

Perth business faces court action for allegedly underpaying teenager almost \$10,000

23 May 2010

Note: The Fair Work Ombudsman's allegations in this case were dismissed by the Federal Circuit Court.

The Fair Work Ombudsman has launched a prosecution against a Perth electrical business for allegedly underpaying a young employee almost \$10,000.

Facing court is D'Adamo Nominees Pty Ltd, which trades as the Wangara-based business L&A Electrics. The business provides domestic electrical wiring services.

Documents lodged in the Federal Magistrates Court in Perth allege D'Adamo Nominees underpaid an employee \$9892 when he was aged 18.

It is alleged the majority of the underpayment occurred between August, 2007 and February, 2008 as a result of the employer's failure to register him as an apprentice.

The employee was allegedly short-changed up to \$400 a week as a result of his minimum hourly rate, overtime rates and annual leave entitlements being underpaid.

D'Adamo Nominees allegedly did not register the employee as an apprentice until February, 2008. His employment ended in January, 2009.

Fair Work inspectors first discovered the alleged underpayment last year when they investigated a complaint from the worker.

Fair Work Ombudsman WA Director Leigh Quealy says the decision to prosecute was made because of the significant amount involved and the employer's failure to rectify the matter.

"Only registered apprentices can be paid apprentice rates," Mr Quealy said.

The Fair Work Ombudsman alleges D'Adamo Nominees committed several breaches of workplace relations laws. The maximum penalty per breach is \$33,000. The case is listed for a directions hearing on May 31.

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.

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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.