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Haycroft Workplace Solutions

Australia's foremost workplace experts

WORKPLACE BUZZ

DECEMBER, 2008

It's that time of year again - preparing for the Christmas rush!

And where are you going to get your staff this year????

Consider using Haycroft Workplace Solutions for all your staffing needs. We recruit, manage payments, super, work cover and taxes while you focus on making more sales!

CALL US TODAY TO FIND YOUR CHRISTMAS TEMPS!

Ph: 1300 766 380 or [email us](#) now.

Payroll changes over the holiday period

Holidays are just around the corner so it's almost the time to eat, drink and be merry!

Unfortunately some businesses need to soldier on, and we are one of those. With Public Holidays over this break being on Thursdays & Fridays, most of our wage runs will not be affected, however if you happen to have a Thursday pay run your consultant will be in touch to see if you want to pay a day earlier (recommended) or leave it till the following Monday.

If you have any queries please call our office on 1300 766 380.

Welcome on board!

The team at Haycroft Workplace Solutions would like to extend

- o It's that time of year again - preparing for the Christmas rush!
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a very warm welcome to our new clients and we look forward to a mutually beneficial future working with you. Our new clients include:

- NiteStar Security Services
- Video Ezy Gympie

Please let us know if there is anything more we can do to assist you and further benefit your business.

Profile: Meet the Team - John Stegman

I have been involved in recruitment/labour hire for close on 20 years. Starting with old Commonwealth employment services (CES) where I worked in various sites including a 4 year period in Sydney working with the street kids in Kings Cross. When the CES closed



down I worked for Sarina Russo Job Access for 5 years where I was presented with an award for Case Manager for The Year across her 17 national sites. I subsequently went to work for Graeme for 2 years before joining Trojan workforce, a national labour hire company, as an account manager/business development manager. In 2007 I was awarded the Trojan Salesperson of the year award across Australia. In late 2007 I was made branch manager of the Trojan Coopers Plains branch. AND NOW I AM BACK!!!! I am working for Haycroft Workplace Solutions on a contract basis handling short term/long term and permanent recruitment.

I take great enjoyment in assisting clients and jobseekers with their recruitment/employment needs and have developed good working relationships with both groups over the years. I believe Haycroft Workplace solutions have the perfect system in place to take away the tedious bits of employing someone.

In my spare time when I am not putting firecrackers in hot chips and feeding them to seagulls, pushing little old ladies across the road and knitting blankets for the homeless....I also enjoy watching rugby league (go the Broncos), AFL (go the Lions) and cricket.

\$20,000 fine for employer who believed annual leave loading abolished

We would like to bring to your attention the following article shown in Workplace Express on Friday 14th November 2008:



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A small business employer has been fined \$20,000 and ordered to backpay \$12,500, after refusing to pay annual leave loading in the mistaken belief that it had been abolished.

In early 2007 the employee told the director of the company, a small garden and building supplies business in Melbourne, that she was entitled to annual leave loading and was being underpaid.

The director responded that he believed it had been abolished, a view he maintained after going away and consulting a document downloaded from WageNet and information from the Australian Retailers' Association.

He accused the employee of speaking to other employees about rates of pay, telling her that he wanted to know what she had said and that he did not think he could trust her.

The following day he told her he did not want to see her at work for four days and that she should check and make sure she was right in her claim for backpay.

When the employee again repeated her claim, only to be told by the director that she "should consider herself on annual leave" and not come back to work.

Two days later he sent her a letter terminating her employment, saying that he believed she was being paid under the correct award and that she had "not worked as a team member" and had "displayed unrest" on several occasions.

After the employee made a complaint to the Workplace Ombudsman, the company admitted to wrongly dismissing her contrary to s792 of the Workplace Relations Act and that she was entitled to receive back pay of \$12,581 of the leave loading.

After the parties agreed to consent orders on the majority of the issues, the only issue left for the Court was the question of the appropriate penalty to be imposed on the employer.

The director admitted in evidence to the Court that he "became frustrated by the process of not understanding and having demands made of me from [the employee]...about awards that at the time I knew nothing about".

But, while accepted that the breach had not been deliberate, Federal Magistrate Frank Turner, said "lack of expertise" should not result in a discounted penalty.

"The facts in this case show ignorance of the law by the second respondent and a careless disregard for the rights of the employee".

"An employer dealing with an employee and their rights under

the law has a responsibility to make enquiries to find out what the employee is entitled to, and what is required of the employer. It is no defence for an employer to obtain advice but say that it left him frustrated by things that he knew nothing about," he said.

The employer faced a maximum penalty of \$33,000 under the Act, but Federal Magistrate Turner said that fact there was no deliberate disregard for the law, an early admission of breach, and that the director was sorry for his actions justified a discount on that amount.

He ordered the company to pay a penalty of \$19,800, 60% of the maximum available, an amount he said was appropriate but not oppressive for a business of its small size.

www.workplaceexpress.com.au

Watchdog eyes Xmas pay packets

The national pay protector today released a new list of high-risk businesses it will target in the lead-up to Christmas to ensure workers are properly paid.

The workplace watchdog's latest hit-list includes bakeries, butchers, dairy producers, coffee shops and take-away food outlets.

Also in the sights of inspectors will be grocers, smallgoods stores and both retail and wholesale suppliers of poultry and seafood.

Federal Workplace Ombudsman Nicholas Wilson says the national food services campaign will run well into the New Year.

Almost 1000 businesses - stand-alone and those located in cafe strips and food courts, including franchises - will be randomly audited in all states and territories.

Mr Wilson says employers found to be underpaying staff or breaching other workplace laws will initially be asked to rectify the issue voluntarily. However, he signalled legal action would be considered against those found to be blatantly abusing the law, with maximum penalties of \$33,000.

The latest campaign comes hot on the heels of a concerted effort to ensure compliance within the hospitality sector.

The Workplace Ombudsman last month turned the spotlight on pubs, bars, clubs, taverns, restaurants and some 5-star hotels. Inspectors are currently winding up a national crackdown on school buses, tourist coaches, charter lines, couriers, furniture removalists, taxi trucks and long-distance haulage.

Meanwhile, a human services campaign focused on 500 aged and child-care providers around the country has just ended, delivering \$155,000 in back-pay to 600 workers.

Mr Wilson said complaints coming into his office suggested the food services industry warranted attention, particularly given the number of vulnerable workers it employed.

The top 10 industries for the Workplace Ombudsman are currently cafes and restaurants, real estate agents, security and investigative services, pubs, taverns and bars, accomodation, hair dressing and beauty salons, road freight transport, cleaning services, take-away food retailing and clubs.

www.wo.gov.au Thursday 13th November 2008

Direct Debit is here!!

We have finally finished the long process of setting up direct debits. For convenience and to ensure the entire co-employment process runs smoothly, we encourage this method of payment. This means for you no cheques or no visits to a bank.

All you need to do is sit back and we will automatically deduct from your nominated account, the weeks invoice amount. This will be done several days after the creation of the invoice to ensure that all is correct.

Please call 1300 766 380 to arrange this preferred method of payment.

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