

\$25,000 back-pay for apprentice floor layer

12 September 2016

A western Sydney commercial flooring company has reimbursed an apprentice floor layer almost \$25,000 after an investigation by the Fair Work Ombudsman found he had been underpaid over two years.

The Fair Work Ombudsman has announced enforcement action against the company, Pampost Pty Ltd - trading as Bass Floor Company at Guildford West – as a result of the underpayment.

The adult apprentice was short-changed \$24,920 as a result of being underpaid his minimum wages and entitlements under the Building and Construction General On-site Award.

The company was audited in March this year as part of a Fair Work Ombudsman pro-active compliance and education campaign across western Sydney.

The audit revealed that the full-time apprentice had been paid junior rates between October 1, 2014 and June 30, 2016.

Fair Work inspectors also observed that the company had a practice of paying tool allowances into a 'kitty' from which staff purchased tools as and when required, instead of paying it direct to employees.

Fair Work Ombudsman Natalie James says Pampost Pty Ltd co-operated with the Agency and has rectified the underpaid wages and amended its workplace practices.

The company and its sole director, Timothy Minogue, have entered into an Enforceable Undertaking with the Fair Work Ombudsman 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.

"We use Enforceable Undertakings where we have formed a view that a breach of the law has occurred, but where the employer has acknowledged this, accepted responsibility and agreed to co-operate and fix the problem," Ms James says.

In 2015-16, a total of \$3.85 million in underpaid wages and entitlements was returned to 2132 employees as a result of their employers entering into Enforceable Undertakings with the Fair Work Ombudsman, up slightly on the \$3.75 million recovered for 2507 workers the previous year.

Ms James says the Fair Work Ombudsman is committed to helping employers understand and comply with workplace laws, but operators need to make an effort to get the basics right in the first place.

"The Fair Work Ombudsman is striving to build a culture of compliance where businesses understand and comply with their lawful obligations," Ms James says.

The Agency offers a range of free tools and resources for employers at www.fairwork.gov.au including template documentation to use when hiring, managing and dismissing staff, letters of engagement and probation, timesheet and pay-slip templates, leave application forms and a self-audit check list.

Employers can also call the Fair Work Infoline on 13 13 94 between 8 am and 5.30 pm weekdays to obtain free advice and assistance from a team of expert advisers.

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

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