

Court action over alleged \$25,000 underpayment of Melbourne salesperson

20 May 2010

The Fair Work Ombudsman has launched a prosecution against the former manager of a Melbourne retail business after a salesperson was allegedly underpaid \$25,000.

Facing court is Caulfield South man Russell Meerkin, a former manager and part-owner of Ken Bruce Sales on Glenferrie Road, Malvern.

Documents lodged in the Melbourne Magistrates' Court allege Mr Meerkin was centrally involved in the salesperson being underpaid a total of \$25,575 between 2003 and 2008.

The Fair Work Ombudsman claims the male employee, in his 50s, worked an average 47.5 hours a week from Monday to Saturday.

The alleged underpayments were primarily related to overtime rates, annual leave entitlements and pay in lieu of notice.

Mr Meerkin also allegedly failed to keep proper employment records for the employee or issue him with payslips.

The Ken Bruce Sales store in Malvern was sold in late 2008 and Mr Meerkin no longer has any involvement with the business.

Fair Work Ombudsman Executive Director Michael Campbell says Mr Meerkin is being prosecuted because of the significant amount involved and his failure to rectify the matter.

The Fair Work Ombudsman alleges Mr Meerkin committed several breaches of workplace laws. The maximum penalty per breach is \$6600 for the underpayment matters and \$1100 for the payslip/record keeping matters.

The Fair Work Ombudsman has a range of user-friendly resources on its website – www.fwo.gov.au – to assist employees and employers check minimum rates of pay.

Small to medium-sized businesses without human resources staff can also ensure they are following best practice when hiring, managing and dismissing employees by using free template employment documentation with step-by-step instructions or accessing a series of Best Practice Guides.

Online resources also include payslip and record-keeping templates, a self-audit checklist and fact sheets.

Employers or employees seeking assistance can also contact the Fair Work Infoline on 13 13 94 from 8am-6pm weekdays. For translations call 13 14 50.

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

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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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.