

Contract carpentry business penalised

5 February 2021

The Fair Work Ombudsman has secured a total of \$13,608 in penalties in court against the operators of a contract carpentry business in Brisbane.

The Federal Circuit Court has imposed an \$11,340 penalty against Althaus Homes Pty Ltd and a \$2268 penalty against the company's sole director, Mr Ronald Alexander Althaus.

The penalties were imposed in response to Althaus Homes and Mr Althaus breaching the Fair Work Act by failing to comply with a Compliance Notice requiring them to calculate and back-pay leave entitlements owing to an apprentice carpenter employed between March and September, 2019.

Althaus Homes fully back-paid the apprentice the more than \$1500 owing to him only six months after the Fair Work Ombudsman commenced legal action.

Fair Work Ombudsman Sandra Parker said business operators that fail to act on Compliance Notices face court-imposed penalties in addition to having to back-pay underpaid staff.

"We make every effort to secure voluntary compliance with Compliance Notices but where they are not followed, we are prepared to take legal action to ensure workers receive all their lawful entitlements," Ms Parker said.

"Any employees with concerns about their pay or entitlements should contact us for free advice and assistance."

Fair Work Inspectors commenced an investigation into Althaus Homes after receiving a request for assistance from the underpaid apprentice.

The Compliance Notice was issued in November 2019 after an inspector formed a belief that the apprentice had contravened the Building and Construction General On-site Award 2010 and the Fair Work Act by failing to pay personal leave entitlements and accrued annual leave entitlements.

The employee had taken five days of personal leave when unwell but was not paid for four of those days.

Judge Michael Jarrett dismissed Mr Althaus's claim that he had not clearly understood the Compliance Notice and found that Althaus Homes' failure to comply "clearly demonstrates a reckless disregard for its obligations under the Fair Work Act and the authority of the applicant as a regulator of Commonwealth workplace laws".

Judge Jarrett said if Althaus Homes had complied with the Compliance Notice within the specified time frame "this proceeding would have been avoided altogether".

Employers and employees seeking assistance can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50. Know a workplace not doing the right thing but don't want to get involved? [Report it anonymously \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/anonymous-report/anonymous-tipoff\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/anonymous-report/anonymous-tipoff) – in your language.

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

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

Hearing & speech assistance

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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