

St Helens employees share \$31,000 back-pay after staff report lack of meal breaks

21 July 2014

Eleven employees at St Helens, on Tasmania's east coast, have been back-paid more than \$31,000 following an investigation by the Fair Work Ombudsman.

St Helens RSL Community Club underpaid the employees between 2008 and 2011, Fair Work inspectors found.

The Fair Work Ombudsman commenced an investigation in November, 2012, after receiving a report from the union United Voice that employees were not getting meal breaks.

Fair Work inspectors subsequently determined that the Club had contravened a number of provisions of the Fair Work Act 2009, the Licensed Clubs Award (Tas) 1984 and the Registered and Licensed Clubs Award 2010.

These included misclassifying staff, failing to pay "broken work" allowances, failing to provide a 30-minute meal break after five hours, failing to compensate for meal breaks which were not provided and failing to post rosters displaying staff starting and finishing times.

The affected staff, who worked in the bar and gaming area of the club, had also been underpaid a total of \$31,084.

The underpayments ranged from \$367 to \$14,316.

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

The terms of the undertaking required the Club to apologise to each of the affected staff and reimburse them all outstanding entitlements.

In a letter to each employee, the Club "expresses its sincere regret" and apologises for failing to comply with its lawful obligations.

"St Helens RSL commits to current and prospective employees that such conduct will not occur again," it says in a workplace notice.

The Club has also agreed to undertake specialist workplace relations training and engage independent auditors to review and report on its 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 at www.fairwork.gov.au

Employers and employees seeking assistance should visit the 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)

Find out more:

- [St Helens RSL Enforceable Undertaking \(DOCX 113.6KB\) \(www.fairwork.gov.au/ArticleDocuments/722/st-helens-enforceable-undertaking.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/722/st-helens-enforceable-undertaking.docx.aspx) (PDF 3.2MB) (www.fairwork.gov.au/ArticleDocuments/722/st-helens-enforceable-undertaking.pdf.aspx)

Editors please note: The Fair Work Ombudsman has been advised that St Helens RSL Community Club is not affiliated with the Tasmanian or national RSL.

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