

Sydney Harbour charter cruise boat company to review staff pay packets for underpayments

23 June 2015

Deckhands, waiting staff, bar attendants and kitchen staff working on 5-star charter boats on Sydney Harbour will have their pay packets reviewed to ensure they are being paid correctly.

Time and wages records reviewed by the Fair Work Ombudsman indicate that dozens of workers have been short-changed their minimum hourly rates, casual loadings and overtime.

All Occasion Cruises' sole director Joe Elias has been requested to audit the wages of more than 40 employees working on his six charter boats.

All Occasion Cruises is one of six companies examined by the Fair Work Ombudsman late last year following intelligence that employees working on Sydney Harbour boats were being underpaid.

Mr Elias has agreed to revamp his workplace practices after discussions with Fair Work inspectors and signed an Enforceable Undertaking that commits his company to future compliance with workplace laws.

Of the other businesses scrutinised, three were found to be compliant, one has been issued with a Compliance Notice requiring it to rectify a number of contraventions and another has received a Letter of Caution about its conduct.

Fair Work Ombudsman Natalie James expressed concern that several boat operators were unaware that their deckhands were covered by the Marine Tourism and Charter Vessels Award.

Similarly, she said office workers should be being paid according to the terms and conditions of the Clerks Private Sector Award.

"Unfortunately, we found that this was not always the case," she said.

Ms James says employees can be significantly financially disadvantaged if they are misclassified and denied their shift allowances and other overnight entitlements.

"And it's not fair to those employers who are doing the right thing that some of their competitors are saving on costs by undercutting the lawful minimum entitlements of their employees," she said.

The Fair Work Ombudsman found that a number of casual employees were not getting the required advice of their shifts in writing and were being short-changed on overnight shifts exceeding 12 hours.

All Occasion Cruises also failed to keep correct employee records or issue pay slips in the prescribed form.

It is not the first time the company has come to the attention of the Fair Work Ombudsman.

Two previous requests for assistance from employees were resolved by agreement.

Mr Elias has agreed to audit the pay packets of all his employees for the five months from August to December last year.

Any workers found to have been underpaid will be fully reimbursed all outstanding entitlements by July 1 this year.

Each affected employee will also receive a letter of apology from the company.

Mr Elias has agreed to undertake workplace relations training on human resources, recruitment and termination processes and payroll functions.

And up to 30 per cent of his workforce will be sampled for random auditing each 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 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," Ms James said.

"Many of the initiatives included in EU's 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.”

Ms James 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 include pay rate calculators to help employers determine the correct Award and minimum wages for employees and free templates for pay slips and time-and-wages records.

The Fair Work Ombudsman is working hard to build a culture of compliance with workplace laws to ensure an even playing field for all businesses.

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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: 5394

Contact us

Fair Work Online: www.fairwork.gov.au

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