

Over \$170,000 penalties for apprentice underpayments

27 April 2020

The Fair Work Ombudsman has secured penalties of \$177,174 against a Queensland construction company and its director after two young carpentry apprentices were underpaid \$32,347.

The Federal Circuit Court ordered Brendan Paul Angus to pay penalties of \$29,529 and his company, G.Q. Industries Pty Ltd, to pay \$147,645 for breaching the Fair Work Act.

The full-time apprentices, aged between 17 and 20 during the course of their employment, usually worked six days per week including overtime when working at Brisbane construction sites between September 2013 and June 2015.

The Court found G.Q. Industries failed to pay a range of minimum entitlements owed under the Building and Construction General On-site Award 2010, including base rates for some ordinary hours, Saturday penalty rates, overtime rates, public holiday pay, annual and personal leave entitlements, safety net contractual entitlements and travel entitlements.

Mr Angus and his company also took adverse action by refusing to provide one apprentice work or pay for 11 weeks after he took two days of sick leave, despite providing a doctor's certificate. The apprentice's training contract required him to be provided with 38 hours' work per week.

Fair Work Ombudsman Sandra Parker said the penalties should send a clear message that exploitation of apprentices was unacceptable.

"It is unlawful for employers to take adverse action against a worker for exercising their workplace rights, such as taking sick leave, and we will consider enforcement action whenever this is found," Ms Parker said.

"We also treat breaches involving young workers, including apprentices, particularly seriously as they are often vulnerable as they start their careers. Any young workers with concerns should contact us."

The Court further found that laws relating to frequency-of-pay, record-keeping and pay slips were also breached. The company failed to provide any pay slips to one of the apprentices for 16 months.

Judge Gregory Egan said the contravening conduct was "deliberate" and "could not be viewed as isolated".

"The contraventions were serious. They were committed against young and vulnerable employees," Judge Egan said.

"The penalties imposed reflect the need for employers, and the persons controlling the employers, to recognise that the provisions of the [Fair Work Act] relating to the payment of employees must be obeyed."

The company back-paid the two apprentices after court action was commenced.

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Know a workplace that isn't doing the right thing but don't want to get involved? [Report it to us anonymously \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/anonymous-report/anonymous-tipoff\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/anonymous-report/anonymous-tipoff) – in your language.

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