

NSW court penalties nudge \$700k this year

16 March 2011

Legal action by the Fair Work Ombudsman this financial year has so far resulted in nine NSW employers and two unions being fined a total of \$687,600 for breaches of workplace law.

Fair Work Ombudsman Executive Director Michael Campbell says court penalties serve as a warning to others to ensure they understand and comply with national workplace relations laws.

Nationally, since July 2010, courts have finalised 25 penalty matters for the Fair Work Ombudsman and imposed penalties totalling almost \$1.5 million.

Mr Campbell says that since March 2006, Fair Work Ombudsman litigations have resulted in 187 court-imposed penalties totalling around \$6.8 million.

“The courts are taking a pretty dim view of employers and unions who ignore the rules, dishing out some severe penalties both as a specific deterrent and to discourage similar conduct by others,” he said.

“We recognise that accidental breaches can and do occur and our approach is fair and flexible but, as one federal magistrate noted recently, compliance with all aspects of the law is not optional, it is essential.”

The Agency has also recovered more than \$117 million for 87,000 workers around the country who had been underpaid.

Mr Campbell says successful underpayment of wages prosecutions benefit employers who are complying with workplace laws because it helps them to compete on a level playing field.

The Fair Work Ombudsman has a number of tools and resources on its website - www.fairwork.gov.au - to assist employees and employers to check minimum rates of pay.

Small to medium-sized businesses without human resources staff can ensure they are better equipped when hiring, managing and dismissing employees by using free template employment documentation available online.

The ‘Industries’ section on the Fair Work Ombudsman’s website provides information specifically tailored for employers and workers in the retail, cleaning, clerical, hair and beauty, security, horticulture, fast food and hospitality industries.

A series of Best Practice Guides have also been developed by the Fair Work Ombudsman to assist employers make better use of the provisions of the Fair Work Act and better understand other aspects of workplace laws.

The guides cover work and family, consultation and co-operation, individual flexibility arrangements, employing young workers, gender pay equity, small business, workplace privacy, managing underperformance, effective dispute resolution and improving workplace productivity in bargaining.

Employers or employees seeking assistance or further information can also contact the Fair Work Infoline on 13 13 94 from 8am-6pm weekdays. A free interpreter service is available on 13 14 50.

Court penalties in NSW so far this financial year are:

Month	Location	Company	Fine
07/10	Sydney	Lightfield Investments Pty Ltd and office manager Hoong Kee Tang	\$62,500 for underpaying two former employees
08/10	Rockdale & Hurstville Grove	D.Z. Import & Export Trading Co. Pty Ltd and director Zheng Ming Zhu	\$178,200 for underpaying two employees
08/10	Baulkham Hills	Anastasia Kelly, controller and sole director of Recruit (NSW) Pty Ltd	\$12,000 for underpaying one employee

Month	Location	Company	Fine
08/10	Albury	Leslie Graeme Beard, former primary owner-operator of Georges' on Dean	\$21,900 for underpaying three employees
10/10	Sydney	Australian Workers Union NSW branch	\$12,100 for organising unlawful industrial action and trying to coerce Boral Resources (NSW) Pty Ltd into paying employees for time spent engaging in a lawful strike
10/10	Wagga & Sydney	Roselands Fruit Market Pty Ltd and former Wagga store manager Joe Aloisio	\$87,360 for underpaying 40 employees
10/10	Newcastle	Andre Praglowski, sole owner-manager of Country Hospitality Pty Ltd	\$5940 for underpaying 62 employees
11/10	Sydney	Transport Workers Union of Australia and organiser Neale Harper	\$11,320 for organising unlawful industrial action
11/10	Newcastle	Shrek Pty Ltd and sole owner-director Peter Court	\$184,250 for underpaying 18 employees
12/10	Sydney	Adil Magar, owner-director of A.M. Retail Solutions Pty Ltd	\$82,100 for underpaying 56 employees
01/11	Wagga	Farey Transport & Trading Pty Ltd	\$30,000 for underpaying 34 employees
		TOTAL:	\$687,660

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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.