

Perth business faces court for allegedly failing to provide employment records

30 January 2010

The Fair Work Ombudsman has launched a prosecution against a Perth business and one of its directors, alleging they failed to provide the employment records of a former employee who claimed he had been underpaid.

Facing court is earthmoving and road construction business Industrial Roadpavers (WA) Pty Ltd - based in Bibra Lake - and the company's director-controller Marc William Skewes, of Mosman Park.

The Fair Work Ombudsman alleges Mr Skewes was centrally involved in Industrial Roadpavers failing to comply with requests to provide employment records.

Under workplace laws, employers must keep employment records for employees and former employees and provide them to Fair Work inspectors upon request.

Documents lodged in the Federal Magistrates Court in Perth allege that a former employee of Industrial Roadpavers complained to the Fair Work Ombudsman in late 2008 that the company had not paid him for some hours worked, pay in lieu of notice and some annual leave entitlements.

It is alleged that Fair Work inspectors made numerous requests to Industrial Roadpavers to supply time-and-wages records for the employee, as well as employment records relating to his annual leave and employment commencement and termination dates.

Fair Work Ombudsman Executive Director Michael Campbell claims the company has supplied only some of the required time-and-wages records and failed to supply other employment records requested.

"We are alleging that Industrial Roadpavers is refusing to provide the records – or alternatively, that the company never made and kept the records and so is not able to provide them," he said.

It is alleged Industrial Roadpavers and Mr Skewes have committed multiple breaches of workplace laws. The maximum potential penalty is \$5500 for the company and \$1100 for Mr Skewes. The case is listed for mention on February 12.

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

Fair Work Online: www.fairwork.gov.au

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Hearing & speech assistance

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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