

Third legal action against former trolley collecting company

29 June 2017

The Fair Work Ombudsman has commenced litigation against a former regional Victorian trolley collecting operator for the third time for allegedly failing to pay a Fair Work Commission order for compensation to a worker who had been unfairly dismissed.

New legal proceedings have been started against Victorian man William Collen Hancock and his company WCH Services Pty Ltd, which formerly provided trolley collecting services in the Latrobe Valley area, including at retail sites in Traralgon and Morwell.

In November last year, the Fair Work Commission ordered Mr Hancock's company to pay \$962 to a former employee at Traralgon it found had been unfairly dismissed seven months earlier.

The worker contacted the Fair Work Ombudsman after the compensation was not paid.

The Fair Work Ombudsman has made several requests for Mr Hancock and his company to comply with the compensation order but the compensation amount remains unpaid.

The Fair Work Ombudsman has commenced two other legal actions against Mr Hancock and his company in recent months for allegedly failing to pay compensation amounts of \$17,392 and \$4446 to two other unfairly dismissed workers.

The Fair Work Commission ordered compensation be paid to the two other workers after finding they had been unfairly dismissed in 2015 - read media release: [Victorian business faces legal action over failure to pay compensation \(www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/march-2017/20170328-wch-litigations-mr\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/march-2017/20170328-wch-litigations-mr) .

Fair Work Ombudsman Natalie James says it is disappointing to have to take an employer to Court for a third time.

"Compliance with Fair Work Commission orders is fundamental for the integrity of the workplace relations system and employers should be aware they can potentially face penalties far exceeding the original compensation amounts if they do not comply with them," Ms James said.

"No-one can pick and choose when it comes to complying with their workplace obligations. Failing to comply with Fair Work Commission orders is a serious matter and we will not hesitate to use all the levers at our disposal to ensure that individuals and organisations comply with their obligations."

Mr Hancock and his company face maximum penalties of \$10,800 and \$54,000 per contravention, respectively. The Fair Work Ombudsman is also seeking Court orders for Mr Hancock and his company to pay the outstanding compensation amounts, plus interest, and orders for legal costs.

The three matters are being heard together by the Court and are next listed for a directions hearing in the Federal Circuit Court in Melbourne on 3 July 2017.

It is only the second time the Fair Work Ombudsman, or its predecessor Agencies, have taken three legal actions against a business operator. The other operator to face three actions was also a trolley collecting operator – read media release: [Court imposes \\$190,000 penalties over exploitation of overseas trolley collectors \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2015-media-releases/january-2015/20150106-190k-fines-exploiting-trolley-collectors\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2015-media-releases/january-2015/20150106-190k-fines-exploiting-trolley-collectors) .

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 - read media release: [Company, director fined almost \\$50,000 for ignoring unfair dismissal compensation Order \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/september-2014/20140930-world-gym-penalty\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/september-2014/20140930-world-gym-penalty) .

Employers and employees can seek assistance at www.fairwork.gov.au or by contacting the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

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