

## Lycamobile penalised \$25,000

15 October 2018

The Fair Work Ombudsman has secured a penalty against the Australian arm of global mobile SIM card provider Lycamobile for underpaying an employee's wages.

Lycamobile Pty Ltd has been penalised \$25,000 in the Federal Circuit Court after it admitted underpaying an administrative employee at its NSW office in Parramatta a total of \$5,264 in overtime entitlements.

Between 2012 and 2015, a Lycamobile employee was routinely required to work more than 38 hours per week and performed work on Saturdays. However, she was not paid the full overtime entitlements under the Telecommunication Services Award 2010.

In a separate matter, the Fair Work Ombudsman secured a \$59,400 penalty against the same company for underpaying 13 employees in Adelaide and Brisbane a total of \$28,034 in 2013.

Fair Work Ombudsman Sandra Parker said the regulator investigated after receiving a request for assistance from the employee.

"Under Australia's workplace laws, employers are legally obliged to pay employees their full minimum entitlements. The Fair Work Ombudsman is prepared to take enforcement action if a business disregards that obligation," Ms Parker said.

"It is unacceptable for an employer to continue to underpay employee entitlements after being formally sanctioned by the Court. This penalty sends a clear message that repeat breaches of workplace laws will be met with a serious response," Ms Parker said.

Judge Sylvia Emmett found that the underpayment was the result of Lycamobile's "recklessness rather than mere accident" and that it was "egregious" that the company had failed to take steps to ensure compliance after being penalised in 2013.

"I accept that a meaningful penalty is one that sends a message to employers and the public at large that repeat offending is serious and should be treated as such by the Court," Judge Emmett said.

The worker was back paid in full before the Fair Work Ombudsman commenced legal action in 2017.

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

Follow the Fair Work Ombudsman [@fairwork\\_gov\\_au](https://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) .

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at [www.fairwork.gov.au/mediareleases](http://www.fairwork.gov.au/mediareleases) ([www.fairwork.gov.au/mediareleases](http://www.fairwork.gov.au/mediareleases)) .

Media inquiries:

Matthew Raggatt, Senior Media Adviser

Mobile: 0466 470 507

[matthew.raggatt@fwo.gov.au](mailto:matthew.raggatt@fwo.gov.au) (mailto:matthew.raggatt@fwo.gov.au)

Page reference No: 8709

## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

---

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.