

Building waste recycler in court

22 September 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against Natjon Constructions Pty Ltd the NSW-based operator of a building waste recycling yard in Geelong, Victoria.

The regulator investigated after receiving a request for assistance from a Natjon Constructions employee who worked on a casual basis as a driver of a 23-tonne tip truck at the recycling yard, located in the Geelong suburb of Lovely Banks.

A Fair Work Inspector issued Natjon Constructions with a Compliance Notice in March this year after forming a belief that the company had failed to pay the employee correctly for work performed between February and December 2019.

The inspector believed that the employee had been underpaid casual minimum wages, overtime rates and Sunday rates under the Waste Management Award 2010.

The FWO alleges that the company, without reasonable excuse, failed to comply with the Compliance Notice. The notice required the company to calculate and back-pay the worker's entitlements.

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 proceedings.

Fair Work Ombudsman Sandra Parker said that 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," Ms Parker said.

"Any employees with concerns about their pay or entitlements should contact the Fair Work Ombudsman for free assistance."

The Fair Work Ombudsman is seeking a penalty against Natjon Constructions Pty Ltd and a court order for the company to comply with the Compliance Notice, which includes rectifying any underpayments in full, plus superannuation and interest.

Natjon Constructions is facing a maximum penalty of \$31,500. A directions hearing is listed in the Federal Circuit Court in Sydney on 2 October 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

Fair Work Infoline: 13 13 94

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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

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