

\$40,000 penalties after pilots underpaid

2 October 2019

The Fair Work Ombudsman has secured penalties of \$40,260 against operators of a scenic and commercial helicopter flights business in regional Western Australia that underpaid two pilots.

The Federal Circuit Court ordered Broome Helicopter Services Pty Ltd to pay \$33,550, while the company's sole director and chief pilot Joseph Hans Calandra was ordered to pay \$6,710.

Broome Helicopter Services underpaid two pilots \$10,500 across a six-month period in 2012 through failures to pay minimum hourly rates for ordinary hours, annual leave and other entitlements under the Air Pilots Award.

The company also failed to provide the two employees pay slips within one day of being paid, made misleading payslips that understated hours worked, and failed to make annual leave records and provide a roster seven days in advance as required.

Fair Work Ombudsman Sandra Parker said the penalties were a reminder to all employers to check that they are complying with workplace laws.

"We expect employers to prioritise compliance with all of their lawful pay and record-keeping obligations to their employees. Failing to comply with workplace laws can result in significant back-payments and penalties for small business. We will continue to consider court action for serious matters where a business misleads through inaccurate records," Ms Parker said.

The contraventions in this matter pre-date the commencement of the Protecting Vulnerable Workers laws, which increased penalties for record-keeping and pay slip breaches.

Fair Work Inspectors investigated after receiving requests for assistance from the two workers.

Judge Antoni Lucev said the underpayments were "in large part the fault of... Mr Calandra's failure to properly implement and monitor proper payroll systems and records".

The underpayments plus interest were rectified after Judge Lucev's earlier liability judgment.

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for free advice and assistance about their rights and obligations in the workplace. A free interpreter service is available on 13 14 50.

Know a workplace that isn't doing the right thing but don't want to get involved? [Report it \(https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff\)](https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff) to us anonymously – in your language.

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Fair Work Online: www.fairwork.gov.au

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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

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