

Traralgon eatery underpays workers \$7700

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Two employees at a Traralgon eatery have been back-paid \$7700 after the Fair Work Ombudsman found the business had short-changed them.

A female casual waitress was paid lower part-time rates and underpaid her Saturday and Sunday penalty rates for 17 months.

The young worker was paid a minimum of up to \$17.35 an hour on weekdays, \$21.65 on Saturdays and \$26.03 on Sundays when she should have received up to \$23.09 on weekdays and \$27.71 at weekends.

A full-time junior apprentice chef did not receive his tool allowance and was paid a flat rate of \$10.80 an hour for three months, but should have received a minimum of \$11.07 and up \$16.20 at weekends.

He was also not paid his annual leave and annual leave loading upon termination.

The employer told Fair Work inspectors the underpayments were inadvertent and the business had since introduced procedures to prevent ongoing errors.

The employer also failed to pass on the annual federal wage increase and only issued pay-slips to employees upon request.

Fair Work Ombudsman Natalie James says that while the employer has corrected its mistakes, the business has received a formal Letter of Caution placing it on notice that further contraventions of workplace law could result in enforcement action.

“When we find mistakes, our preference is to educate employers about their obligations and assist them to put processes in place to ensure the errors are not repeated,” she says.

In a separate matter, a Maffra employer back-paid a worker almost \$6200 in outstanding pro-rata long service leave that was payable when the employee retired.

Ms James says both cases highlight the importance of Gippsland employers ensuring they understand their lawful workplace obligations.

“Employers must undertake their own checks of award provisions and do periodical checks to ensure compliance,” she says.

“Our online tools and resources can assist employers to determine their applicable Award, as well as classification and pay rates, allowances, overtime and penalty rates.”

Anyone seeking assistance can visit at www.fairwork.gov.au or phone the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50. Small businesses calling the Infoline can opt to receive priority service to assist with their inquiries.

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