

## Insurance company faces court

26 April 2021

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operators of a South Melbourne-based business that provides insurance to the transport industry.

Facing court are Yes Insurance Group Pty Ltd and owner and sole director Ms Emma Rita Kimonides.

The regulator commenced its investigation after receiving a request for assistance from an employee who worked for the company as a full-time insurance salesman between August and October 2020.

A Fair Work Inspector issued a Compliance Notice to Yes Insurance Group Pty Ltd in October 2020 after forming a belief that the employee had not been paid any wages in the two-month period and the company had therefore failed to pay the minimum wage for ordinary hours owed under the Banking, Finance and Insurance Award 2020.

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

The FWO alleges Ms Kimonides was involved in the contravention.

The FWO made several attempts to secure voluntary compliance of the Compliance Notice before commencing legal proceedings.

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," Ms Parker said.

"Where employers do not comply with our requests, we will take appropriate action to protect employees. A court can order a 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."

The FWO is seeking penalties against Yes Insurance Group Pty Ltd and Ms Kimonides. The company faces a maximum penalty of \$33,300 and Ms Kimonides a maximum penalty of \$6,660.

The regulator is also seeking a court order for the company to take the action required by the Compliance Notice, which includes calculating and rectifying any underpayments in full, plus superannuation and interest.

A directions hearing has been listed in the Federal Circuit Court in Melbourne on 10 May 2021.

Employers and employees can visit [www.fairwork.gov.au](http://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. An interpreter service is available on 13 14 50. Extensive [tools and resources \(www.fairwork.gov.au/tools-and-resources\)](http://www.fairwork.gov.au/tools-and-resources) are available online.

Know a workplace not doing the right thing but don't want to get involved? [Report it anonymously \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff) – in your language.

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## Contact us

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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

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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