

Penalty for newspaper director

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The former director of a Sydney newspaper publisher has been penalised after threatening and later sacking a journalist who sought assistance from the Fair Work Ombudsman.

The Federal Circuit Court has ordered Theodore Skalkos, sole director of F.L. Press Pty Ltd, to pay \$27,500 in penalties to a former employee of the Serbian-language Novosti newspaper.

The journalist reported at Novosti between 2003 and 2011. He contacted the Fair Work Ombudsman for assistance in 2010 after F.L. Press announced his full-time employment would be converted to part-time, moving from five days to two days per week.

The employee informed Mr Skalkos of the FWO's advice in relation to the changes, which included rights to redundancy for the full time role and payment in lieu of notice of termination.

The Court found Mr Skalkos threatened not to pay the employee's entitlements unless the worker signed a statement saying he agreed to the change in his working conditions.

Also during this period, Mr Skalkos told the journalist he would be dismissed entirely if he did not complete both his own duties and those of an editor who was on leave, within his usual hours.

The company ultimately dismissed the journalist in January 2011 for various reasons, including requesting assistance from the Fair Work Ombudsman.

Mr Skalkos said the dismissal was due to the pending closure of the Novosti but the newspaper continued to operate.

Judge Robert Cameron found the threats and final dismissal were adverse action, describing Mr Skalko's conduct as "bullying and intimidatory behaviour".

"It is important that employees be able to report matters to the Ombudsman without fear of the sort of threats of reprisal which [the employee] suffered and in which Mr Skalkos was personally involved," Judge Cameron said.

Fair Work Ombudsman Sandra Parker said serious conduct like this undermines the workplace relations system.

"Under the Fair Work Act, it is clearly unlawful to take adverse action against a worker for seeking assistance from the Fair Work Ombudsman," Ms Parker said.

"This legal action is a warning to all employers that we will not tolerate any intimidation of employees who exercise their rights. Workers should be aware that they are legally protected from any adverse action if they come to us," Ms Parker said.

In 2015, Judge Cameron ordered the company to pay a total \$127,904 to the worker for underpayments including unpaid redundancy entitlements and failure to make a payment in lieu of notice of termination, plus interest.

The company paid \$5,000 of this amount before being liquidated in 2016 and is now deregistered. Mr Skalkos was not involved in underpayments.

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

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