

Workers across regional WA back-paid \$86,000

5 December 2014

Dozens of underpaid workers throughout regional Western Australia have been back-paid more than \$86,000 following recent intervention by the Fair Work Ombudsman.

In all cases, the underpayments were the result of a lack of awareness among employers of their workplace obligations.

At Bunbury, 45 workers at a cleaning business were back-paid a total of \$23,800 – an average \$529 each – after being underpaid their penalty rates for early morning and afternoon shifts.

The cleaners were short-changed about \$2 an hour as a result of being paid flat hourly rates which were not sufficient to meet their shift loading entitlements.

Fair Work Ombudsman Natalie James says the employer co-operated fully with Fair Work inspectors and promptly reimbursed the employees their outstanding entitlements.

“When we find employers who have made mistakes, our preference is to educate them about their obligations and work with the business to resolve the issues without using formal enforcement mechanisms,” she said.

“This is an example of our fair, reasonable and proportionate response to employers who admit their mistakes, fix them immediately and put systems in place to ensure the errors are not repeated in future.”

The underpayments came to the Fair Work Ombudsman’s attention during a pro-active education and compliance campaign involving audits of up to 1000 cleaning businesses nationally, including up to 40 in Western Australia.

The full results of this campaign will be released publicly once they are finalised.

Ms James says the underpayments should serve to remind all regional WA employers about how important it is for them to take the time to ensure they are aware of the minimum pay rates applicable to their staff.

Other recent recoveries include:

- \$14,900 for 40 current and former employees of a Carnarvon business underpaid their casual hourly rates and weekend penalty rates over a 12-month period in 2012-2013,
- \$12,700 for a cleaner at a business in the Mid-West not paid her redundancy entitlements on termination of employment last year,
- \$11,900 for three workers at a Geraldton engineering business who also failed to receive their redundancy entitlements on termination last year,
- \$6900 for 15 cleaners at a Carnarvon business underpaid their overtime rates and broken shift allowances in 2012-2013,
- \$5700 for an electrician at Broome not paid his annual leave entitlements on termination of employment last year,
- \$5500 for three shop assistants at a Donnybrook retail business underpaid their minimum hourly rates and weekend penalty rates earlier this year, and
- \$5200 in unpaid wages for a labourer at Newman who was unlawfully stood down without pay 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.

Inspectors also assisted employers to put processes in place to ensure they comply with workplace laws in the future.

Ms James says the Fair Work Ombudsman can assist employers with accurate, reliable information and encouraged them to access the Agency’s free tools and resources.

She 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.

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.

Other online tools such as PayCheck Plus can assist employers and employees to determine the correct award and minimum wages for their industry.

Employers or employees seeking assistance can contact the Fair Work Ombudsman via the website www.fairwork.gov.au, or by calling the Fair Work Infoline on 13 13 94.

A free interpreter service is also available on 13 14 50.

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