

Employer fined over disability discrimination

9 August 2011

The operators of the Border Barber hairdressing salons in Albury-Wodonga have been fined a total of \$3600 for discriminating against a physically disabled employee.

Rutherglen couple Stanislaus and Susan Somers have also agreed to apologise to the affected employee and to pay him \$1320 in compensation.

Following a prosecution by the Fair Work Ombudsman, the Federal Magistrates Court in Sydney today fined Mr and Mrs Somers' company - Drivecam Pty Ltd - a total of \$3000.

A further penalty of \$600 was imposed against Mr Somers. The Fair Work Ombudsman did not seek a penalty against Mrs Somers.

Federal Magistrate Sylvia Emmett imposed the penalties after Mr and Mrs Somers admitted their company breached the Fair Work Act by discriminating against a physically disabled employee, a local man in his 30s, in February last year.

The employee is a qualified hairdresser who has a damaged spinal nerve from a bike accident which causes pins-and-needles and sharp pains in his hands.

The breaches occurred when the employee worked at Border Barber for three weeks on a pay rate of \$10 an hour - significantly below the \$17 to \$25 an hour he was entitled to receive.

The employee was underpaid \$599 as a result of the breaches, which was back-paid to him in October last year.

It is unlawful to discriminate against workers on the grounds of disability, race, colour, sex, sexual preference, age, marital status, family or carer responsibilities, religion, political opinion, national extraction or social origin.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au.

A free interpreter service is available on 13 14 50, with information translated into 27 different languages.

Follow the Fair Work Ombudsman on [@fairwork_gov_au](https://twitter.com/fairwork_gov_au)  (https://twitter.com/fairwork_gov_au).

Media inquiries:

Ryan Pedler, Senior Adviser Media & Stakeholder Relations
(03) 9954 2561, 0411 430 902
ryan.pedler@fwo.gov.au

Page reference No: 4729

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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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