

Retiring machine operator reimbursed \$19,000

21 November 2016

A machine operator at Ingleburn, south west of Sydney, has been reimbursed \$19,000 following intervention by the Fair Work Ombudsman.

The underpayment occurred because the worker's employer failed to pay-out his accrued annual leave entitlement upon retirement.

After raising the issue with his employer, the worker approached the Fair Work Ombudsman for assistance because he was concerned about the time it was taking his employer to pay him.

The employer told Fair Work Ombudsman Advisers that the employee's annual leave entitlements had gone unpaid because the business was experiencing financial hardship.

A Fair Work Adviser suggested that, if both parties agreed, the entitlement could be paid in regular instalments to ensure the business met its obligations and avoided enforcement action.

The employer co-operated and agreed to back-pay the employee over a period of six months. All of the money owed has now been back-paid.

Fair Work Ombudsman Natalie James says the Advisers assisted the parties to reach a mutual agreement and initiate a practical repayment plan.

Ms James says the employer avoided enforcement action because it co-operated, agreed to repay all money owed and has pledged to ensure ongoing compliance with its obligations.

"Our focus is on educating employers about their obligations and assisting them to put processes in place to rectify any errors that we find and ensure they don't occur again," Ms James said.

Employees and employers who are unsure about their workplace rights and obligations can seek assistance at www.fairwork.gov.au (<http://www.fairwork.gov.au>) or call the Fair Work Infoline on 13 13 94.

Small business owners can opt to receive priority assistance when calling the Infoline.

An interpreter service is also available on 13 40 50.

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

Information to assist people from culturally and linguistically diverse backgrounds has been translated into 27 languages and is available on the website.

The Agency recently launched an Anonymous Report function which enables members of the community to alert the Fair Work Ombudsman to potential workplace issues.

Intelligence can be provided at www.fairwork.gov.au/tipoff (<http://www.fairwork.gov.au/tipoff>) .

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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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.