

\$65 000 back-pay for 19 Cairns employees

20 July 2015

A long-established family business in Cairns will reimburse 19 casual employees almost \$65,000 after receiving advice that it has been underpaying their wages.

The business operators told the Fair Work Ombudsman they were unaware of their obligations under the Fair Work Act and three separate Modern Awards.

Bransfords (Qld) Pty Ltd, which operates a Mobil service station, take-away food outlet and tackle shop at Clifton Beach, paid its staff a flat hourly rate for all hours worked.

However, depending on where in the mixed business they worked, the employees were covered by the terms and conditions of the Fast Food Industry Award, the Vehicle Manufacturing, Repair, Services and Retail Award or the General Retail Industry Award.

The employees were also unaware of their minimum lawful entitlements.

The underpayments were identified after Fair Work inspectors randomly visited the business in October last year and examined time and wages records. Individual amounts owed range from as little as \$41 up to \$8506 for the period July 1 last year to February 23 this year.

As a result of its workplace contraventions, Bransfords has been asked to enter into an Enforceable Undertaking with the Fair Work Ombudsman. Since its involvement with the Fair Work Ombudsman, the company has also implemented new computerised payroll, rostering and record-keeping systems.

Fair Work Ombudsman Natalie James says the company's experience highlights the importance of Cairns employers understanding their workplace obligations.

"Here is a business which had no understanding of Modern Awards or that it could be covered by multiple Awards at the same site," she said.

"This matter also demonstrates how lack of awareness or ignorance of minimum wages and conditions can lead to a hefty bill in a short space of time, potentially having a negative financial impact on the business.

"It should also show how our intervention can assist employers to become compliant and minimise potential negative effects on business if workplace laws are not observed."

The Fair Work Ombudsman agreed to a payment plan which allowed Bransfords to reimburse all outstanding entitlements over three months.

The Enforceable Undertakings requires Bransfords to register and use the Fair Work Ombudsman's My Account website tool and to engage an external specialist to audit its workplace relations compliance again in 12 months.

Ms James says the case is a timely reminder to all Queensland business operators of the need to ensure they take the time to understand and comply with the laws applicable to their own workplace.

She encouraged employers who had any uncertainty about whether their workplace practices were appropriate or not to visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for advice.

Online tools also include pay rate calculators to assist employers determine the correct Award and minimum wages for employees and free templates for pay slips and time-and-wages records.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (<http://twitter.com/NatJamesFWO>), the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au (<http://www.facebook.com/fairwork.gov.au>).

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at www.fairwork.gov.au/mediareleases (www.fairwork.gov.au/mediareleases).

Download

- [Bransford \(Qld\) Pty Ltd Enforceable Undertaking \(DOCX 105.2KB\) \(www.fairwork.gov.au/ArticleDocuments/837/enforceable-undertaking-bransfords-qld-pty-ltd-redacted-version.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/837/enforceable-undertaking-bransfords-qld-pty-ltd-redacted-version.docx.aspx) (PDF 4.9MB) (www.fairwork.gov.au/ArticleDocuments/837/enforceable-undertaking-bransfords-qld-pty-ltd-redacted-version.pdf.aspx)

Media inquiries:

Nicci de Ryk, Senior Media Adviser

Mobile: 0466 522 004

nicci.deryk@fwo.gov.au (<mailto:nicci.deryk@fwo.gov.au>)

Page reference No: 5479

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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.