

Workers in the Hunter region back-paid \$22,000

4 September 2013

Two underpaid workers in the Hunter region of NSW have been back-paid a total of \$22,800 following recent intervention by the Fair Work Ombudsman.

In one case, a young Newcastle construction worker was underpaid \$15,200 as a result of being paid at trainee rates in 2010-2011, despite his employer not officially registering him for a traineeship.

Under workplace laws, only workers who are registered as trainees with the appropriate State authority can be classified and paid as trainees.

Fair Work Ombudsman, Natalie James, said the case highlights the importance of classifying employees correctly.

"Even a small error in calculating an employee's base hourly rate can result in a large amount having to be repaid if it's left unchecked, as occurred in this case," Ms James said.

"No business wants to face a big bill for back-payment of wages they weren't budgeting for."

In another case, a Maitland shop assistant was back-paid \$7,600 after being underpaid wages in lieu of notice and long service leave entitlements upon termination earlier this year.

Both underpayments were the result of the employers not being fully aware of their obligations.

Fair Work Inspectors assisted the employers to voluntarily back-pay the employees and no further action was required.

Ms James said when Fair Work Inspectors identify a problem and contact a business, most employers cross-check their records, realise they have made an error, and fix it immediately.

"We have a flexible, fair approach and our preference is always to work with employers to educate them and help them voluntarily rectify any non-compliance issues we find," she said.

The Fair Work Ombudsman's website - www.fairwork.gov.au - has a variety of tools and resources to help employers understand and comply with their workplace obligations.

The 'Termination' section on the website outlines the entitlements payable in an employee's final pay and includes information on topics such as notice periods and redundancy pay.

Other online tools include an Award Finder and PayCheck Plus to help business owners determine the correct pay rates, classifications and minimum entitlements for workers.

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.

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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Media inquiries:

Tom McPherson, Media & Stakeholder Relations
0439 835 855
media@fwo.gov.au (<mailto:media@fwo.gov.au>)

Contact us

Fair Work Online: 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

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