

Julie Riding-Hill

Email: [REDACTED]

Mobile: [REDACTED]

Committee Secretary  
Education, Employment and Small Business Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Dear sir / Madam

On my son's behalf, I would like to make a submission in your ***Inquiry into Wage Theft in Queensland***.

My son was employed by [REDACTED], of [REDACTED] Locksmiths for a period of about 18 months. He was employed as an apprentice. This was Chris's dream job.

During this time he was paid only one weekly instalment of his superannuation and was underpaid on his hourly wage. He is owed approximately \$4,000 in unpaid wages / penalty rates and 18 months of superannuation.

I have contacted both the Tax Office and The Fair Work Ombudsman Dispute Resolution Centre. The Tax Office have since become involved and he has now started to receive small deposits to his Super account. The Fair Work Ombudsman Dispute Resolution Centre have been helping me to write letters of complaint and demand to try to recoup his missing wages, but this has not yet been resolved. I have attached Chris's letter of resignation and his initial and second letters of demand, after his ex-employer offered just \$2,400 in back-payment.

The underpayment was able to happen by [REDACTED] paying Chris at first year apprentice rates, without ever enrolling him in an apprenticeship. He kept promising he would enrol him, but never did. He also failed to pay him the correct amount of overtime and any penalty rates. He told Chris that after 4 years he would be able to get him signed off as being fully qualified. Unfortunately Chris believed him. It was his dream job. Fed up with having no training, Chris paid his own way through a few tafe courses after hours. His boss was made aware, but still didn't offer any assistance.

Chris has since found a new apprenticeship.

We are trying to recoup his missing wages, but somehow [REDACTED] feels we are doing wrong by him. We are only asking for what Chris is legally entitled to.

Julie Riding-Hill

[REDACTED]

Chris Riding-Hill

[REDACTED]  
[REDACTED]  
[REDACTED]

3<sup>rd</sup> August 2017

[REDACTED]

Owner

[REDACTED] Locksmith

**Subject: Resignation Letter**

Hi George

I wish to tender my resignation with [REDACTED] Locksmith, effective 18<sup>th</sup> August 2017.

I want to thank you and [REDACTED] for the opportunities you have given me. Unfortunately the role is not what I expected from our initial discussion. My desire to attend Tafe to formalise my qualifications is the over-riding factor, as is your failure to pay me superannuation or minimum wages set out by Fairwork Australia, despite me addressing these on several occasions.

I am regretful that your failure to abide by my terms of my employment (and your “gentleman’s agreement”) have come to this.

Yours sincerely

  
Chris Riding-Hill

Date: 27/03/2018

Dear [REDACTED] – [REDACTED] Locksmith

I am writing to you because I believe that I may have been underpaid during my employment with you.

I have contacted the Customer Solutions Team from the Fair Work Ombudsman, and based on my understanding of my employment conditions, they provided me with the following information-

1. I am covered by the Manufacturing and associated Industries and Occupations Award MA000010
2. Unless I am enrolled in an approved TAFE course, I cannot be employed as an “apprentice”. I was never enrolled, so cannot be referred to as an apprentice for payment purposes.
3. Due to this, my base rate of pay for the period
  - a. June 2016 – May 2017, should have been \$18.21
  - b. June 2017 – August 2017, should have been \$18.81
  - c. These corrected rates of pay refer to my base hours or work, overtime, annual leave, annual leave loading, sick leave, superannuation, public holidays and leave loading paid on my final pay.
4. On several occasions my productivity payment was omitted

When I compare this information with what I was paid, it seems there have been some discrepancies and underpayments.

I would very much appreciate it if you could have a look at the information attached, and see if you agree. I would also appreciate an opportunity to have a chat, so that we can both work out how to resolve this matter – it may even be that you have some information that would show that I have not been underpaid. Can you please respond to this request by 5pm Tuesday 3<sup>rd</sup> April 2018.

Due to my new employer not permitting calls during work time, I ask that you call my approved representative Julie on [REDACTED] to discuss this – if she cannot answer the phone please leave a message and she will call you back as soon as she can. In addition you are able to email her on [REDACTED]

The Fair Work Ombudsman Dispute Resolution adviser is [REDACTED] and her direct phone number is [REDACTED]. She is happy to have a chat with you regarding the matters I have raised.

I look forward to hearing from you soon so that we can resolve the issues I have raised.

Regards

Chris Riding-Hill

Wednesday, 27 June 2018

Thank you for your response George.

Can I ask you to please explain what you agree with and what you dispute to justify your reduced offer of \$2,400, as the advice I have sought from the Fair Work Ombudsman still comes back to the fact that I was not registered in an apprenticeship, so I cannot be paid as one. Legislation states that I must be paid as an adult.

You stated in your letter dated 25/4/18 *"I also trusted that the salaries and associated matters were kept up to date by our administration staff"*. Unfortunately this has not happened. I initially brought this up to you and [REDACTED] around July 2016 when I noticed that I was not being paid my superannuation. It took a few months, but I was eventually paid one month's superannuation instalment only after my mother asked [REDACTED] directly. This issue is since being addressed by the Tax office and I now appear to be receiving regular deposits to my super account. But in terms of my hourly rate, I note that this is what my claim currently under discussion is regarding. You have now been made aware that your administration staff did not pay me correctly, so I respectfully request this be rectified at your earliest convenience.

