

Former real estate agency operators in court

25 November 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the former operators of the Stockdale & Leggo Werribee real estate agency.

Facing court is Jenni International Pty Ltd, which operated the agency in south-west Melbourne until November 2019, and the company's sole director Ms Pui San Lee.

The regulator issued a Compliance Notice to Jenni International earlier this year after forming a belief the company had failed to pay a former employee, who managed rental properties, for her final two days of work and some personal and annual leave entitlements.

The Fair Work Ombudsman alleges the company failed to comply with the Compliance Notice, which required it to calculate and rectify underpayments owing to the employee.

After a Fair Work Inspector wrote to Jenni International informing the company it had failed to comply, it is alleged the company and Ms Lee breached workplace laws by providing the Inspector with a false or misleading document.

It is alleged that the company and Ms Lee provided the Inspector with a medical certificate purporting to show Ms Lee was seen in hospital in Malaysia after the Compliance Notice was issued. However, it is alleged that Ms Lee was in Australia at the time.

In line with the FWO's proportionate approach to regulation during the COVID-19 pandemic, the FWO made several attempts to secure voluntary compliance before commencing legal action.

Fair Work Ombudsman Sandra Parker said the regulator would continue to enforce workplace laws and take businesses to court where lawful requests are not complied with.

"Under the Fair Work Act, Compliance Notices are important tools used by Inspectors if they form a belief that an employer has breached workplace laws."

"Where employers do not comply with our requests, we will take appropriate action to protect employees. A court can order the business to pay penalties in addition to back-paying workers. Any employees with concerns about their pay or entitlements should contact the Fair Work Ombudsman for free assistance," Ms Parker said.

Jenni International faces a penalty of up to \$31,500 for the alleged Compliance Notice breach and a penalty of up to \$63,000 for the alleged false document breach. Ms Lee faces a penalty of up to \$12,600 for the alleged false document breach, and a penalty of up to \$6,300 for her alleged involvement in the Compliance Notice breach.

The FWO is also seeking Court Orders requiring Jenni International Pty Ltd to comply with the Compliance Notice, which includes rectifying the underpayment in full, plus superannuation and interest. A directions hearing is listed in the Federal Circuit Court in Melbourne on 4 December 2020.

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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Contact us

Fair Work Online: www.fairwork.gov.au

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