

## **\$228,000 back-pay for workers in Brisbane and South-East Queensland**

22 May 2013

Workers throughout Brisbane and South-East Queensland have been back-paid a total of \$228,900 following recent intervention by the Fair Work Ombudsman.

The biggest recovery was \$77,100 for six casual employees at a Forest Lake café. They had been underpaid minimum hourly rates, weekend penalty rates and laundry allowances for four years between 2008 and 2012.

The underpayments occurred because the employer mistakenly paid the casual employees - who were covered by the Fast Food Award - according to an industrial agreement that applied only to part-time and full-time employees.

Acting Fair Work Ombudsman, Michael Campbell, said the case highlighted the importance of employers making sure they are aware of which award or agreement applies to their employees.

“Applying the wrong award or agreement can lead to significant underpayments when left unchecked for a long period of time and employers can be left facing big back-payment bills,” Mr Campbell said.

Other recent recoveries in Brisbane and South-East Queensland include:

- \$20,200 for two chefs at a Teneriffe restaurant underpaid wages, overtime rates and annual leave entitlements in 2010-2011,
- \$16,300 for two horticultural workers at Brendale underpaid allowances, overtime and weekend penalty rates between 2009 and 2012,
- \$13,800 for 14 employees - including some young workers - at an Ipswich fast food outlet underpaid wages and weekend penalty rates in 2011-2012,
- \$11,900 for an Ascot IT manager underpaid wages over a five-month period,
- \$10,000 for a Killarney worker who was underpaid wages, as well as overtime, weekend and public holiday penalty rates between 2006 and 2012,
- \$9,500 for a foreign workers employed as a shop assistant at a Sunnybank Hills supermarket underpaid wages over a 12-month period in 2012-2013,
- \$8,800 for a factory worker at Coorparoo underpaid annual leave, long service leave and wages in lieu of notice upon termination of employment in 2012,
- \$8,800 for a machine operator in the Toowoomba area not paid overtime rates between 2010 and 2012,
- \$8,200 for a farm manager in the Toowoomba area not paid annual leave entitlements upon termination of employment in 2012,
- \$8,000 for a foreign worker employed as a shop assistant at a Brisbane CBD convenience store underpaid wages as well as weekend, night shift and public holiday penalty rates between 2010 and 2012,
- \$7,200 for a manager at a Caboolture machinery hire business not paid wages in lieu of notice upon termination of employment in 2013,
- \$6,500 for a worker at St Lucia underpaid overtime entitlements over an 18-month period between 2009 and 2011,
- \$6,000 for a tradesman at Hamilton underpaid wages, annual leave and leave loading in 2011-2012 and wages in lieu of notice upon termination of employment,
- \$6,000 for an Ipswich real estate industry employee not paid overtime rates over a five-month period in 2012-2013,
- \$5,400 for a manager at a Brisbane CBD energy company not paid wages in lieu of notice and annual leave upon termination of employment in 2012, and
- \$5,200 for a truck driver at a Capalaba transport business underpaid wages and overtime rates in 2011-2012.

In all cases, the employers rectified the underpayments without the need for the Fair Work Ombudsman to take further action.

Mr Campbell said as well as correcting the underpayments, all businesses had put processes in place to ensure such errors will not happen again.

“When we find mistakes, we’re here to assist and give practical advice to employers on how to voluntarily resolve issues,” Mr Campbell said.

The Fair Work Ombudsman's website - [www.fairwork.gov.au](http://www.fairwork.gov.au) - has a range of free tools and resources, including PayCheck Plus and an Award Finder, to assist business owners to determine the correct award and pay rates for their workers.

More than 148,000 Queensland employees and employers sought advice from the Fair Work Infoline in the last financial year and just over \$8.6 million in back-pay was recovered for more than 4900 workers in Queensland.

Employers and employees seeking information and advice should visit the website or call the Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

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Call through the National Relay Service (NRS):

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

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