



Significant Underpayment Ruling for Bacon Factories' Union

Date: Friday April 20, 2018

Hall Payne Lawyers recently acted for the Bacon Factories' Union of Employees, Queensland in a dispute with Swickers Kingaroy Bacon Factory over the payment of shift penalties.

The heavily casualised workforce at Swickers had been not paid their necessary shift penalty, in addition to casual loading. These underpayments went back six years and it is estimated that they may exceed \$1,000,000.

The Fair Work Commission dealt with the dispute by answering three questions posed to it. The Union was successful at first instance with Deputy President Asbury deciding that a shift penalty should be paid in addition to the casual loading, and not instead of the casual loading. The Deputy President also expressed preliminary views, in favour of the Union, in relation to the other two questions.

The matter was to be finalised early this year, however Swickers appealed the decision on the first question. On 4 April 2018, shortly after a hearing before a Full Bench of the Commission on 20 March 2018, Vice President Hatcher, Deputy President Dean and Commissioner Hunt found unanimously and resoundingly that the conclusion reached by Deputy President Asbury was correct and dismissed the appeal.

The Full Bench remitted the matter to Deputy President Asbury to decide the answers to the last two questions.

Swickers recently advised the Union that it would concede that the preliminary views expressed by the Commission were correct. Consequently, the underpayment amount is likely to exceed \$1,000,000.

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