

\$82,000 back-pay for Queensland workers

4 December 2014

Workers throughout Brisbane and South-East Queensland have been back-paid more than \$82,000 in wages and entitlements following recent intervention by the Fair Work Ombudsman.

The biggest recovery was \$20,000 for a factory hand at Logan City underpaid the minimum hourly rate, overtime and weekend penalty rates.

The underpayments occurred over a nine-month period last year because the employer was not fully aware of the pay rates which applied to the business.

“It is important that Queensland employers are aware of the workplace laws that apply to their business, otherwise they can end up facing hefty back-payments they were not budgeting for,” says Fair Work Ombudsman Natalie James.

In a separate matter, two waiting staff at a Springfield Lakes restaurant were back-paid a total of \$11,000 after being underpaid the minimum hourly rate and penalty rates for weekend and public holiday work.

The employees – an adult and an 18-year-old – were paid flat hourly rates of just \$8 and \$10 an hour, well below the minimum wage they were entitled to as casual workers.

The Malaysian employer spoke limited English and communicated with Fair Work inspectors through his brother. Because the employer was co-operative and promptly rectified the errors, he was issued with a Letter of Caution and avoided further enforcement action.

The Fair Work Ombudsman has information on its website in 27 languages and offers a free interpreter service to those who need language assistance.

Other recent recoveries in Queensland include:

- \$10,900 for a young worker at an Archerfield business underpaid the minimum hourly rate, overtime and public holiday penalty rates after being misclassified as a trainee over a six-month period,
- \$10,700 for a manager at a security business in Archerfield who was not paid his annual leave entitlements and wages on termination of employment,
- \$7200 for four shop assistants at an Ipswich take-away business underpaid the minimum hourly rate and weekend penalty rates,
- \$6100 for a health industry worker at Toowong not paid her annual leave entitlements on termination of employment,
- \$5900 for a factory hand at Logan City underpaid the minimum hourly rate between 2008 and 2013 and his long service leave entitlements on termination of employment,
- \$5600 for a truck driver at Burpengary underpaid his annual leave entitlements while on workers' compensation in 2012-2013, and
- \$5000 for a trades' assistant at Logan City underpaid the minimum hourly rate after being misclassified as an apprentice over a four-month period last year.

The employees were reimbursed all money owed without the need for further action after Fair Work inspectors contacted the businesses and explained their obligations.

“These cases are an example of our fair and proportionate response to employers who admit their mistakes, back-pay any underpaid employees and work with our inspectors to put processes in place to ensure future compliance,” Ms James said.

The Fair Work Ombudsman can assist employers with accurate, reliable information and encourages local, small businesses to access its free tools and resources.

“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,” Ms James 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

The webpage contains free template documentation for employers to use when hiring, managing and dismissing staff, including letters of engagement and probation, leave application forms and a self-audit check list.

“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,” Ms James said.

Employers and employees can also call the Fair Work Infoline on 13 13 94 for free advice and assistance.

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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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