Distributive and Allied Employees Association and relevant national employer bodies, and
- Media promotion of the campaign and a retail specific section on the Fair Work Ombudsman website, which attracted more than 40,000 visits over a 10-month period.

In addition, Fair Work inspectors made educational visits to more than 7000 retail stores - 3356 in Queensland, 2376 in NSW and 1314 in South Australia.

The Fair Work Ombudsman also provided a \$104,000 grant to the National Retail Association under its \$2.5 million Shared Industry Assistance Project for the NRA to provide educative materials on the transition to the General Retail Industry Modern Award 2010.

The campaign did not include food retailers - who were the subject of a separate national food services campaign in 2008-09.

The Fair Work Ombudsman conducts four national and about 30 state and regional targeted and compliance campaigns annually.

Last financial year, targeted campaigns resulted in 6779 businesses being audited Australia-wide and a total of \$4.7 million in underpaid entitlements being returned to 7613 employees.

Fair Work Ombudsman Nicholas Wilson says targeted compliance work aims to ensure workers are protected and receive their full pay.

"Many employers underpay as the result of a lack of information or they make mistakes interpreting the information they have," he said.

"Our proactive work helps improve understanding among employers of their workplace responsibilities."

The Fair Work Ombudsman's compliance activities are both pro-active - working with specific industry sectors to educate and improve the level of compliance - and re-active, responding directly to complaints.

"We aim to improve compliance with workplace laws through an integrated approach that combines positive motivators, such as advice and education, with deterrents such as investigation and litigation activities," Mr Wilson said.

Campaign result: [Retail Industry Campaign Final Report \(PDF 1.7MB\) \(www.fairwork.gov.au/ArticleDocuments/714/Retail-Industry-Campaign-Final-Report.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/714/Retail-Industry-Campaign-Final-Report.pdf.aspx)

Follow the Fair Work Ombudsman on [Twitter @fairwork\\_gov\\_au](https://twitter.com/fairwork_gov_au) (https://twitter.com/fairwork\_gov\_au) .

Media inquiries:

Richard Honey, Adviser, Media & Stakeholder Relations,  
0457 924 146  
richard.honey@fwo.gov.au

**Page reference No: 3871**

## Contact us

Fair Work Online: [www.fairwork.gov.au](http://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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.