



Employee complaints

about pay and conditions

The Department of Commerce assists employees covered by the State labour relations system to recover unpaid wages and entitlements.

If you believe you have not been paid correctly, the Department of Commerce can provide an impartial assessment of the matter and, where appropriate, intervene to recover any underpayments.

Here are the steps you can take to establish if you are receiving the correct wages and entitlements and what can be done to rectify the situation if you are not.

An application for recovery of wages and entitlements can be made within six years from the time of the alleged underpayment. If a contravention or failure to comply with industrial laws is proved, the Industrial Magistrate's Court can make orders for payment of any unpaid wages and entitlements and may impose a penalty on the offending party.

Step 1: Find out about your rates of pay and entitlements

On accepting an offer of employment, ring the Department of Commerce's Wageline on 1300 655 266 to find out the correct rates of pay and other entitlements. You will need to provide the name of the business and information about your position and hours of work.

Step 2: Keep records

It is a good practice to keep records of your hours of work, weekly rates of pay and any leave taken. It is also advisable to retain payslips, group certificates and any correspondence with your employer.

Step 3: Approach your employer if you believe you've been underpaid

If you believe you have been underpaid, you should make a time to discuss the matter directly with your employer to try and resolve the issue.

Step 4: Claim for Underpayment

To make a claim, you should approach the employer in writing. Call Wageline on 1300 655 266 to obtain a proforma letter that will help you to outline your claims in a clear and concise way.

Step 5: Make a formal complaint

If your employer does not respond to your letter or is unwilling to resolve the matter directly with you, call Wageline on 1300 655 266 and ask to make a formal complaint. Once the complaint has been lodged, you may be asked for documentation to support your claim, such as:

- your job classification and /or duties;
- dates you started/finished work;
- your weekly rates of pay;
- payslips;
- group certificates; and
- correspondence with your employer.

Your complaint will be assigned to a Department of Commerce Industrial Inspector for review. There are penalties for providing false or misleading information when lodging a claim.

Step 6: Conciliation

The Industrial Inspector will contact you regarding the complaint, and will assist you to try and resolve the matter by conciliation. A period of up to 21 days is made available to enable you and your employer to resolve the matter amicably. The Industrial Inspector will assist by liaising with both parties during this period and providing advice on relevant employment rights and obligations, and assisting the parties to resolve issues that are in dispute. If the matter cannot be resolved through conciliation the Department may commence a formal investigation.

It is unlawful for an employer to dismiss or threaten an employee in any way over a dispute about wages or entitlements. If you are dismissed or threatened regarding a complaint, contact the investigating Industrial Inspector immediately for assistance.

Step 7: Formal investigation

The Department of Commerce's Industrial Inspectors conduct investigations into disputes over wages and/or conditions. The Inspectors do not act on behalf of either employers or employees and are impartial officers who ensure that industrial laws are followed. They examine all available evidence and assess whether breaches may be substantiated. It is important that you provide them with all available evidence and that you provide truthful information.

Step 8: Notification of outcome

After the Industrial Inspector has completed the investigation, you will be contacted and notified of its outcome. If your claim is substantiated, the Industrial Inspector will attempt to recover the

full outstanding entitlements from your employer. Inspectors attempt to resolve enquiries within 90 days, but investigations may take longer in some cases.

Step 9: Recovering entitlements

The Department of Commerce prefers that employees are paid directly by electronic funds transfer, cheque or money order. You need to advise the Department if you do not receive your payment. If payment is not made or the employer refuses to pay, the Department may prosecute the employer concerned.

Need more information?

If you require more information about making a complaint about pay and conditions, please contact Wageline.

Wageline - 1300 655 266

8.30 a.m. – 5.00 p.m. weekdays
except Wednesdays
9.00 a.m. – 5.00 p.m.

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