

Over \$40,000 penalty after teenager not paid

5 December 2019

The Fair Work Ombudsman has secured a \$41,040 penalty against the former operator of a Sunshine Coast-based business after he was involved in a failure to pay an 18-year-old labourer any wages for almost a month's work.

Queensland man Bradley Wells, who operated Attain Solutions Pty Ltd before the company was placed into liquidation last year, received the penalty in the Federal Circuit Court in Brisbane.

Attain Solutions provided civil works and underground services for the installation of telecommunications infrastructure to entities contracting to the NBN Co Limited for work on the National Broadband Network in Queensland.

The young employee was not paid anything at all for 150 hours of work digging trenches and laying pipes at various locations in South-East Queensland between June 1 and 26, 2017.

In addition to the penalty, the Court has ordered Mr Wells to back-pay the employee \$3,945 (plus interest) in wages and entitlements for the work performed.

The Fair Work Ombudsman investigated after the employee requested assistance – and the Federal Circuit Court found Mr Wells also breached workplace laws through his involvement in failing to comply with a Notice to Produce records or documents issued during the investigation.

Fair Work Ombudsman Sandra Parker said any employer who fails to meet their fundamental obligation to pay an employee wages for work performed risks facing serious consequences.

“We will not tolerate employers blatantly breaching workplace laws by failing to pay an employee their lawful wages for work performed. Employers should note that we treat the exploitation of young workers very seriously, who can be particularly vulnerable if it is their first job.”



“We urge any young workers with concerns about their wages or entitlements to contact the Fair Work Ombudsman for free advice and assistance,” Ms Parker said.

Judge Michael Jarrett found that the breaches by Mr Wells were deliberate, noting that in 2016 the Fair Work Ombudsman had issued him with four Compliance Notices and had formally cautioned him twice.

Judge Jarrett said the impact of the non-payment was demonstrated by a text message the employee sent to Mr Wells asking for a reason he was not being paid so he could tell his partner ‘why our bills aren’t getting paid and why we don’t have food’.

Noting that Mr Wells remains the director of another company operating in the civil construction industry, namely Attain Infrastructure Pty Ltd, Judge Jarrett found there was a need to impose a penalty that deterred him from breaching workplace laws in future.

Employers and employees seeking assistance can visit www.fairwork.gov.au (<http://www.fairwork.gov.au/>) or call the Fair Work Infoline on 13 13 94. Small business callers can opt to receive priority service. An interpreter service is available on 13 14 50.

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Contact us

Fair Work Online: www.fairwork.gov.au

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Call through the National Relay Service (NRS):

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

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