

## Falls Creek bus service signs workplace pact after second audit finds ongoing wage issues

27 November 2015

A Victorian snowfields bus company faces enforcement action from the Fair Work Ombudsman after being caught short-changing its staff for the second time in a year.

In 2013, the Falls Creek Coach Service was randomly audited to ensure its workers were receiving their minimum wages and entitlements.

The business, which operates a bus and coach service from Tawonga South and Beechworth, as well as a Caltex service station at Tawonga South, was found to have underpaid 22 employees a total of \$5572.

The employer received a formal Letter of Caution from the Fair Work Ombudsman, putting it on notice that further contraventions of federal workplace laws may result in enforcement action.

The business was audited again in August last year to monitor its compliance.

Fair Work inspectors found that nine employees had been short-changed a total of \$8257 between July 1 and August 28, 2014.

Individual underpayments ranged from \$100 to more than \$3500.

Fair Work Ombudsman Natalie James says the company has been asked to sign an Enforceable Undertaking (EU) aimed at encouraging behavioural change.

As well as reimbursing the underpaid employees, it must now:

- Engage an external accounting professional to audit its workplace practices for 2015 and 2016,
- Place workplace notices at its work sites explaining the workplace contraventions and actions taken to remedy them,
- Register with the Fair Work Ombudsman's online tool MyAccount and subscribe to email alerts and newsletters, and
- Implement systems and processes to ensure future compliance with workplace laws.

The workers were employed across four awards, the Clerks Private Sector Award 2010, the Passenger Vehicle Transportation Award 2010, the Vehicle Manufacturing, Repair, Service and Retail Award 2010 and the Falls Creek Coach Service Pty Ltd Collective Agreement 2009.

Inspectors determined that a clerk employed under the Clerks Private Sector Award 2010 was underpaid her minimum hourly rates, overtime and Sunday penalties.

She was paid \$24.10 an hour when she should have received \$25 and up to \$39.52 for work on Sundays. She also failed to receive payments in lieu of meal breaks.

The reservation and ticket sellers employed under the Passenger Vehicle Transportation Award 2010 were short-changed their weekend penalty rates and failed to receive payments in lieu of meal breaks.

They were paid \$27.96 for work on Saturdays when they should have received \$32.61.

Console operators working at the service station under the Vehicle Manufacturing Service and Retail Award were underpaid their minimum hourly rate, weekend and overtime rates.

They were paid \$21.57 when they should have received \$24.44 and up to \$31.77 for work on Sundays.

Bus drivers covered by the Falls Creek Coach Service Pty Ltd Collective Agreement 2009 were underpaid their overtime and Sunday penalty rates.

They were paid as \$24.31 for overtime, when they should have received \$33.20.

Ms James says the case is a timely reminder to businesses in North-East Victoria of the need to ensure they take the time to understand and comply with the laws applicable to their workplace.

“We know workplace laws can be complicated for the uninitiated, but we ask businesses to use the tools and resources that we provide for them.”

“We are committed to helping employers understand and comply with workplace laws, but operators need to make an effort to get the basics right in the first place,” Ms James said.

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.

“Enforceable Undertakings are used 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,” said Ms James.

The Fair Work Ombudsman has been working to make compliance easier for businesses by continually building on the information available on its website.

The Agency recently introduced a Pay and Conditions Tool (PACT), which provides advice about pay, shift, leave and redundancy entitlements.

Free templates for pay-slips and time-and-wage-records are also on the website.

Ms James encouraged employers who had any uncertainty about whether their workplace practices are appropriate to visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline for advice on 13 13 94.

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Download:

- [Falls Creek Coach Service Pty Ltd Enforceable Undertaking \(DOCX 163.1KB\)](http://www.fairwork.gov.au/ArticleDocuments/884/enforceable-undertaking-falls-creek-coach-service-pty-ltd.docx.aspx) ([www.fairwork.gov.au/ArticleDocuments/884/enforceable-undertaking-falls-creek-coach-service-pty-ltd.docx.aspx](http://www.fairwork.gov.au/ArticleDocuments/884/enforceable-undertaking-falls-creek-coach-service-pty-ltd.docx.aspx)) (PDF 538.4KB) ([www.fairwork.gov.au/ArticleDocuments/884/enforceable-undertaking-falls-creek-coach-service-pty-ltd.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/884/enforceable-undertaking-falls-creek-coach-service-pty-ltd.pdf.aspx))

Media inquiries:

Lara O’Toole, Media Adviser

Mobile: 0439 835 855

[lara.otoole@fwo.gov.au](mailto:lara.otoole@fwo.gov.au) (<mailto:lara.otoole@fwo.gov.au>)

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