

Indian doctor allegedly threatened after complaining about pay

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Note: Reference to prosecution in this media release is a general reference to the FWO commencing proceedings for the imposition of civil penalties and should not be taken to be a reference to criminal proceedings.

The Fair Work Ombudsman has launched a prosecution against the operator of a general medical practice south of Brisbane, alleging it threatened an Indian doctor for complaining about his pay.

Facing court is Windaroo Medical Surgery Pty Ltd, which operates Loganholme Medical Surgery, located at Loganholme Shopping Village.

Also facing court are the company's sole director Sheila Pathmanathan and Dr Tam Thi Thanh Tran, a senior doctor and supervisor at the Loganholme practice.

Prosecution documents lodged in the Federal Magistrates Court in Brisbane allege Ms Pathmanathan and Dr Tran were involved in Windaroo Medical Surgery breaching the coercion and adverse action provisions of workplace laws in 2010.

The alleged breaches relate to a doctor the Windaroo Medical Surgery sponsored to work at the Loganholme practice on a medical practitioner visa. The doctor, an Indian national, travelled to Australia to take up the position.

It is alleged that after the doctor complained to the Fair Work Ombudsman that his pay was being withheld, Dr Tran threatened that unless he retracted the complaint, he would not be paid and his life would be made generally miserable.

Dr Tran allegedly also threatened the doctor that if he quit, unspecified alleged patient complaints against him would be sent to the Medical Board of Queensland and proceedings for breach of contract would be taken against him.

It is alleged that the doctor was owed a significant amount of pay when he quit in May, 2010 and returned to India.

Fair Work Ombudsman Nicholas Wilson says a decision to prosecute was made because of the seriousness of the alleged contraventions.

Ms Pathmanathan and Dr Tran were allegedly involved in Windaroo Medical Surgery committing five breaches of the Fair Work Act. Ms Pathmanathan and Dr Tran face maximum penalties of \$6600 per breach and the company faces maximum penalties of \$33,000 per breach.

The Fair Work Ombudsman is also seeking a Court Order for Windaroo Medical Surgery to pay compensation for loss of wages, stress, humiliation and other loss resulting from the alleged breaches.

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.

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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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