

Regional transport company back-pays \$260,000 owed to eight truck drivers

29 April 2015

A Victorian transport company underpaid eight of its truck drivers more than \$260,000, a Fair Work Ombudsman investigation has found.

The drivers worked for the Merri Transport Company Pty Ltd at its Allansford depot, near Warrnambool.

Acting Fair Work Ombudsman Michael Campbell says more than \$248,000 was owed to six long-distance drivers who did not receive severance pay or wages in lieu of notice when they were made redundant.

“The drivers, aged between 32 and 70, had worked for Merri Transport for more than 10 years before their employment was terminated,” Mr Campbell said.

“Two other drivers were underpaid a total of almost \$12,000.

“They were short-changed a range of entitlements, including their cents-per-km rate, loading and public holiday allowances.

“The eight drivers were underpaid amounts of \$60,940, \$49,885, \$45,966, \$44,687, \$35,431, \$11,920, \$8219 and \$3516.”

Mr Campbell says Merri Transport also breached federal record-keeping and pay slip laws.

“It is not the first time the company has come to the Fair Work Ombudsman’s attention,” he said.

Fair Work inspectors dealt with six previous complaints from Merri Transport employees dating back to 2002, some of which resulted in employees being reimbursed a total of \$23,100.

“As an alternative to litigation over its latest contraventions, Merri Transport has agreed to back-pay the workers in full and has entered into an Enforceable Undertaking with the Fair Work Ombudsman,” Mr Campbell said.

This includes a written apology to each of the eight drivers, in which the company expresses “sincere regret” for its behavior and gives a commitment that such conduct will not occur again.

Further, Merri Transport will commission workplace relations training for its managers, engage a professional external review of its pay practices and conduct a self-audit of its record-keeping and pay slip practices.

The Enforceable Undertaking also requires the company to use the Fair Work Ombudsman’s My Account online tool, complete all education courses for employers at www.fairwork.gov.au and report to the Agency on the systems and processes it implements to ensure future workplace compliance.

Mr Campbell says the case is a timely reminder to Warrnambool business operators of the need to ensure they take the time to understand and comply with the laws applicable to their workplace.

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 the need for 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 and fix the problem,” Mr Campbell said.

“We know workplace laws can seem complicated for the uninitiated, but we ask small business to use the tools and resources that we provide for them and inform themselves.”

Mr Campbell says the Fair Work Ombudsman can assist employers with accurate, reliable information that is easy to access, understand and apply.

Online resources available at www.fairwork.gov.au include tools for determining the correct award and minimum wages for employees, templates for pay slips and time-and-wages records and a range of Best Practice Guides.

The My Account tool allows users to save tailored information such as pay rates and conditions of employment specific to their circumstances.

Users can log into My Account and view saved information at any time. You can also submit an enquiry online and read the Fair Work Ombudsman's response.

Employers and employees seeking assistance can consult the range of free tools and resources available on the website, or call the Fair Work Infoline on 13 13 94. Small businesses can opt to be put through to a priority Help Line.

A free interpreter service is also available on 13 14 50, and information on the website is translated into more than 25 languages at www.fairwork.gov.au/languages (www.fairwork.gov.au/languages) .

The Fair Work Ombudsman supports compliant, productive and inclusive Australian workplaces and aims to build a culture of compliance with workplace laws.

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Download:

- [Merri Transport Company Pty Ltd Enforceable Undertaking \(DOCX 113.9KB\)](http://www.fairwork.gov.au/ArticleDocuments/837/enforceable-undertaking-merri-transport-company-pty-ltd-redacted.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/837/enforceable-undertaking-merri-transport-company-pty-ltd-redacted.docx.aspx) (PDF 2MB) (www.fairwork.gov.au/ArticleDocuments/837/enforceable-undertaking-merri-transport-company-pty-ltd-redacted.pdf.aspx)

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