

Queensland construction company penalised

20 April 2021

The Fair Work Ombudsman has secured a total of \$53,000 in penalties in court against the operators of a Queensland business in the construction industry for ignoring a Fair Work Commission order by failing to compensate an employee who was unfairly dismissed.

The Federal Circuit Court has imposed a \$45,000 penalty against ADADN Pty Ltd, which is based just north of Brisbane at North Lakes, and a further \$8,000 to the company's sole director and shareholder, Steve Durmaz.

In addition to the penalties for non-compliance with a Fair Work Commission order, the Court has ordered ADADN to make the payments of compensation required by the Fair Work Commission order, made in May 2020, by paying the unfairly dismissed worker \$34,590 compensation (plus interest), and \$2,052 in superannuation entitlements.

The worker, a carpenter aged in his 60s, was unfairly dismissed by ADADN in September 2019 after two years of employment.

Acting Fair Work Ombudsman Michael Campbell said that ignoring orders of the Fair Work Commission is a serious breach of the Fair Work Act.

"It is fundamental to the integrity of the workplace relations system that Fair Work Commission orders are enforced and we are prepared to take court action to ensure that occurs."

"Companies that fail to act on Fair Work Commission orders face court-imposed penalties in addition to having to back-pay the outstanding compensation amounts," Mr Campbell said.

The Fair Work Ombudsman investigated after the employee requested assistance.

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

Judge Michael Jarrett said that ADADN and Mr Durmaz had shown no contrition and demonstrated a complete lack of respect for the FWO and the Fair Work Commission.

Judge Jarrett found that there was a need to impose penalties at a meaningful level for the purposes of general deterrence and to deter ADADN and Mr Durmaz from further breaches.

"(ADADN's) failure to comply with the Fair Work Commission order demonstrates a wilful disregard of the Fair Work Commission's authority and integrity."

"There is a need to impress upon the respondents that the Court will not tolerate the contravening conduct, and penalties in this matter therefore ought to be imposed at a meaningful level," Judge Jarrett said.

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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Media inquiries:

Ryan Pedler, Assistant Director - Media

Mobile: 0411 430 902

ryan.pedler@fwo.gov.au (mailto:ryan.pedler@fwo.gov.au)

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