

## Court action over alleged \$13,000 underpayment of Melbourne worker

17 April 2012

The Fair Work Ombudsman is prosecuting the former operator of a Melbourne machinery servicing business for allegedly underpaying an employee \$13,000.

Facing court are Cheltenham-man Neil Haig Brown and his private company Haig Brown Industries Pty Ltd.

Through his company, Mr Brown owned and operated a Moorabbin-based business engaged in industrial and general purpose machinery servicing.

It is alleged an employee at the business was underpaid \$13,274 between February, 2006 and September, 2008.

The employee, aged in his late 20s at the time, worked as a labourer.

The majority of the underpayment was allegedly the result of the employee being paid \$11.55 an hour when he was entitled to be paid more than \$13 an hour.

The employee was allegedly also underpaid long service leave and annual leave entitlements and overtime rates.

Fair Work inspectors discovered the alleged underpayments when they investigated a complaint lodged by the employee in 2010.

Workplace laws relating to pay slips were allegedly also breached.

Fair Work Ombudsman Nicholas Wilson says a decision to prosecute was made because of the significant amount involved and the employer's failure to rectify the matter.

The Fair Work Ombudsman alleges Mr Brown was involved in his company committing several breaches of workplace laws. The maximum potential penalty per breach is \$6600 for Mr Brown and \$33,000 for his company.

The Fair Work Ombudsman is also seeking a Court Order for the company to rectify the alleged underpayment. A directions hearing is scheduled for May 16 in the Federal Magistrates Court in Melbourne.

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). A free interpreter service is available on 13 14 50.

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Page reference No: 4177

### Contact us

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

Fair Work Infoline: 13 13 94

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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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