

Contract carpentry business faces court

8 May 2020

The Fair Work Ombudsman has commenced legal action in Brisbane's Federal Circuit Court against Queensland-based contract carpentry business Althaus Homes Pty Ltd, and its sole director, Mr Ronald Alexander Althaus.

The regulator alleges Althaus Homes and Mr Althaus breached the Fair Work Act by failing to comply with a Compliance Notice requiring it to calculate and back-pay leave entitlements owed to a former full-time apprentice carpenter.

A Fair Work Inspector issued the Compliance Notice in November 2019 in response to a request for assistance from the then apprentice carpenter.

The Compliance Notice was issued after the inspector formed a belief that Althaus Homes had contravened the Building and Construction General On-site Award 2010 and the Fair Work Act by failing to pay accrued but untaken annual leave, annual leave loading and personal leave.

The FWO alleges that in late September 2019, the carpenter took five days of personal leave because he was unwell but was allegedly not paid for four of those leave days.

It is also alleged that the carpenter terminated his employment with Althaus Homes during this time, which was accepted by his employer, but allegedly did not receive any payment for accrued but untaken paid annual leave (including an annual leave loading of 17.5 per cent), or his four days of owed personal leave.

Fair Work Ombudsman Sandra Parker said that the regulator will enforce workplace laws in a proportionate manner during the COVID-19 pandemic, and that includes taking businesses to court where lawful requests are not complied with.

"Under the Fair Work Act, Compliance Notices are an important tool used by inspectors if they form a belief that an employer has breached workplace laws," Ms Parker said.

"Where employers do not comply with these notices, we will take appropriate action to protect employees. A court can then order them to pay penalties in addition to back-paying workers."

"Any employees with concerns about their pay or entitlements should contact us for assistance," Ms Parker said.

The FWO is seeking penalties against Althaus Homes. The company faces a maximum penalty of \$31,500, with its director, Ronald Alexander Althaus, also facing a maximum penalty of \$6,300.

The regulator is also seeking a Court Order requiring the business to take the action required by their Compliance Notice, which includes rectifying the underpayments in full, plus superannuation and interest.

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.

Targeted resources to assist small businesses with workplace law compliance are available at the FWO's [Small Business Showcase](http://www.fairwork.gov.au/small-business-showcase) (www.fairwork.gov.au/small-business-showcase) .

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Media inquiries:

Claire Low, Senior Media Advisor - Media

Mobile: 0418 825 074

claire.low@fwo.gov.au (<mailto:claire.low@fwo.gov.au>)

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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Contact the Translating and Interpreting Service (TIS) on 13 14 50

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Call through the National Relay Service (NRS):

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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