

Queensland construction company faces Court

11 December 2020

The Fair Work Ombudsman has commenced legal action in court against the operators of a Queensland business in the construction industry for allegedly breaching a Fair Work Commission order by failing to pay compensation to an unfairly dismissed worker.

Facing the Federal Circuit Court are ADADN Pty Ltd, which is based just north of Brisbane at North Lakes, and the company's sole director and shareholder, Steve Durmaz.

In May this year, the Fair Work Commission found that in September 2019 ADADN Pty Ltd unfairly dismissed a carpenter it had employed for more than two years.

The Fair Work Commission ordered the company to pay the worker \$34,590 compensation, plus \$2,052 in superannuation entitlements within three weeks.

The employee, aged in his 60s, lodged a request for assistance with the Fair Work Ombudsman after the company allegedly failed to make the payments.

The FWO commenced an investigation and, in line with the FWO's proportionate approach to regulation during the COVID-19 pandemic, made several attempts to secure voluntary compliance before commencing legal action.

Fair Work Ombudsman Sandra Parker said the legal action would reinforce the importance of the Commission's orders.

"It is fundamental for the integrity of the workplace relations system that Fair Work Commission orders are complied with," Ms Parker said.

"The Fair Work Ombudsman is clearly prepared to take legal action to ensure that employees receive compensation they are lawfully entitled to."

The FWO alleges the ADADN Pty Ltd and Mr Durmaz have breached the Fair Work Act by failing to comply with a Fair Work Commission order and is seeking a penalty against each.

The company faces a penalty of up to \$63,000, and Mr Durmaz faces a penalty of up to \$12,600.

The Fair Work Ombudsman is also seeking a court order for the company and Mr Durmaz to pay the outstanding compensation and superannuation owed to the employee, plus interest.

A directions hearing is listed in the Federal Circuit Court in Brisbane for 12 February 2021.

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.

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