

## Company director fined over underpayments

26 July 2010

A Sydney company director has been fined \$16,900 for his involvement in the underpayment of eight of his former staff.

The workers – who received no money at all for weeks on end – were underpaid a total of more than \$31,000.

NSW Chief Industrial Magistrate Greg Hart imposed the penalty against Ryan Marsh, of Botany, following a prosecution by the Fair Work Ombudsman.

The Court ordered that the money be reimbursed to eight workers who were underpaid by Marsh's company, Asteria Joinery Pty Ltd.

It had previously instructed Asteria Joinery to repay the underpaid workers, but the company is now in liquidation and the Order was unlikely to be met.

Handing down his decision, Chief Industrial Magistrate Hart said that when Asteria fell behind in payments to its employees, Marsh had "cajoled them into continuing to work by making promises to the effect that they would get their money 'next week' - but that over time, it was found that his promises in that regard were empty and the employees in question worked for some weeks without any payment whatsoever".

"Later, when the employees resigned for the purpose of seeking other employment, there were underpayments of annual leave entitlements and annual leave loading. Upon investigation, it was found that even during the period that the employees were being paid, they were not receiving their entitlements to overtime, and in some cases, other allowances".

The underpayments occurred between November, 2008 and January, 2009.

A Fair Work inspector discovered the alleged underpayments when investigating complaints made by workers last year.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit [www.fwo.gov.au](http://www.fwo.gov.au). For translations call 13 14 50.

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Page reference No: 4368

### Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

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