

Western Sydney sales manager underpaid \$31,000

26 April 2016

A wholesale business in Western Sydney is back-paying a sales manager more than \$31,000 following intervention by the Fair Work Ombudsman.

The male employee in his 50s, who worked for the Chester Hill business for 18 years, requested assistance after he was not paid his full entitlements upon resignation.

The employee was not paid-out his outstanding wages, annual leave entitlements, travel allowances and long service leave entitlements.

After a Fair Work officer contacted the business and explained its obligations, the business agreed to back-pay the employee, without the need for further action.

The business was advised that paying termination entitlements is not negotiable.

Fair Work Ombudsman Natalie James says it is crucial small businesses take termination entitlements into consideration, especially if they have long-serving employees.

"We are serious about building knowledge and strongly focused on ensuring employers understand their workplace rights and obligations," Ms James said.

"Small to medium-sized businesses without human resources staff can also ensure they are better equipped by accessing the free tools and resources at www.fairwork.gov.au."

In a separate matter at Northmead, three apprentice hairdressers are sharing \$5200 back-pay after their employer miscalculated their wages.

The employer was unaware of the correct minimum pay rates for apprentices.

An adult apprentice was paid the junior minimum hourly rates of \$11.78 on weekdays and \$15.66 on Saturdays, when she was entitled to receive \$18.99 and \$25.26, respectively.

The business also underpaid a school-based apprentice for time spent in training and it underpaid a junior apprentice's minimum wage rate, having failed to pass on a wage increase from July 1, 2015.

Fair Work inspectors discovered the underpayments during a pro-active audit.

Ms James says that while she was encouraged the employers had co-operated and were reimbursing employees, they are now "on notice" of the need to comply in future.

"Employers must be aware that complying with workplace laws is not optional," she said.

"Employers must ensure they are aware of the minimum pay rates that apply to staff."

Ms James encouraged employers who had any uncertainty about whether their workplace practices were appropriate to visit www.fairwork.gov.au or call the Small Business Helpline on 13 13 94 for advice. An interpreter service is available on 13 14 50.

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Fair Work Online: www.fairwork.gov.au

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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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