

Dental practice operator faces court

18 November 2019

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operators of the Available Dental Care dental practice at Campbelltown in south-western Sydney.

Facing Court is the company that operates the practice, Available Dental Care Pty Ltd, and the company's sole director, Mr Seyed Shahabeddin Lajevardi.

The Fair Work Ombudsman alleges that the company and Mr Lajevardi breached the Fair Work Act by failing to comply with a Compliance Notice requiring the company to back-pay staff.

Fair Work Inspectors audited Available Dental Care late last year during workplace checks of randomly selected businesses in the Campbelltown area.

It is alleged that employees had been underpaid minimum wage rates and Saturday penalty rates under the Health Professionals and Support Services Award.

Inspectors issued Available Dental Care with a Compliance Notice requiring the business to calculate and rectify the alleged underpayments.

Fair Work Ombudsman Sandra Parker says compliance notices are an important tool to recover unpaid wages for workers.

"Under the Fair Work Act, inspectors can issue a compliance notice if they have a reasonable belief that an employer has breached workplace laws. Employers must comply with Compliance Notices unless they decide to challenge a notice in court."

"The Fair Work Ombudsman is cracking down on the alleged underpayment of vulnerable workers, including young workers. We will continue to utilise our full suite of enforcement tools to hold employers to account," Ms Parker said.

The FWO is seeking penalties against Available Dental Care and Mr Lajevardi. The company faces a maximum penalty per breach of \$31,500, while Mr Lajevardi faces a maximum penalty of \$6,300.

The FWO is also seeking a Court Order requiring the company and Mr Lajevardi to rectify the underpayments in full, plus superannuation and interest.

A directions hearing has been listed in the Federal Circuit Court in Sydney for 26 November 2019.

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

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Fair Work Online: www.fairwork.gov.au

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