

Tour bus driver underpaid \$4000

3 December 2014

A Victorian tour company has agreed to revamp its workplace practices after an investigation by the Fair Work Ombudsman found it had underpaid an employee almost \$4000.

The employee was engaged as a casual bus driver by Melbourne-based Addictive Entertainment and Tours Pty Ltd between June, 2013 and May, 2014.

He generally worked shifts of almost 15 hours one-to-two days per week, starting at 6.15am and finishing about 9pm, taking tourists from Melbourne on Great Ocean Road day trips.

After investigating a request for assistance from the employee, Fair Work inspectors found he had been paid a flat rate of \$265 per shift.

This was not enough to cover the casual loadings and penalty rates for weekend, overtime and public holiday penalty rates he was entitled to under the Passenger Vehicle Transport Award.

The company paid what it believed was the 'market rate' – but was co-operative when Fair Work inspectors explained its obligations under the Award.

It back-paid the employee \$3935 in late October.

The company has now signed an Enforceable Undertaking with the Fair Work Ombudsman and given a commitment to ensure its future compliance with workplace laws.

It will arrange workplace relations training, self-auditing of employee wages and entitlements and register with the Fair Work Ombudsman's online self-help tool, My Account.

Fair Work Ombudsman Natalie James says Enforceable Undertakings are one of a number of ways her Agency is encouraging voluntary compliance with federal workplace laws.

"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," she said.

"Many of the initiatives 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.

"We know workplace laws can be complicated for the uninitiated, and for those who are not industrial experts, but we ask small business to use the tools and resources that we provide for them and inform themselves.

"In return, you will be able to act with confidence. This protects you. It means that if a problem arises down the track, you can demonstrate your intention to do the right thing."

Underpinning the Fair Work Ombudsman's website tools and resources is its award-winning Small Business Helpline, where employers can get advice they can rely on with confidence.

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

Employers or employees seeking assistance can contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au

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:

Addictive Entertainment and tours Pty Ltd Enforceable Undertaking (DOCX 108.5KB) (www.fairwork.gov.au/ArticleDocuments/837/addictive-entertainment-and-tours-eu-final_19_9_14-redacted-copy.docx.aspx) (PDF 986.8KB) (www.fairwork.gov.au/ArticleDocuments/837/addictive-entertainment-and-tours-pty-ltd_redacted-eu.pdf.aspx)

Media inquiries:

Nicci de Ryk, Senior Media Adviser

Mobile: 0466 522 004

nicci.deryk@fwo.gov.au (<mailto:nicci.deryk@fwo.gov.au>)

Page reference No: 5130

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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.