

## Carpentry business hit with \$38,000 in penalties after ignoring compensation order

10 January 2017

A Canberra carpenter and his company have been penalised more than \$38,000 after ignoring a Fair Work Commission order to pay compensation to an unfairly dismissed worker.

Canberra man Heath Wright and his company HW Carpentry Solutions Pty Ltd were ordered by the Fair Work Commission in 2014 to pay \$7650 compensation to an adult apprentice tradesman they had unlawfully dismissed.

Despite multiple requests from Fair Work inspectors, Wright and his company failed to pay the compensation and the Fair Work Ombudsman commenced legal action against them in the Federal Circuit Court.

The Court has now penalised Wright \$6426 and penalised his company an additional \$32,136 for contravening the Fair Work Act by failing to comply with an Order of the Fair Work Commission.

Judge Warwick Neville found that the contravention was deliberate, there was a lack of contrition and that the financial difficulties of Wright's company were not an excuse.

Judge Neville ordered Wright to pay his penalty to the dismissed worker to partially meet the compensation amount owing to him.

Judge Neville also ordered Wright to complete workplace relations training on employer obligations relating to redundancies, terminations and unfair dismissal.

The Fair Work Ombudsman presented evidence in Court that the unfair dismissal and failure to pay the compensation caused the worker significant financial hardship.

It took him more than a year to secure another permanent job and he was not able to complete his apprenticeship.

He moved back into his parents' house and needed their assistance to meet basic living expenses.

The worker cancelled his mobile phone for a period as he was unable to pay the phone bills and was pursued by a debt collector for an overdue personal loan.

Fair Work Ombudsman Natalie James says the penalties are a reminder of how seriously her Agency and the Courts treat the deliberate disregarding of Fair Work Commission Orders, particularly in cases where it causes a worker significant financial hardship.

"Compliance is fundamental for the integrity of the workplace relations system and employers should be aware that we are prepared to take action where appropriate," Ms James said.

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.

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 (see [media release \(http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/september-2014/20140930-world-gym-penalty\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/september-2014/20140930-world-gym-penalty) ).

<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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