

## Melbourne childcare operator back in Court

22 February 2017

The Fair Work Ombudsman has launched a second legal action against the owner-operator of a Melbourne childcare business, alleging she has again underpaid workers thousands of dollars in minimum entitlements.

Facing Court is Melbourne woman Vivien Mahomet, who owns and operates a business trading as Academy for Kids in Glen Waverley and provides holiday care and before and after school care for children.

The Fair Work Ombudsman alleges that Mahomet underpaid two childcare workers a total of \$12,977 between September, 2013 and December, 2015.

The workers were allegedly underpaid their minimum hourly rates, a broken shift allowance, overtime rates, public holiday entitlements and annual leave pay.

This case comes after a 2014 decision in which Mahomet was penalised \$19,980 after the Fair Work Ombudsman initiated court proceedings against her for underpaying five childcare workers a total of \$16,369.

Handing down the penalty in 2014, Judge John O'Sullivan said: "There is no evidence that the respondent is remorseful or contrite nor is there any evidence the respondent has taken steps to mitigate the seriousness of the conduct."

The Fair Work Ombudsman investigated after the workers lodged requests for assistance.

Fair Work Ombudsman Natalie James says Mahomet's alleged refusal to learn from her mistakes was a significant factor in the decision to commence legal action.

"Underpaying workers' basic minimum entitlements is very serious conduct and we have a very low tolerance for alleged repeat contraventions," Ms James said.

The Fair Work Ombudsman alleges Mahomet committed multiple contraventions of workplace laws. She faces maximum penalties of up to \$10,200 per contravention.

The Fair Work Ombudsman is also seeking an injunction restraining Mahomet from underpaying workers in future. If the injunction is granted, Mahomet could face contempt of court proceedings for any further underpayment contraventions proven in court.

A directions hearing is listed in the Federal Circuit Court in Melbourne on February 28.

Employers and employees seeking assistance should visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (<http://twitter.com/NatJamesFWO>), the Fair Work Ombudsman [@fairwork\\_gov\\_au](https://twitter.com/fairwork_gov_au) ([http://twitter.com/fairwork\\_gov\\_au](http://twitter.com/fairwork_gov_au)) or find us on Facebook [www.facebook.com/fairwork.gov.au](http://www.facebook.com/fairwork.gov.au) (<http://www.facebook.com/fairwork.gov.au>).

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## Contact us

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Fair Work Infoline: 13 13 94

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