

## Brisbane workers back-paid more than \$550,000

10 July 2012

Dozens of workers in and around Brisbane have been back-paid more than \$550,000 following recent intervention by the Fair Work Ombudsman.

The largest recovery was \$195,700 for 11 sales representatives.

Fair Work inspectors randomly audited a business at Archerfield and found the 11 were incorrectly classified as independent contractors instead of employees, and thus underpaid their minimum hourly rate and annual leave entitlements.

Individual underpayments ranged between \$6401 and \$50,525.

Fair Work inspectors determined that the mistake was not deliberate and the employer co-operated to voluntarily rectify the issue.

Inspectors worked with the business to put a repayment plan in place to ensure the workers were reimbursed all outstanding entitlements and reclassify the 11 as employees.

A letter of caution was also sent to the employer.

Fair Work Ombudsman Nicholas Wilson says his Agency recognises that some businesses inadvertently breach workplace laws.

“When we find mistakes, we’re here to help and give practical advice to employers on how to voluntarily fix them,” he said.

Mr Wilson says when workers are incorrectly classified as independent contractors, they can miss out on fundamental employee-entitlements such as minimum pay rates, penalty rates and annual leave.

The Fair Work Ombudsman has information on its website - [www.fairwork.gov.au](http://www.fairwork.gov.au) - to assist employers understand the different classifications.

Other recent recoveries include:

- \$31,100 for an engineering worker at Hemmant incorrectly classified as an independent contractor and underpaid the minimum hourly rate and annual leave entitlements,
- \$29,800 for a City-based engineer underpaid annual leave entitlements and redundancy entitlements,
- \$24,800 for a Hamilton manager not paid wages and annual leave entitlements,
- \$21,400 for two City tradesmen underpaid annual leave entitlements on termination,
- \$16,900 for an Aspley sales representative not paid wages,
- \$15,500 for a clerk at Coorparoo underpaid annual leave on termination,
- \$14,600 for an executive officer at Mount Gravatt who had unauthorised deductions from wages and was underpaid wages in lieu of notice, annual leave entitlements and allowances,
- \$13,200 for a shop assistant at Loganholme underpaid the minimum hourly rate,
- \$11,500 for a City chef underpaid penalty rates,
- \$10,700 for a City business manager underpaid wages in lieu of notice,
- \$10,000 for a City project manager underpaid wages and annual leave,
- \$9700 for a Meadowbrook sales assistant underpaid wages in lieu of notice and annual leave on terminations,
- \$9600 for a seven shop assistants in Indooroopilly underpaid the minimum hourly rate and penalty rates,
- \$9500 for a City professional underpaid redundancy entitlements,
- \$9200 for a Capalaba office manager underpaid redundancy entitlements,
- \$8700 for a Spring Hill storeman underpaid the minimum hourly rate,
- \$8000 for a Salisbury manager underpaid redundancy entitlements,
- \$8000 for a chef at Bulimba underpaid the minimum hourly rate,
- \$7900 for a City driver who had unauthorised deductions made from wages, and was underpaid wages in lieu of notice and allowances,
- \$7700 for a City labourer underpaid wages in lieu of notice,
- \$7700 for five shop assistants at Mount Gravatt not paid penalty rates,
- \$6800 for a City clerk underpaid the minimum hourly rate, penalty rates and allowances,

- \$6800 for 11 Indooroopilly shop assistants underpaid the minimum hourly rate and penalty rates,
- \$6400 for a Spring Hill IT worker underpaid allowances and annual leave on termination,
- \$6200 for eight Carindale shop assistants underpaid the minimum hourly rate and penalty rates,
- \$5900 for an Archerfield truck driver underpaid the minimum hourly rate,
- \$5900 for two City clerks underpaid the minimum hourly rate,
- \$5600 for seven beauty workers at Chermside underpaid the minimal hourly rate and penalty rates,
- \$5600 for 62 labourers at Bowen Hills underpaid annual leave entitlements,
- \$5500 for a Forest Lake technician underpaid annual leave entitlements on termination,
- \$5500 for eight Mount Gravatt hospitality workers underpaid the minimum hourly rate and penalty rates,
- \$5100 for a Newtown labourer underpaid the minimum hourly rate, and
- \$5100 for a Carol Park engineering worker who had unauthorised deductions from wages.

Workers or employers seeking support should get in touch with the Fair Work Ombudsman via the website or call the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

The website has a number of tools and resources, including PayCheck Plus and an Award Finder, to assist business-owners to calculate the correct pay for their employees.

Follow the Fair Work Ombudsman on [Twitter @fairwork\\_gov\\_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork\_gov\_au) or find us on [Facebook](https://www.facebook.com/fairwork.gov.au) (https://www.facebook.com/fairwork.gov.au) .

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## 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.