

Plumber penalised over \$150,000

19 November 2019

The Fair Work Ombudsman has secured penalties of \$151,200 against a Victorian plumber and his company for underpaying a young worker following previous court action involving “startlingly similar” conduct.

Michael Patrick Pulis and his company Pulis Plumbing Pty Ltd, which trades as Pulis Professional Plumbing, were penalised \$27,200 and \$124,000 respectively by the Federal Circuit Court.

The court found that a 22-year-old was underpaid for about six weeks’ work at various locations around Melbourne after being paid as a third-year apprentice despite Mr Pulis and his company failing to sign the employee up to an apprenticeship.

Without a formal apprenticeship agreement, the employee was entitled to be paid under the Plumbing and Fire Sprinklers Award 2010, but was underpaid minimum rates for ordinary hours, overtime pay, various allowances and leave entitlements, and termination payments.

Mr Pulis and his company also provided Fair Work Inspectors with a falsified employer apprenticeship document and falsified time-and-wages records that purported to show the employee was paid higher rates than he actually was.

The falsified apprenticeship document indicated Mr Pulis had contacted the relevant apprenticeship authority one day after hiring the worker, but Mr Pulis later admitted he in fact contacted the authority only on the day he was notified that the FWO was investigating the employment of the worker – two months after he had terminated the worker’s employment.

Fair Work Ombudsman Sandra Parker highlighted that it was the second time the regulator has taken Mr Pulis and his company to court, bringing total penalties over \$270,000.

“We have no tolerance for employers who provide false records to inspectors or repeatedly breach workplace laws, particularly when it involves the entitlements of young workers, who can be vulnerable if in their first job and they are unaware of their rights at work,” Ms Parker said.

“Under workplace laws, apprentice rates can be paid only when an employer has executed a written apprenticeship agreement with the employee and lodged the agreement with the relevant authority in their state. We expect employers to get this right. Any apprentices with concerns should contact us.”

Total underpayments were \$4,035, relating to a period between July and September 2017. The company also failed to pay \$570 in superannuation. Both amounts have been rectified.

Judge Alister McNab said the respondents’ conduct was “deliberate and exploitative”.

“The Respondents have engaged in deliberate conduct in failing to sign [the worker] up to a training contract and by underpaying him. Mr Pulis was actively engaged in litigation on the same subject matter at the time when this contravention occurred and must have been aware of the company’s obligations and deliberately chose not to observe them,” Judge McNab said.

“It is conduct that undermines the apprenticeship scheme and it affects the employee beyond the fact of underpaying entitlements.”

In addition to the penalties, Judge McNab ordered the company to notify the Fair Work Ombudsman if they employ any worker on an apprenticeship during the next two years.

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Media inquiries:

Ryan Pedler, Assistant Director - Media

Mobile: 0411 430 902

ryan.pedler@fwo.gov.au (mailto:ryan.pedler@fwo.gov.au)

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