



MPA
Master Painters Australia
South Australia Inc

MASTER PAINTERS AUSTRALIA

MASTER PAINTERS, DECORATORS & SIGNWRITERS ASSOCIATION OF SA INC

UNDERPAYMENT OF WAGES

The Fair Work Ombudsman (FWO) has been conducting investigations of employer's time and wages records to determine whether employees are being paid correctly, receiving all other entitlements such as relevant leave conditions under the National Employment Standards (NES) and the employee's pay slips have the correct information.

BREACHES OF LEGISLATION

Where the FWO discovers that correct employment records are not being maintained or other non-compliance issues they will normally request the employer to voluntarily fix any issues such as incorrect payment of wages.

Infringement notices can be issued which can be \$330 per contravention per employee and \$1,650 per contravention for a body corporate. This means that if five employees have been incorrectly paid it would be $5 \times \$330 = \$1,650$ plus any amount that was underpaid.

Should it be considered that the breach is serious, deliberate or the result of negligence the FWO could pursue court action whereby the court can impose penalties of up to \$6,600 per individual and \$33,000 for a body corporate in addition to having to rectify any underpayments.

NOTE: An underpayment claim may be made within six (6) years after the day on which the contravention occurred.

If you are unsure of your obligations please contact the Association for assistance.

Produced by Maurie Howard