

Petrol station operator “on notice” over \$60,000 underpayment of console operators

8 January 2015

The operator of two petrol stations at Wagga, in regional NSW, has been formally cautioned by the Fair Work Ombudsman after short-changing dozens of console operators.

Thirty-nine employees - more than a third of them young workers under 21, and many of them from overseas - were underpaid more than \$60,000.

The underpayments occurred over 12 months between January, 2013 and January, 2014, with individual amounts ranging from \$14 to \$6000.

The Fair Work Ombudsman audited the employer after a number of employees rang to complain they were being underpaid.

Fair Work inspectors found that console operators had been misclassified as part-time employees, resulting in the non-payment of their casual loadings.

Money was also being unlawfully deducted from employee wages when motorists drove off without paying for fuel or when cash registers did not balance at the end of a shift.

Superannuation entitlements were also being underpaid.

After discussions with the Fair Work Ombudsman, the employer reimbursed all outstanding wages and entitlements, avoiding further enforcement action.

However, the Fair Work Ombudsman has issued a formal Letter of Caution, putting the business on notice that future non-compliance with workplace law will not be tolerated.

Inspectors were concerned by the quantum of the underpayments, and the fact that many vulnerable young and overseas workers were involved.

“We will consider taking enforcement action if this business operator fails to comply with workplace laws in the future,” says Fair Work Ombudsman Natalie James.

“We are conscious that many young workers and overseas workers can be vulnerable if they are not fully aware of their workplace rights or reluctant to complain, so it’s important we are active in ensuring that their workplace rights are respected and upheld,” she said.

Ms James said it was important to build a culture of compliance to ensure that those employers doing the right thing were not competitively disadvantaged.

She reminded businesses that it was not lawful to deduct money from employee wages if customers leave without paying or if the cash register is short at the end of the day.

Employers or employees seeking assistance can visit the website www.fairwork.gov.au or contact the Infoline on 13 13 94. A free interpreter service is also available on 13 14 50.

Small business employers calling the Infoline can opt to receive priority service by being put through to the Small Business Helpline. It has already assisted more than 150,000 callers since its launch 12 months ago.

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