

\$22k for two Mornington Peninsula workers

1 February 2016

Two workers on Victoria's Mornington Peninsula have been back-paid a total of \$22,000, following recent intervention by the Fair Work Ombudsman.

A restaurant employee at a local winery was underpaid \$14,000 between 2007 and 2014 during her employment as a waitress and supervisor.

She was paid a flat hourly rate of \$25, which was not sufficient to cover the weekend and night penalty rates she was entitled to under the Restaurant Industry Award.

In a separate matter, a barista at a café in the region was also underpaid her penalty rates as a result of being paid a flat hourly rate.

The employee was underpaid \$8000 for weekend and public holiday work between 2009 and 2015.

Fair Work Ombudsman Natalie James says Mornington Peninsula employers need to be aware that paying employees a flat rate that is above the minimum normal hourly rate does not automatically negate the need to pay penalty rates.

"Businesses need to ensure they understand the wage rates applicable to their employees, including penalty rates for overtime, weekend, public holiday and evening shifts," she says.

"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.

"When we find employers who have made mistakes, our preference is always to educate them about their obligations and work with the business to resolve the issues outside of the Courts."

Employers who have any uncertainty about whether their workplace practices are appropriate can visit www.fairwork.gov.au or phone the Fair Work Infoline on 13 13 94 for advice. An interpreter service is available on 13 14 50.

Small businesses can opt to be put through to a small business helpline, which has assisted more than 250,000 callers since it was established.

Tools and resources available on the website include templates for time-and-wages records, an online learning centre and a Pay and Conditions Tool (PACT) that provides advice about pay, shift, leave and redundancy entitlements.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) , the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au .

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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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