

Brisbane staff share \$140,000 back-pay

14 August 2014

Dozens of employees of a major Brisbane company are to be back-paid almost \$140,000 following an investigation by the Fair Work Ombudsman.

Samdoo Corporation Pty Ltd underpaid the 79 employees over 12 months between August, 2011 and August, 2012.

Samdoo operates the Diana Plaza Hotel at Woolloongabba, the Apollo Day Spa within the hotel, the adjacent Princess Plaza shopping complex and retail liquor outlets at Mater Hill, Buranda and Bulimba.

The former and current staff worked as kitchen hands, chefs, waiting, reception and housekeeping staff, bottleshop attendants, beauty therapists, cleaners and security officers.

Seven employees were underpaid more than \$5000, with one individual short-changed more than \$13,500.

The Fair Work Ombudsman randomly audited Samdoo in April, 2012, as part of a regional campaign in Queensland focused on the accommodation industry.

It found that Samdoo had failed to pay the correct rates of pay under the Hospitality Industry (General) Award, the Hair and Beauty Industry Award and the Miscellaneous Award.

Employees were underpaid their minimum hourly rate of pay, casual loadings, penalty rates for weekends, evening and public holiday work and overtime rates.

As an alternative to litigation, Samdoo has entered into an Enforceable Undertaking with the Fair Work Ombudsman.

The terms of the undertaking require Samdoo to apologise to each of the affected staff and reimburse them all outstanding entitlements before the end of November this year under a payment plan approved by the Fair Work Ombudsman.

Samdoo has also agreed to undertake specialist workplace relations training and engage independent auditors to review and report on the company's compliance with workplace laws once a year for the next three years.

Enforceable Undertakings were introduced by legislation in 2009 and the Fair Work Ombudsman has been using them to achieve strong outcomes against companies that breach workplace laws without civil court proceedings.

"We use Enforceable Undertakings where we have formed a view that a breach of the law has occurred, but where the employer has acknowledged this and accepted responsibility and agreed to co-operate with us and fix the problem," Fair Work Ombudsman Natalie James said today.

"Many of the initiatives included in EUs help to build a greater understanding of workplace responsibilities, motivate the company to do the right thing and help them avoid the same mistakes again.

"It also means we can resolve matters more speedily than if we proceed down a path towards litigation, often achieving outcomes, such as training sessions for senior managers, which are not possible through the Courts."

Copies of all Enforceable Undertakings are available on the Fair Work Ombudsman website.

Earlier this week, the Fair Work Ombudsman announced it had signed a three-year Memorandum of Understanding (MoU) with the Accommodation Association of Australia (AAoA) aimed at creating and maintaining fair workplaces and a level playing field for employers.

It follows similar MoUs the Fair Work Ombudsman has signed recently with the Australian Hotels Association, Restaurant and Catering Association and the Australian Security Industry Association.

The Fair Work Ombudsman will provide advice to the AAoA about how it can assist its members to meet their workplace obligations as employers.

Employers and employees seeking assistance should visit the Fair Work Ombudsman website or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

Ms James says the Fair Work Ombudsman is making compliance easier for businesses by continually building on the information available on its website.

“Small businesses often don’t have the benefit of in-house human resources and payroll staff, so we place a high priority on assisting them,” she said.

“Equipping people with the information they need helps to create fair and productive workplaces, as well as ensuring a level playing field for all.”

The Fair Work Ombudsman has a dedicated webpage for small business owners at www.fairwork.gov.au/smallbusiness (www.fairwork.gov.au/find-help-for/small-business)

The Fair Work Ombudsman’s small business helpline – which launched in December to provide tailored advice to small business people – has now responded to more than 100,000 calls.

Small businesses can sign up to a regular E-newsletter from the Fair Work Ombudsman with helpful workplace tips and information.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (<http://twitter.com/NatJamesFWO>), the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au (<http://www.facebook.com/fairwork.gov.au>).

Download:

- [Samdoo Corporation Pty Ltd Enforceable Undertaking \(DOCX 97.9KB\)](http://www.fairwork.gov.au/ArticleDocuments/722/enforceable-undertaking-samdoo.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/722/enforceable-undertaking-samdoo.pdf.aspx) (PDF 2.3MB) (www.fairwork.gov.au/ArticleDocuments/722/enforceable-undertaking-samdoo.pdf.aspx)

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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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