

South Australian workers back-paid \$314,000

20 March 2013

Workers in South Australia have been back-paid a total of \$314,000 following intervention by the Fair Work Ombudsman in a number of recent underpayment cases.

Fair Work Ombudsman, Nicholas Wilson, said a common cause of many of the underpayments was employers' lack of awareness of the minimum pay rates that applied to their staff.

In the largest case, 14 metal workers at a Gillman business were back-paid a total of \$149,700 after Fair Work inspectors identified non-payment of overtime and penalty rates between 2008 and 2012.

In another case, eight workers at an Adelaide CBD restaurant were back-paid \$57,200 after being underpaid their minimum wage rate and weekend penalty rates in 2012.

Mr Wilson said employers needed to ensure they took the time to check what minimum pay rates applied to their employees.

"If business operators take the time to get the basics right, they should find that everything else will start to fall into place," Mr Wilson said.

"That means knowing what modern award or agreement applies to employees, the correct classifications for employees, minimum wages and penalty rates that apply."

Mr Wilson said the Fair Work Ombudsman's website - www.fairwork.gov.au - has a range of free tools to assist employers to calculate the correct wage and penalty rates for employees, including PayCheck Plus and an Award Finder.

Other recent recoveries in Adelaide and regional South Australia include:

- \$18,100 for a Korean national employed as a waiter at a Marion restaurant underpaid wages, weekend penalties and public holiday rates over a nine-month period in 2012,
- \$8,500 for seven workers at an Adelaide CBD restaurant underpaid wages and weekend penalty rates in 2011-2012,
- \$6,900 for 17 workers - including a number of young workers - at an Adelaide CBD restaurant underpaid weekend penalty rates in 2011-2012,
- \$6,200 for a Chinese national working as a kitchen hand at an Adelaide CBD restaurant underpaid wages over a four-month period in 2012,
- \$13,800 for three workers at a Pooraka food retailer underpaid minimum wages in 2007-2008,
- \$12,700 for a metal worker at Kilkenny underpaid wages, penalty rates and overtime rates between 2009 and 2012,
- \$11,800 for an administration officer at a Wingfield logistics company underpaid wages, annual leave, and overtime entitlements between 1999 and 2009 after being incorrectly classified,
- \$9,100 for six workers at a Cowell business underpaid wages and penalty rates in 2011-2012,
- \$7,000 for a cleaning and maintenance worker at Elizabeth underpaid wages between 2007 and 2012,
- \$6,600 for a Norwood hairdresser underpaid wages and weekend penalty rates in 2011-2012, and
- \$6,500 for a worker in the security industry at Whyalla underpaid wages and annual leave entitlements between 2008 and 2012.

In each of the cases, after Fair Work inspectors contacted the businesses and explained its obligations, the employees were reimbursed all money owed without the need for further action against the employer.

"When we find mistakes, we're here to assist and give practical advice to employers on how to voluntarily resolve issues," Mr Wilson said.

"These businesses have now corrected the errors that led to the underpayments and put processes in place to ensure they will not happen again.

"If small errors in wages and entitlements are left unchecked they can mount up and large back-payments can be required to rectify them. It's important that employers ensure they get it right the first time around."

Last financial year the Fair Work Ombudsman recovered just over \$2.4 million in back-pay for over 1800 workers in SA.

More than 45,000 employees and employers in South Australia sought advice from the Fair Work Infoline in the last financial year.

Employers and employees seeking information and advice should visit www.fairwork.gov.au or call the Infoline on 13 13 94.

An 'Industries' section on the website provides extra, specialised information for employers and employees in the retail, cleaning, clerical, road transport, hair and beauty, security, vehicle, social and community services, horticulture, metal manufacturing, fast food and hospitality industries.

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Fair Work Online: www.fairwork.gov.au

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

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