

## South Australian workers back-paid \$80,000

28 October 2013

Underpaid workers in South Australia have been back-paid more than \$80,000 following recent intervention by the Fair Work Ombudsman.

The biggest recovery was \$15,000 for a Murray Bridge truck driver who was underpaid overtime rates and not paid for hours worked on public holidays over a three year period.

The underpayments occurred because the employer did not keep an accurate record of the hours the employee worked throughout his employment.

Fair Work Ombudsman, Natalie James, said the case highlights the importance of employers complying with their obligation under workplace laws to keep accurate time-and-wages records.

"We often see situations where an employer's lack of diligent record keeping results in confusion between employers and their staff and ultimately underpayment of employees, who then lodge complaints with us," Ms James said.

"Employers who fail to keep proper time-and-wages records and issue detailed pay slips to employees are at much greater risk of inadvertently underpaying their employees.

"It's a legal requirement that pay slips be issued within 24 hours of payment and they're vital for the employee to check for themselves that they've received their full entitlements."

Other recent recoveries in Adelaide and regional South Australia include:

- \$20,900 for 30 workers, including a number of Chinese nationals and young workers, at two Adelaide CBD restaurants who were underpaid their minimum hourly rates and weekend and public holiday penalty rates in 2012,
- \$9,800 for a young worker at a Barossa Valley child care centre underpaid the minimum hourly rate between 2011 and earlier this year,
- \$8,500 for a Chinese national at a Seacliff business underpaid the minimum hourly rate after being misclassified as an independent contractor in 2012,
- \$8,000 for a Clarendon worker underpaid the minimum hourly rate and leave loading entitlements between 2007 and 2011,
- \$7,300 for a Victor Harbor real estate agent underpaid annual leave and redundancy pay entitlements upon termination of employment in 2011,
- \$5,500 for a Normanville worker not paid for hours worked on rostered days off and underpaid an allowance between 2010 and 2012, and
- \$5,500 for a Barossa Valley cleaner underpaid the minimum hourly rate and penalty rates between 2007 and 2011.

Ms James said in all cases the employers cooperated with Fair Work Inspectors and the workers were reimbursed all money owed without the need for further action.

"When we identify a problem and contact a business, most employers cross-check their records, realise they have made an error, and fix it immediately, Ms James said.

The Fair Work Ombudsman's website - [www.fairwork.gov.au](http://www.fairwork.gov.au) - contains a range of tools and resources to help business owners understand and comply with their workplace obligations.

Website tools include templates for time-and-wages records and pay slips, an Award Finder and the PayCheck Plus to help employers determine the minimum pay rates for their employees.

Small to medium-sized businesses without human resources staff can also ensure they are better equipped when hiring, managing and dismissing employees by using free template employment documentation available online.

An 'Industries' section on the website also provides extra, specialised information for employers and employees in a range of industries, including the restaurant and café industry.

Employers and employees seeking further information and advice can also call the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

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

Fair Work Infoline: 13 13 94

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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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