

A good turn, but a costly error

12 January 2016

When bushman Norman Bright advertised for three people to help him muster buffalo in a remote Aboriginal community near Katherine, in the Northern Territory, 11 candidates turned up eager to work.

Mr Bright told the Fair Work Ombudsman it was difficult to turn away those who were surplus to his needs, so all those who were keen to help out were allowed to work.

While he thought he was doing a good deed, Mr Bright subsequently breached federal workplace laws when he paid the workers less than they were legally entitled to receive under the terms and conditions of the Pastoral Award 2010.

Ten casual employees were short-changed amounts ranging from \$227 to \$1173 when they were engaged to muster cattle on Eva Valley Station in the Manyallaluk community between October 14 and November 16, 2014.

Fair Work inspectors began investigating the matter last year after receiving a request for assistance from one of the employees.

They found 10 employees had collectively been underpaid \$6411. They were underpaid their minimum hourly rate, minimum engagement periods and superannuation.

Inspectors also found that Mr Bright failed to keep adequate employment records, did not issue pay-slips as required and had made unlawful deductions from employee wages.

Mr Bright admitted he had little understanding of workplace laws or his obligations and thought he was doing the workers a favour.

However, after discussions with the Fair Work Ombudsman, Mr Bright agreed to rectify the underpayments in full.

He also apologised to the individual employees and sent a letter of apology to Aboriginal elders at Manyallaluk.

At the request of the Fair Work Ombudsman, Mr Bright has signed an Enforceable Undertaking (EU) aimed at encouraging behavioural change and future compliance with workplace laws.

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.

Fair Work Ombudsman Natalie James says EUs are used where the Agency has 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.

Ms James encouraged employers who had any uncertainty about their workplace practices to visit the website at www.fairwork.gov.au or phone the Fair Work Infoline on 13 13 94.

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Media inquiries:

Lara O'Toole, Media Adviser

Mobile: 0439 835 855

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

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