In your letter you also stated that you *"did contact Busy at Work in your 3rd month with us to request they sign you up as an apprentice or trainee Gunsmith. They were unsure of what classification would be applicable for this type of work. They advised me that they would see what they could do and get back to us. Busy at work did not follow-up with the request"*. I cannot confirm or dispute your claim that you spoke to Busy at Work about an apprenticeship for me within my first few months. You did call them in to sign up [REDACTED] even though I commenced employment with you first but they never spoke to me. What I do know though is that in the 18 months I worked for you, my apprenticeship never eventuated even though I asked you directly several times during that period. To that end, you were even aware that I was putting myself through Tafe at night after hours for my own personal development. I wanted to learn to do my craft the right way. You had an opportunity there to contribute even just a small amount to the fees, but you didn't. I completed 3 Tafe units after work in my own time and at my own expense. And I'm not even requesting for their reimbursement here. I'm only asking for the minimum legal wage I am entitled to. Nothing more.

Additionally you said *"so I believe from my experience you could have applied for a Tradesman Rights Certificate. It would have been interesting to see where that application would go and who would be qualified to process it"*! You say it would have been interesting to see how the system would have viewed my experience gained whilst working under [REDACTED] Why would this be "interesting"? This was my livelihood...my financial stability that you had total disregard for. I needed security. You promised me that during my initial interview. You stood on the front driveway of [REDACTED] and promised me this. You shook my hand and offered a "gentleman's agreement" yet once employed you ignored me time and again. What would have happened if I continued my employment with you and after 4 years, I still had nothing? No formal qualifications at all. This just isn't a fair thing to ask of anyone. I have since spoken

to Trades Recognition Australia and they also back up my statements above, namely that me not being enrolled in a formal training program but being paid as an apprentice is against the Fair Work Act. They also said that just being in a job for 4 years doesn't prove anything. I would still have needed to sit through their RPL process, and without formal qualifications through Tafe or an RTO, I would not have passed.

You said *"I recognise that you did bring some new work and incentives to the business which was heading in the right direction at that time"*. I almost forgot about the advertising I designed and paid for with my own money. You kept complaining about the lack of customers in the gun smithing department. Yet you never advertised no matter how often I brought it up. I had a vested interest in your business succeeding. So I ordered my own magnetic car signs to advertise the business while I was parked at one of the two local gun ranges I frequented regularly, and business cards that I could hand out to shooters at the gun range or visitors to the shop. I paid for these. And then you got angry at me for not ordering them for [REDACTED] too! Also, through my connections with [REDACTED], I was able to arrange a mutually beneficial deal between you and them whereby [REDACTED] acquired their unsellable firearms. We were then able to repair them and sell them for a profit. From memory you were able to acquire approximately 43 rifles for free; around 30 of which were easily repairable by us at very little cost and were offered for sale through your business. Didn't you see how dedicated I was to your business? I would have done anything to make it work, as long as I was being paid and trained properly. I even went as far as to buy a unit for me to live in within 5 kms of the office so I could be closer to work. I was invested in the long term with you. Unfortunately your actions show that you weren't.

On top of this I had to buy all my own tools – not for just the gun-smithing side of the business, but for the lock smithing side too. I'd estimate I've spent over \$600 on specific lock smithing tools that I have no further need for. No one else had that added expense. Yes, you contributed \$15 a week towards them. But it came to nowhere near what I needed to pay for the tools I needed to complete my tasks for both divisions of the business properly. I even acquired my own lathe and milling machine at a cost of around \$5,000 (thanks to my savings from my previous job) so I could practice at home.

Your actions (or the lack thereof) have impeded my professional development. At 23 I am still a first year apprentice. I've effectively been a first year apprentice for 3 years. My peers would be almost fully qualified by now. So in terms of fair pay for a fair day's work I am so far behind where I should be in life. When I was 17, straight out of school, I was working in Construction as a trainee earning around \$84,000pa. But my dream was to be a gunsmith. So when I was made redundant from that job due to the downturn in the construction industry a few years back I sought a gun smithing role. I was ready to jump on a plane to America to study over there when I found your add. If you had just given me what you had promised and what I was legally entitled to, I would never have resigned and we wouldn't be here today. Yours was my dream job. But you made working there impossible. You didn't pay my superannuation. You didn't train me as per the Award states or pay me minimum wage that every employee in Australia is legally entitled to. But I still loved my job.

Can't you see how committed I was to you and the business? If you had just given me back that same level of commitment we would have a thriving business today. I am only asking that you pay me the minimum wage I am legally entitled to. Nothing more.

As a sign of good faith, I would like to suggest a final counter offer of \$3,600. If this amount is not acceptable I will have no other option than to seek mediation with the Fair Work Ombudsman.

Again, The Fair Work Ombudsman Dispute Resolution adviser is [REDACTED] and her direct phone number is [REDACTED]. She is happy to have a chat with you regarding the matters I have raised.

Regards

Chris Riding-Hill