

Court orders media company and director to pay \$570,000

20 September 2018

A company that operated news websites covering regional Queensland and its director have been penalised a total of \$264,924 for underpaying young journalists and production staff following legal action by the Fair Work Ombudsman.

The Federal Circuit Court also ordered Touchpoint Media Pty Ltd and company director Laurence Bernard Ward to back-pay 23 staff a total \$305,780 for underpayments that occurred between January 2015 and June 2016.

Fair Work Ombudsman inspectors commenced an investigation after workers lodged requests for assistance. They found Touchpoint Media had frequently underpaid or failed to pay for duties performed at the company.

Four workers were underpaid more than \$30,000 each, with the largest underpayment of wages and entitlements being \$48,217. Some journalists were in their early 20s and recruited straight out of university, and were based at a central location in Brisbane or moved to regional areas to take up employment.

The company's news websites covered the regional Queensland areas of Charters Towers, Charleville, Goondiwindi, Longreach, Maranoa, Redland and Whitsundays.

Fair Work Ombudsman Sandra Parker says the Court's penalty sends a strong message that deliberately underpaying young workers is serious conduct that will not be tolerated.

"Requests for assistance from young workers are a high priority for the Fair Work Ombudsman. Younger people can be particularly vulnerable in the workplace if they are less aware of their rights or reluctant to complain," Ms Parker said.

"Any employer tempted to underpay young workers for their own benefit should think again because we will do everything within our power to ensure such conduct is met with significant consequences."

"We encourage any young workers with concerns about their pay and entitlements to contact the Fair Work Ombudsman," Ms Parker said.

Judge Tony Young found that "some of these employees were vulnerable and eager to obtain a job so as to enter the industry or the profession of journalism".

"There is some evidence that Touchpoint especially sought out such employees," Judge Young said.

"I am satisfied that there was an element of exploitation involved with young employees that would have been less likely to occur with older or more experienced employees.

"As such, I am satisfied that the experience of employment by Touchpoint, and the consequent serious underpayment of many employees, was a bitter and humiliating experience."

Touchpoint Media and Mr Ward also breached workplace laws during the investigation by knowingly providing false PAYG records to Fair Work Ombudsman inspectors that significantly over-stated the amounts employees had been paid.

Judge Young said the breach was serious and was "an aggravating factor and suggests a lack of contrition".

Judge Young found that the breaches were deliberate and, in setting the penalty, said "the overriding factor is the need to ensure compliance with workplace laws, particularly those in issue here designed to protect employees."

The court ordered Touchpoint Media to pay \$220,320 and Mr Ward a further \$44,604 for breaching workplace laws. In addition to the penalties and back-pay order, Judge Young ordered the company to commission an external audit of its compliance and report the results to the Fair Work Ombudsman.

Employers and employees can seek assistance from the Fair Work ombudsman 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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