

Employer sidelines worker's \$19,000 nest egg

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A Melbourne truck driver who personally handed over \$100 a fortnight for seven years to be salary-sacrificed into his superannuation fund was left facing retirement without his additional nest egg contributions.

Despite knowing the money he had parted with between 2004 and 2011 had never been transferred into his superannuation fund, the employee remained hopeful his Campbellfield-based employer would make amends and pay a lump sum of \$19,000.

The truck driver sought assistance from the Fair Work Ombudsman after repeated conversations with his employer stalled.

When questioned by Fair Work officers, the employer acknowledged it was in the wrong and said it had been experiencing financial hardship.

The employer agreed to back-pay the \$19,000 in full, saying it had always intended to repay the money. No further enforcement action was required.

Fair Work Ombudsman Natalie James says deceitful behaviour has no place in Australian workplaces.

"It's not on to 'borrow' an employee's hard-earned money, even if you have every intention of 'putting it back' before they come calling for it," Ms James cautioned other employers who might have done the same thing.

"Employees shouldn't have to worry about their entitlements being mishandled."

In separate matters, the Fair Work Ombudsman has also recouped:

- \$20,300 for a casual retail salesperson at Preston who was paid a flat rate of \$16 an hour, resulting in underpayment of minimum hourly rates and penalty rates for weekend and public holiday work,
- \$17,000 for a full-time Craigieburn tradesman who did not receive his accrued annual leave and superannuation upon termination,
- More than \$10,800 for a full-time delivery driver at Tullamarine who was paid under the wrong award and did not receive public holiday penalties and leave loadings, and
- \$6200 for a Gladstone Park cleaner who did not receive his annual leave entitlements upon termination.

Ms James says the cases highlight the need for employers to ensure they are fully aware of their obligations and understand the wage rates applicable to their business, including penalty rates for overtime and weekend shifts.

Anyone with uncertainty about workplace practices can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. The website has resources including an online learning centre and a Pay and Conditions Tool (PACT) that provides advice about pay, shift, leave and redundancy entitlements.

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