

Court action over alleged \$19,000 underpayment of Brisbane employee

18 April 2012

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 is prosecuting the operators of a Brisbane photography business for allegedly underpaying an employee more than \$19,000.

Facing court is New Image Photographics Pty Ltd, a Woolloongabba-based company engaged in portrait photography.

Also facing court is the company's majority owner and sole director, Bryan Charles Bedington.

It is alleged an employee who performed telemarketing and administrative duties for the company was underpaid \$19,009 between April, 2006 and September, 2009.

The female employee, aged in her 60s, passed away in 2010, but the Fair Work Ombudsman is continuing to pursue the matter at the request of her husband.

The deceased employee was allegedly underpaid the minimum hourly rate she was entitled to as a casual worker.

It is alleged she was paid \$13.95 to \$15 an hour during her employment but was entitled to receive \$16.74 to \$18.65 an hour.

It is alleged the employee was back-paid \$3000 in 2009 but that \$16,009 remains outstanding.

Fair Work inspectors discovered the alleged underpayment when they investigated a complaint from the woman.

New Image Photographics allegedly also failed to keep proper employment records.

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

Mr Bedington was allegedly involved in New Image Photographics committing multiple breaches of workplace laws.

He and the company face maximum penalties per breach of up to \$6600 and \$33,000 respectively.

The Fair Work Ombudsman is also seeking a Court Order for the company to pay the allegedly outstanding entitlements to the deceased woman's estate.

The case will be heard in the Federal Magistrates Court in Brisbane.

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

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

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