

Employer to face court for allegedly threatening worker who queried pay

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The Fair Work Ombudsman is prosecuting a Brisbane physiotherapy clinic for allegedly threatening to dismiss an employee who queried her pay.

Facing court is Maleha Newaz Pty Ltd, which trades as Physio Plus Physiotherapy and Sports Clinic in Carindale. The company's sole director is Maleha Newaz.

The Agency is also prosecuting Ms Newaz' husband Saba Ahammad, who is Secretary of Maleha Newaz Pty Ltd and is involved in running the clinic.

Documents lodged in the Federal Magistrates Court in Brisbane allege that in late 2008, a casual receptionist at the clinic obtained information from authorities which suggested she was being paid below what she was entitled to.

The receptionist forwarded this information to her employer and asked that her wages be re-evaluated.

It is alleged that on November 6, 2008 Mr Ahammad sent the receptionist an email stating that her wages would not be increased and threatening to dismiss her if she pursued the matter with authorities to secure back-pay.

The receptionist resigned in early 2009 and then lodged an underpayment complaint with the Fair Work Ombudsman. Inspectors investigated and negotiated for Maleha Newaz Pty Ltd to voluntarily back-pay her \$7090.

Fair Work Ombudsman Executive Director Michael Campbell says the Agency has launched legal action because the circumstances of the alleged threat to dismiss the receptionist constitute a serious breach of workplace law.

Maleha Newaz Pty Ltd and Mr Ahammad were allegedly each involved in committing one breach. The maximum penalty per breach is \$33,000 for the company and \$6600 for Mr Ahammad.

The Fair Work Ombudsman is also seeking a Court Order for compensation of \$5482 for the receptionist for lost wages following her resignation. The case is listed for a directions hearing on February 10.

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.fwo.gov.au. For translations call 13 14 50.

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Contact us

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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

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