

Child-care centre operator signs workplace pact after underpaying staff almost \$140,000

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The operator of a Victorian child-care centre who underpaid his employees almost \$140,000 over two years is publicly committing to ensure his business complies with workplace laws in the future.

Allan Coman, the sole director of Wonderkindy Port Melbourne Pty Ltd (WPM) has entered into an Enforceable Undertaking with the Fair Work Ombudsman after it investigated a string of complaints from current and former employees.

WPM operates a child-care facility at Port Melbourne.

Mr Coman previously ran a second company, Wonderkindy Tullamarine Pty Ltd (WT), which operated a child-care centre at Tullamarine until it ceased trading early last year.

Since January 2012, investigations by Fair Work inspectors and self-auditing by Mr Coman have revealed underpayments to 114 current and former employees of both the Port Melbourne and Tullamarine centres totalling \$137,000.

The two companies failed to pay staff in accordance with the frequency of payment provisions of the Children's Services Award 2010. They also failed to pay accrued annual leave on termination.

All the underpayments have been rectified except for \$17,000 still owed to 14 employees, which must be repaid under terms of the Enforceable Undertaking signed by Mr Coman.

He is also required to provide staff with a written apology expressing the company's "sincere regret" for its contraventions of workplace laws.

WPM is now in the process of being sold. Mr Coman has given an undertaking that if he continues or recommences trading after the transfer of business, he will ensure future compliance with workplace laws.

This includes undertaking workplace relations training on employer obligations under the Fair Work Act and engaging an independent, external consultant to review and report on his business compliance.

Fair Work Ombudsman Natalie James says the matter should serve as a timely reminder to all employers of the importance of understanding their obligations under their relevant modern award.

Yesterday, the Fair Work Ombudsman revealed it had put a chain of child care centres in Perth on notice to comply with workplace laws after finding it had underpaid more than 160 staff.

The chain, which runs centres throughout the Perth metropolitan area, short-changed its employees almost \$170,000 between July, 2012 and September last year.

Employed in child care, cleaning and kitchen positions, the workers were underpaid amounts ranging from less than \$10 to \$4900.

The underpayments were the result of the employer classifying the workers incorrectly under the Children's Services Award 2010 and making errors in calculating their base hourly rates.

Ms James says the employer has no history of non-compliance and co-operated fully with Fair Work inspectors to immediately reimburse employees all their outstanding entitlements.

Employers and employees seeking assistance should visit [the \(www.fairwork.gov.au/\)](http://www.fairwork.gov.au/) 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.

“Small business is entitled to credible and reliable information about their obligations in a way that makes sense to them, and via channels that they can access quickly and easily.”

Online tools include PayCheck Plus and an Award Finder for employers and employees to determine the correct award and minimum wages for their industry, templates for pay slips and time-and-wages records and a range of Best Practice Guides.

The website has attracted more than 650,000 visitors since it was revamped in June and the Online Learning Centre has now attracted more than 12,000 users, mostly small business operators.

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

Download:

- [Wonderkindy Port Melbourne Pty Ltd Enforceable Undertaking \(DOCX 119.7KB\)](http://www.fairwork.gov.au/ArticleDocuments/837/Enforceable-Undertaking-Wonderkindy-Port-Melbourne.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/837/Enforceable-Undertaking-Wonderkindy-Port-Melbourne.docx.aspx) (PDF 2MB) (www.fairwork.gov.au/ArticleDocuments/837/Enforceable-Undertaking-Wonderkindy-Port-Melbourne.pdf.aspx)

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Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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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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