

Bakers Delight franchisee signs workplace pact after short-changing 26 employees \$40,000

4 March 2015

More than two dozen apprentice bakers, baker's assistants and bakery shop assistants – over half of them aged under 21 – have been reimbursed almost \$40,000 after the Fair Work Ombudsman found they were being underpaid.

The 26 employees worked for Bakers Delight retail stores in Bateau Bay and Wyong in regional NSW which were run by a franchisee, JCMA Pty Ltd.

The workers were underpaid their minimum hourly rates of pay, casual loadings, weekend and public holiday penalty rates and shift allowances.

The individual underpayments ranged from \$104 to \$3672.

Three staff were underpaid by more than \$3000, four by more than \$2000 and seven by more than \$1000.

The underpayments came to light after the Fair Work Ombudsman conducted a pro-active audit of JCMA's stores. The company no longer operates the Wyong shop.

Fair Work Ombudsman Natalie James says JCMA co-operated fully with the Agency, has rectified the underpayments and put processes in place to ensure its future compliance with federal workplace laws.

JCMA has also signed an Enforceable Undertaking, in which it agrees to conduct further self-auditing to ensure its employees are receiving their full, lawful entitlements and to register and use the Fair Work Ombudsman's new online tool My Account.

Ms James says the case is a timely reminder to business operators of the need to understand and comply with the workplace laws applicable to their workplace.

She says it also highlights that small mistakes, left over time, can result in hefty bills for back-payment of wages that employers had not budgeted for.

"We know workplace laws can be complicated for the uninitiated, and for those who are not industrial experts, but we ask small business to use the tools and resources that we provide for them and inform themselves," Ms James said.

In January, the Fair Work Ombudsman urged retail bakeries in Victoria to pay greater attention to employee pay rates after randomly auditing 81 stores across the State.

Almost half of the businesses were paying incorrect wages and entitlements and more than 200 employees were found to have been underpaid almost \$150,000.

A quarter of the underpayments were the result of the bakeries underpaying penalty rates and shift loadings.

Other factors included underpayment of the minimum hourly rate and a failure to pay overtime, casual loadings, allowances and public holiday penalty rates.

Fair Work inspectors also identified instances of employers neglecting to pay employees for some time worked and not providing applicable meal breaks.

They found that only 63 per cent (51) were fully compliant with their record-keeping and pay-slip obligations under federal workplace laws and only 53 per cent (43) were paying their employees correctly.

The Bakers Delight franchisor was one of the key stakeholders consulted on the campaign.

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. People can also call 13 14 50 if they need interpreter services.

The Fair Work Ombudsman supports compliant, productive and inclusive Australian workplaces.

Free tools and resources on the website include:

- an [online learning centre \(www.fairwork.gov.au/resources/online-learning-centre/pages/default.aspx\)](http://www.fairwork.gov.au/resources/online-learning-centre/pages/default.aspx) that has interactive courses

to teach businesses and workers skills and strategies to help them at work,

- [fact sheets](http://www.fairwork.gov.au/resources/fact-sheets/pages/default.aspx) (www.fairwork.gov.au/resources/fact-sheets/pages/default.aspx) about the minimum rights and obligations of businesses and workers, including information on the National Employment Standards, record-keeping and pay slips,
- [best practice guides](http://www.fairwork.gov.au/resources/best-practice-guides/pages/default.aspx) (www.fairwork.gov.au/resources/best-practice-guides/pages/default.aspx) to help small to medium-sized businesses with implementing best practice workplace policies and procedures,
- [templates](http://www.fairwork.gov.au/resources/templates/pages/default.aspx) (www.fairwork.gov.au/resources/templates/pages/default.aspx) that simplify the work in keeping employment records
- calculators to help:
 - work out modern award pay rates
 - understand annual and personal leave entitlements
 - calculate payment based on hours entered into a shift calculator, and
 - work out entitlements when ending employment.

[My Account](https://www.fairwork.gov.au/my-account/registerpage.aspx) (https://www.fairwork.gov.au/my-account/registerpage.aspx) which allows our information and resources to be saved for future use.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](http://twitter.com/NatJamesFWO) (http://twitter.com/NatJamesFWO) , the Fair Work Ombudsman [@fairwork_gov_au](http://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) .

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- [JCMA Pty Ltd Enforceable Undertaking \(DOCX 108.8KB\)](http://www.fairwork.gov.au/ArticleDocuments/545/eu-jcma.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/545/eu-jcma.docx.aspx) (PDF 1.4MB) (www.fairwork.gov.au/ArticleDocuments/545/eu-jcma.pdf.aspx)

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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

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