

\$94,000 back-pay for Top End workers

26 March 2015

Dozens of underpaid workers in Darwin and Alice Springs have been back-paid more than \$94,000 following recent intervention by the Fair Work Ombudsman.

The biggest recovery was \$38,800 for 16 trainees at a Darwin business who did not receive their night-shift penalty rates for three years.

The employer mistakenly believed that only qualified workers, and not trainees, were entitled to night-shift penalty rates.

Fair Work Ombudsman Natalie James says the business co-operated with Fair Work inspectors and promptly reimbursed all money owed once the error was identified.

“When we find mistakes, our preference is to educate employers about their obligations and assist them to put processes in place to ensure future compliance,” she said.

Ms James says the case highlights the importance of Top End employers taking the time to ensure they understand their obligations to their employees under workplace laws.

“A small mistake left over time can easily result in a hefty bill for back-payment of wages – so it is important employers get it right in the first place,” she said.

Other recent recoveries include:

- \$13,000 for 26 workers at an Alice Springs caravan park, including front office, reception and cleaning staff, who were underpaid their minimum hourly rates and weekend penalty rates over a 12-month period in 2013-2014
- \$11,800 for 10 shop assistants at a Darwin sandwich bar who were underpaid their minimum hourly rates and weekend penalty rates over 12-months in 2013-2014
- \$9000 for two shop assistants at a Darwin retail shop who were underpaid their minimum hourly rates and overtime entitlements, and not paid for all hours worked over a five-month period last year
- \$8800 for 12 waiters and waitresses at an Alice Springs restaurant underpaid their casual loadings, weekend and late-night penalty rates for three months in 2013
- \$7700 for 68 workers, many of whom worked in guest services positions, at an Alice Springs hotel who were underpaid their weekend and public holiday penalty rates and allowances over a 12-month period in 2013-2014, and
- \$5000 for eight kitchen and counter staff at an Alice Springs café, including a number of overseas workers, who were underpaid their minimum hourly rates and weekend penalty rates over a 12-month period in 2013-2014.

In all cases, the employees were reimbursed in full without the need for further action after Fair Work inspectors contacted the businesses and explained their obligations.

“We’re confident these underpayments were genuine mistakes and it was pleasing to see the employers correct the errors and put processes in place to ensure they aren’t repeated,” Ms James said.

Last financial year the Fair Work Ombudsman resolved more than 25,000 requests for assistance from employees who believed they had been underpaid or treated unfairly.

More than \$23 million was recovered for over 15,000 underpaid workers nationally.

Ms James says the overwhelming majority of employers want to do the right thing by their employees and get it right when it comes to workplace laws.

“We find that most mistakes are due to a lack of awareness of workplace laws, rather than employers deliberately doing the wrong thing,” she said.

The Fair Work Ombudsman's website - www.fairwork.gov.au - contains a range of tools and resources to assist employers to understand and meet their workplace obligations and operate at best practice.

Online resources include tools employers and employees can use to determine the correct award and minimum wages for their

industry, templates for pay-slips and time-and-wages records and a range of Best Practice Guides.

The Fair Work Ombudsman has expanded, and will continue to expand, its suite of free tools and resources to assist business to ensure they are getting things right.

The Agency has a dedicated webpage for small business owners at www.fairwork.gov.au/smallbusiness (www.fairwork.gov.au/find-help-for/small-business)

The webpage contains free template documentation for employers to use when hiring, managing and dismissing staff, including letters of engagement and probation, leave application forms and a self-audit check list.

Ms James says it is important to build a culture of compliance with workplace laws to ensure that those employers doing the right thing are not competitively disadvantaged.

Employers or employees seeking advice can visit the website or contact the Fair Work Infoline on 13 13 94. A free interpreter service is also available on 13 14 50.

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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: 5237

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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