

Almost \$800,000 back-pay for 83 workers

27 June 2016

Dozens of factory workers on the NSW Mid-North Coast have now been reimbursed a total of \$795,000 after they were underpaid last year.

The employer has repaid all outstanding entitlements under a repayment plan agreed to with the Fair Work Ombudsman.

The voluntary back-payment is the largest the Fair Work Ombudsman was able to achieve this financial year without the need for enforcement action.

The 83 workers were employed by W.E. Smith Engineering at Boambee.

The Fair Work Ombudsman investigated the company after receiving requests for assistance from 38 employees.

Fabrication, production, management and administration employees, including several apprentices and young workers, were paid irregularly over nine months last year.

W.E. Smith told the Fair Work Ombudsman it was hampered by cash flow problems and delayed payments from clients.

The business specialises in the design and manufacture of heat exchange equipment for the mining and energy industries.

W.E. Smith went into voluntary administration last year and appeared at unsuccessful Fair Work Commission dispute resolution hearings with the Australian Manufacturing Workers' Union over unpaid wages.

The Fair Work Ombudsman subsequently issued the company with a Compliance Notice in February this year requiring the back-payment of outstanding entitlements.

Under the Fair Work Act, employers must adhere to the formal Compliance Notice or make a court application for a review if it seeks to challenge a Notice.

W.E. Smith agreed to back-pay all workers in full.

The largest amount owed to an individual worker was \$26,150.

Fair Work Ombudsman Natalie James says ensuring staff are paid their correct wages on time is one of the most fundamental workplace obligations for an employer.

"We have, and always will, pursue the employer when we find cases of non-compliance," Ms James says.

"It is the employer first and foremost who is responsible for paying the correct entitlements.

"Employees should not be put in a position where they may struggle to pay their bills because they haven't been paid the correct wages on time."

Ms James says it was encouraging to see W.E. Smith accept assistance from the Fair Work Ombudsman and reimburse all money owed.

"We have a flexible and fair approach when employers are willing to co-operate with us to ensure these issues don't occur in the future," she says.

The Agency recovers millions of dollars for thousands of employees across Australia each year through the voluntarily resolution of workplace issues, including unpaid wages.

Last financial year, the Fair Work Ombudsman received more than 25,000 requests for assistance and recovered more than \$22.3 million via all methods of resolution for almost 12,000 workers across Australia, including \$165,200 for 187 workers in the Coffs Harbour-Grafton region.

Ms James encouraged employers who had any uncertainty about whether their workplace practices were appropriate to visit the Fair Work Ombudsman website at www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for advice.

An interpreter service is available by calling 13 14 50, and information on the website is translated into 27 languages.

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) (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) .

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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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