

## Director faces court over \$40,000 in alleged underpayments

4 May 2011

The Fair Work Ombudsman has launched a prosecution against the former sole director of a retail company over more than \$40,000 in alleged underpayments of 25 sales assistants, including several young workers.

Facing court is Raymond James Bird, who was manager and sole director of Clevedon Australia Pty Ltd, which operated gardening retail outlets in NSW, Queensland and the ACT until it went into liquidation last year.

Documents lodged in the Federal Magistrates Court in Sydney allege Mr Bird was centrally involved in Clevedon Australia underpaying 25 casual employees a total of \$41,725 between August, 2008 and October, 2009.

The employees, including six juniors aged under-21, worked as shop assistants at temporary stalls in shopping centres selling gardening tools and products.

The employees worked at locations including:

- NSW: Sydney (including Brookvale, Carlingford, Chatswood, Hornsby, North Ryde, Castle Hill, Marickville, Bankstown, Penrith, Miranda, Wetherill Park), Erina, Tuggerah, Bateau Bay, Cessnock, Newcastle and Coffs Harbour.
- ACT: Canberra (Belconnen, Tuggeranong and Woden).
- QLD: Noosa, Toowoomba, Ipswich and Bundaberg.

The employees were allegedly not paid for some of the hours they worked - or paid nothing at all - during their employment.

Mr Bird allegedly made decisions to pay some employees and not others based on their sales performance.

It is alleged 14 employees in NSW were underpaid \$23,902, nine in Queensland were underpaid \$14,990 and two who worked in the ACT and NSW were underpaid \$2833.

It is also alleged that Mr Bird further breached workplace laws through his involvement in failing to keep proper employment records for employees.

Fair Work Ombudsman Executive Director Michael Campbell says the decision to prosecute Mr Bird was made because of the significant amount involved and the employer's failure to rectify the matter.

The Fair Work Ombudsman cannot prosecute Clevedon Australia because the company is in liquidation.

The Fair Work Ombudsman alleges Mr Bird committed eight underpayment-related breaches and four record-keeping related breaches of workplace laws.

He faces maximum penalties per breach of \$6600 for the underpayment matters and \$1100 for the record-keeping matters. A hearing date has not yet been set.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit [www.fairwork.gov.au](http://www.fairwork.gov.au). An interpreter service is available on 13 14 50.

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## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

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For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

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