

Laser engineering company's bill nearly doubles after failure to pay unfair dismissal compo

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A Melbourne engineering company and one of its directors have been penalised more than \$25,000 after the business ignored a Fair Work Commission (FWC) order to compensate a worker it unfairly dismissed.

Monochromatic Engineering Pty Ltd, which trades as MCE Lasers manufacturing laser alignment instruments, has been ordered by the Federal Circuit Court to pay \$21,600 for its failure to comply with the FWC compensation order for its former Iranian employee.

A director and majority shareholder in the company, Zoran Crvenkovic of Melbourne, has also been penalised \$4320. The Court also ordered that the Fair Work Ombudsman be paid a total of \$4718 for legal costs.

This means the company and Mr Crvenkovic must now pay an additional \$30,638 on top of the \$27,124 owed to the former employee.

The dismissed worker, a service technician, was in Australia on a 485 temporary graduate visa and later a 457 skilled worker visa when he was employed by the company between May, 2013 and January, 2015.

In October 2015, the Fair Work Commission ordered the company to pay compensation, plus superannuation, after ruling it had unfairly dismissed the worker via email following the company re-opening after the Christmas and New Year holidays.

The Fair Work Ombudsman investigated when the worker lodged a request for assistance after the compensation was not paid.

Several requests by the Fair Work Ombudsman to the company and Mr Crvenkovic did not lead to any payment.

Acting Fair Work Ombudsman Michael Campbell said the decision highlighted the Agency's important role in enforcing orders made by the Fair Work Commission.

"Compliance with workplace laws is not optional, it is fundamental to the integrity of the workplace relations system and society in general. People cannot pick and choose when they want to abide by their legal obligations," Mr Campbell said.

"All workplace participants need to understand that we will take action against those that choose to flout the law – and that there will be consequences for doing so," Mr Campbell said.

In addition to a breach for failing to comply with the Fair Work Commission order, the company was found to have failed to comply with a Notice to Produce documents issued by a Fair Work inspector. Mr Crvenkovic was found to be involved in both of the company's breaches of workplace laws.

In his decision on penalties, Judge Joshua Wilson noted the need for general deterrence to discourage a failure to comply with orders.

"[A]n employer is not entitled to unilaterally determine to ignore an order made by [the Fair Work Commission]," Judge Wilson said.

Judge Wilson said the company and Mr Crvenkovic had "steadfastly refused to participate" in any part of the court proceeding. The Judge accepted Mr Crvenkovic, who he described as the company's "controlling mind", had told a Fair Work Ombudsman lawyer in June last year that he was "not responding" and "not interested" in participating in the court proceeding.

Judge Wilson noted there was no evidence of an apology by the company to the worker, who has now returned overseas.

The Fair Work Ombudsman has secured penalties against a number of employers for failing to pay unfair dismissal compensation ordered by the Fair Work Commission.

Earlier this year, a Canberra carpenter and his company, HW Carpentry Solutions Pty Ltd, were penalised more than \$38,000 for ignoring an order to pay compensation to a former worker ([Carpentry business hit with \\$38,000 in penalties after ignoring compensation order \(http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/january-2017/20170110-hw-carpentry-solutions-penalty\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/january-2017/20170110-hw-carpentry-solutions-penalty)).

The largest penalties of nearly \$50,000 were secured against Melbourne company World Gym Sunshine Pty Ltd and its director Wayne George Mailing in 2014 for failing to pay \$2200 compensation ([Company, director fined almost \\$50,000 for ignoring unfair dis-](#)

missal compensation Order (<http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/september-2014/20140930-world-gym-penalty>)).

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Media inquiries:

Matthew Raggatt, Senior Media Adviser

Mobile: 0466 470 507

matthew.raggatt@fwo.gov.au (<mailto:matthew.raggatt@fwo.gov.au>)

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