



# STATEMENT

*Fair Work Act 2009*

s.739 - Application to deal with a dispute

**Shop, Distributive and Allied Employees Association (006N)**

**v**

**Officeworks Limited T/A Officeworks**

(C2020/341)

DEPUTY PRESIDENT SAUNDERS

NEWCASTLE, 12 FEBRUARY 2020

[1] The Shop, Distributive and Allied Employees Association (*SDA*) has filed an application for the Fair Work Commission (*Commission*) to deal with a dispute concerning alleged underpayments of wages by Officeworks Limited (*Officeworks*) to employees working at Officeworks' Rutherford store.

[2] The dispute has been ongoing for many months.

[3] Today the parties participated in a conciliation conference before Deputy President Saunders of the Commission.

[4] Officeworks accepts that it has taken too long to address the concerns raised by the SDA on behalf of its members.

[5] Officeworks commits to working swiftly with the SDA and its employees to resolve all outstanding issues.

[6] Yesterday afternoon, Officeworks provided a significant amount of data to the SDA in response to requests for such information. Officeworks has also committed to providing the SDA with additional information by Monday, 17 February 2020 in relation to outstanding time off in lieu of overtime (*TOIL*) entitlements of various employees. It will take the SDA some time to analyse all of that data.

[7] Ms Dorman, Head of Business Partnering, Store Operations and Business for Officeworks, has agreed to be the direct point of contact for the SDA (primarily Mr Lott) in relation to future communications concerning the alleged underpayments.

[8] Officeworks agrees to work through the alleged underpayments in the following way:

- a. Officeworks will complete its analysis of the alleged underpayments without delay;
- b. Officeworks will then write to each of the employees (cc the SDA where the SDA represents the employee) in respect of whom there is an alleged underpayment and set out what, if anything, Officeworks believes is owed to that employee;
- c. The employee and the SDA will be given a reasonable amount of time to consider Officeworks' position and make comments and ask questions about it. Officeworks will respond to such comments and questions without delay;
- d. Ideally, there will be agreement as to what, if anything, is owed to each employee. In the event there is a disagreement which the parties cannot resolve, either party may ask the Commission to relist this matter for further conciliation before Deputy President Saunders and the matter will be relisted at short notice where it is practicable to do so;
- e. If any TOIL is owed to an employee, Officeworks will consult with the employee and give them a reasonable amount of time to make the choice to which they are entitled in relation to the taking of, or payment for, such TOIL.

[9] The Commission will keep this file open until the alleged underpayment issues have been resolved or a Notice of Discontinuance is filed by the SDA.



DEPUTY PRESIDENT