

Wage theft

A 2018 Queensland Parliamentary inquiry found that wage theft is widespread across Australian workplaces, affecting approximately 437,000 workers in Queensland each year (almost one in five workers). This has serious negative consequences for those workers and for the broader economy, with an estimated \$1.2 billion in unpaid or underpaid wages in Queensland each year.

Wage theft also affects businesses doing the right thing, creating unfair competition with employers who don't comply with their obligations and don't pay their workers lawfully.

Wage theft can take various forms including:

- paying an incorrect hourly rate or under the wrong award
- not paying penalty rates for overtime hours, weekends or public holidays
- 'sham' contracting – making employees get an Australian Business Number (ABN)
- paying cash in hand
- not accurately recording hours of work and providing inaccurate pay slips to workers
- payment 'in kind' (e.g. meals, retail discounts)
- requiring prospective employees to work unpaid trial or 'test' shifts
- requiring employees to work through their breaks or to turn up or stay back after their paid shift to open or close
- requiring employees to spend their own money on associated costs of running a business (e.g. equipment, training, insurance excesses)
- not paying employees for attending training or staff meetings
- deductions from wages or requesting employees pay back money out of their wages (for example if there are till shortages) will in most cases not be legal.

Workers and employers in the private sector are in the federal workplace relations jurisdiction, with the [Fair Work Ombudsman](#) responsible for enforcing compliance.

The Queensland Government cannot enforce or legislate about wage claims for the private sector, however further information and useful links are available at www.oir.qld.gov.au/industrial-relations/wage-theft

The Fair Work Ombudsman provides information on pay, leave, employee entitlements, awards and agreements and ending your employment. If you want to find out your correct pay rate or if you think you have been affected by wage theft you can contact the Fair Work Ombudsman on 13 13 94 or visit www.fairwork.gov.au.

The Australian Taxation Office (ATO) is responsible for superannuation contributions. If you want more information about employers' superannuation obligations or what to do if you think your employer hasn't paid your superannuation contributions, you can contact the ATO on 13 10 20 or visit ato.gov.au.

Young workers and school leavers can also join the discussion on [eHub](#) (an online space for 13-25 year olds).

Employers can subscribe to the [Small Business Connect newsletter](#) or visit www.business.qld.gov.au

Where can I go if I need assistance or further information?

If you believe you have been underpaid you can raise the matter with your employer or make a complaint to the Fair Work Ombudsman (for wages and other entitlements) or the ATO (for superannuation). If the matter is not resolved through informal measures or after making a complaint to the Fair Work Ombudsman or ATO, you may wish to seek legal advice about taking wage recovery action against your employer in court.

More information on how to make an employment claim can be found here: [Magistrates Court Employment claims](#), [Fair Work Ombudsman information and guide](#).

You can also seek assistance from a union. Unions provide support and advice to employees to help them better understand their rights and obligations in the workplace. Unions are registered under State and Commonwealth laws as industrial organisations of employees. Employers cannot dismiss, threaten dismissal or discriminate against an employee due to their membership or non-membership of a union.

For help finding which union covers the work you do, you can go to <http://www.australianunions.org.au> or call **1300 486 466**. The [Fair Work Ombudsman](#) can also provide guidance on the relevant union to contact for your industry.

Other organisations can also give workers and employers advice about rights and entitlements and provide other assistance. These include:

- Working Women Queensland wwq.org.au
- Young Workers' Hub ywhub.org.au
- JobWatch jobwatch.org.au
- Legal Aid Queensland legalaid.qld.gov.au
- Community Legal Centres Queensland communitylegalqld.org.au
- If you are a student your school or college may be able to help with advice.
- Employer organisations and associations such as industry peak bodies and Chambers of Commerce and Industry which may be able to provide information and assistance, on an ad hoc or membership basis, as well as industrial and employee relations specialist businesses and consultants.