

What if superannuation contributions are not paid?

If your employer doesn't pay your compulsory super contributions, you may have the following options:

- the Tax Office can collect your super, or
- sue your employer.

Collecting Super - Australian Taxation Office

The Australian Taxation Office (ATO) is responsible for collecting unpaid compulsory super.

You should call the ATO on **13 10 20** if you think your employer has not paid any, or enough, super.

The ATO should then try to collect the super from the employer and pay it into your nominated fund. This process could take months and there is no guarantee the ATO will be able to recover any money. It is your responsibility to regularly chase the ATO.

The ATO will not deal with any insurance benefits you have lost.

Suing your employer

You may be able to sue your employer to recover the contributions and any insurance benefits you have lost. It can help if:

- you are covered by an award including super, or
- your work agreement includes super.

However as long as you are an employee entitled to Super Guarantee Contributions you may be able to take action. See 'What is my Superannuation' factsheet for more information. Your super fund can also take action against the employer to recover any unpaid contributions.

Check your super regularly

You should regularly check that your employer is paying super contributions. You can check this by looking at your pay slips or contacting the super fund. This will also be recorded on your annual statement.

If your employer's business closes down you may not be able to get unpaid super and miss out on disability and death cover. See Superannuation Disability Insurance and Death and Terminal Illness Benefits fact sheets.

Important note

You should seek help immediately if your employer is not paying your super or if they are not paying the full amount of super.

Need help?

Many people are unaware that they have disability and death benefits from their super or insurance.

It is important to maximise any benefits you can claim. If you cannot work because of a brain injury you may not be able to live off your super. Any additional super benefits will be very helpful.

Call Maurice Blackburn on the Disability Helpline 1800 196 050 for free legal advice.

This brochure was prepared in February 2017. It is a general guide to legal, superannuation and financial issues and is not a substitute for professional advice.

For more information, please contact us:

 **1800 196 050**

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