

Melbourne newsagency allegedly underpaid worker almost \$5000

23 February 2010

The Fair Work Ombudsman has launched a prosecution against the operator of a Melbourne newsagency for allegedly underpaying a worker almost \$5000.

Facing court is DMB Investments Pty Ltd and the company's sole owner and director David McPherson Black, of Malvern East.

Through his company, Mr Black owns and manages a newsagency located at 348 Glen Huntly Road, Elsternwick.

Documents lodged in the Melbourne Magistrates' Court allege Mr Black was centrally involved in DMB Investments underpaying a retail assistant a total of \$4697 when it employed her to work at the newsagency on a casual basis from April, 2007 to January, 2009.

The employee, aged in her 50s, was allegedly paid a flat hourly rate of \$18 for all hours worked - but was entitled to up to \$21 an hour on weekdays and Saturdays and up to \$33 an hour on Sundays.

Fair Work Ombudsman Executive Director Michael Campbell says the decision to prosecute was made because of the employer's failure to rectify the alleged underpayments despite numerous requests.

The Fair Work Ombudsman alleges DMB Investments and Mr Black committed three breaches of workplace relations laws.

The maximum potential penalty per breach is \$33,000 for DMB Investments and \$6600 for Mr Black.

The Agency is also seeking a Court Order for back-payment of the employee.

The Fair Work Ombudsman promotes harmonious, productive and co-operative workplaces. It also monitors compliance and investigates breaches of national workplace laws.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au For translations call 13 14 50.

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Fair Work Online: www.fairwork.gov.au

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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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