

## Brisbane painter in court

21 January 2021

The Fair Work Ombudsman (FWO) has commenced legal action in the Federal Circuit Court against the operator of a painting business in Brisbane.

Facing court is sole trader Michael Ross, who operated the business trading in and around Brisbane.

The FWO commenced its investigation after receiving requests for assistance in early 2020 from two former casual workers who alleged underpayment for painting done in January that year.

A Fair Work Inspector issued a Compliance Notice to Mr Ross in June last year after forming a belief the employees were underpaid entitlements owed under the Building and Construction General On-site Award 2010.

It is alleged that one of the employees was paid \$150 for all hours worked, including a \$30 fuel allowance, and the other worker was not paid at all. The Compliance Notice was issued regarding alleged contraventions of the minimum wage, casual loading, special allowance and industry allowance requirements under the award.

The FWO alleges Mr Ross, without reasonable excuse, failed to comply with the Compliance Notice which required him to calculate and back-pay the workers' entitlements.

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 Mr Ross, who could be penalised up to \$6,300 for failing to comply with the Compliance Notice. The regulator is also seeking a court order for Mr Ross 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 Brisbane on 1 March 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.

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