

Red Cliffs man ordered to back-pay former airport worker \$123,000

11 May 2010

A Red Cliffs man has been ordered to back-pay one of his former employees more than \$123,000 following a prosecution by the Fair Work Ombudsman.

Melbourne Magistrates' Court has instructed Kenneth Chiswell to back-bay the worker \$123,035 plus interest of \$2827 within three months.

Chiswell previously operated a sole-trader aircraft refuelling business at Mildura Airport, in North-West Victoria.

Magistrate Franz Holzer also fined Chiswell \$10,560 for his contraventions of federal workplace laws.

Chiswell underpaid the employee \$132,535 between 2005 and 2009 when he employed the man on a casual basis to drive a truck and refuel aircraft at the airport.

The main cause of the large underpayment was Chiswell engaging the employee for a minimum one hour's paid work. Under the relevant award, Chiswell was required to pay him a minimum four hours for each shift.

Chiswell also underpaid the employee's minimum hourly rate. He usually paid the employee, aged in his 40s, a flat hourly rate of \$20 for shifts commencing before 6am and \$15 for other shifts.

However, the employee should have been paid rates of up to \$24 on weekdays, up to \$39 for weekends and overtime and up to \$59 on public holidays.

After investigations by Fair Work inspectors, Chiswell back-paid the worker only \$9500.

Fair Work Ombudsman Executive Director Michael Campbell says the Court outcome reinforces the message that underpaying employees is a serious matter.

"Employers are responsible for ensuring they pay employees correctly," he said.

Any employer seeking advice on the classifications and pay rates that apply should contact the Fair Work Infoline on 13 13 94. For translations call 13 14 50.

Employers and workers can also visit www.fwo.gov.au for a range of user-friendly tools and resources.

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

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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