

## \$97,000 back-paid to workers throughout Queensland

25 September 2013

Underpaid workers throughout Queensland have been back-paid a total of \$97,600 following recent intervention by the Fair Work Ombudsman.

In one case, a young worker at a Mackay signwriting business was underpaid \$16,800 as a result of being paid apprentice rates between 2010 and 2012, despite his employer not officially registering him for an apprenticeship.

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

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."

Other recent recoveries include:

- \$10,900 for a manager at a Brisbane insurance company underpaid redundancy pay entitlements upon termination of employment earlier this year,
  - \$10,000 for a community services worker employed at multiple locations throughout Queensland underpaid first aid allowances and overtime rates in 2011-2012,
  - \$9,000 for a manager at a Capella hospitality business not paid annual leave entitlements upon termination of employment in 2012,
  - \$8,100 for an administrative officer at a Rockhampton sports club not paid annual leave entitlements upon termination of employment earlier this year,
  - \$7,900 for a Toowoomba glazier not paid redundancy pay entitlements upon termination of employment earlier this year,
  - \$6,600 for a young Gold Coast apprentice hairdresser underpaid the minimum hourly rate, overtime, weekend penalty rates, annual leave and personal leave entitlements between 2009 and 2011,
  - \$6,400 for an administration officer at Palmwoods underpaid personal leave entitlements over a two-month period earlier this year,
  - \$6,400 for an adult apprentice painter at Townsville inadvertently paid junior apprentice pay rates in 2012,
  - \$5,300 for a Bundaberg cleaner not paid annual leave entitlements and outstanding wages upon termination of employment in 2012,
  - \$5,200 for a receptionist at a Hervey Bay resort underpaid the minimum hourly rate in 2010-2011, and
  - \$5,000 for a Moura labourer underpaid the minimum hourly rate in 2012.
- In all these cases, Fair Work Inspectors helped the employers 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 to work with employers to educate them and help them voluntarily rectify any non-compliance issues we identify," she said.

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

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

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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