

# Your submission

On the 29th March this year I resigned from my position from [REDACTED].

As a result, my former employer decided not to pay my final two weeks of salary, accrued entitlements, salary in lieu of notice and subsequently sent a termination letter accusing me of misconduct in the role. There had not been any previous warnings, discussions or accusations of misconduct and there is no example of such that has been identified by the employer. I received sound legal advice which concluded that there were two breaches of the Fair Work Act, (Sections 323 and 117), both of which carry maximum of \$60,000.00 penalty. Unfortunately, the cost of taking action would have totalled the monies owed, around \$24,000.

Additionally, my former employer has submitted an incorrect payment summary, deducting the total of which he believes he is owed. The ATO is now investigating.

Frustrated that to prosecute wage theft, in this case anyway, was left to the individual, I contacted the Fair Work Ombudsman.

In time, armed with my employment contract and other relevant information, the FWO contacted my former employer. It seems during this conversation that the FWO was convinced that there was no case to answer and in fact, the claim that I must repay a guaranteed bonus paid during the year was a valid one. Despite a blatantly not paying wages and withholding entitlements, including superannuation, I was encouraged to either pursue legal options or submit a claim to the Small Claims Tribunal.

After lodging a request with the FWO to review the case, a more senior FWO representative took care of my case. Once again, despite his excellent work, the case hit a brick wall.

It seems that wage theft, unlike any other theft, is left to the individual to prosecute. Somehow the prosecution of this type of theft has slipped through the cracks and it allows unscrupulous employers to refuse to pay outright or enter into a bargaining process, which ultimately short changes the employee.

I was once an employer. I fully support all protections for employees and I prided myself on paying, respecting and treating staff well. However, the lack of protection in a case such as mine is a glaring omission.