

National clothing chain back-pays workers \$162k

29 July 2016

Dozens of staff at a high-end national clothing company have been back-paid more than \$162,100 following an investigation by the Fair Work Ombudsman.

What started with one employee seeking assistance for unpaid wages ultimately resulted in back-payments for 36 workers across stores in Sydney, Melbourne, Brisbane and Adelaide.

The employer was paying its casual adult sales assistants a flat rate of \$21 an hour, which was not enough to cover their penalty rates.

The business had incorrectly assumed that sales commissions would offset the underpayment of the flat rate for any work attracting penalties.

The employees were underpaid a total of \$148,100 in wages and \$14,000 in superannuation between June, 2013 and June last year.

Fair Work inspectors spent months investigating the matter, believing on employee's unsuccessful attempt at resolving issues with the company was not isolated.

The highest amount back-paid to an individual was more than \$11,100.

Fair Work Ombudsman Natalie James said the company has since reviewed the pay and contracts of all its full-time and casual employees.

Ms James says the Agency has been working with the company to ensure its ongoing future compliance with federal workplace laws.

"Employers must ensure they understand the wage rates applicable to their employees, including penalty rates," she says.

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

The Fair Work Ombudsman's Pay and Conditions Tool (PACT) provides advice about pay, shift, leave and redundancy entitlements. Visit calculate.fairwork.gov.au to learn more.

Ms James encouraged employers who are uncertain about whether their workplace practices are appropriate to visit www.fairwork.gov.au or call the Infoline 13 13 94 for advice.

A free interpreter service is available on 13 14 50.

"Our experience and research tells us businesses are over-confident about workplace laws and many do not seek advice or help until something starts to go awry," Ms James said.

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

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at www.fairwork.gov.au/mediareleases (www.fairwork.gov.au/mediareleases).

Media inquiries:

Eithne Johnston, Media Adviser

Mobile: 0439 835 855

eithne.johnston@fwo.gov.au (<mailto:eithne.johnston@fwo.gov.au>)

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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.