

Sydney childcare centre allegedly underpaid teenage employees \$8000

20 August 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 owner-operator of a Sydney childcare centre for allegedly underpaying three teenage employees more than \$8000.

Facing court is Blacktown woman Gina Moelau, who owns and runs the 'Rainbow Paradise Pre-School' childcare centre at Blacktown, which specialises in long day care for special needs children.

Also facing court is Ms Moelau's private company Rainbow Paradise Preschool Childhood Development and Education Long Day Care Centre Pty Ltd, through which she operates the childcare centre.

It is alleged that Ms Moelau's company underpaid three employees at the childcare centre a total of \$8491 between July, 2009 and November, 2011.

Each of the three employees was aged 19 when they started working at the centre. Two of the employees performed duties including supervising children, while the third prepared meals and cleaned.

It is alleged the employees were variously underpaid their minimum wages and hourly rates, annual leave entitlements and wages in lieu of notice of termination. One employee was allegedly not provided with paid rest breaks.

It is also alleged that Notices to Produce employment records issued by Fair Work inspectors were not complied with and that laws relating to frequency of pay and pay slips were breached.

The alleged underpayments of individual employees are \$4708, \$2258 and \$1525.

Fair Work inspectors first discovered the alleged underpayments when they investigated complaints from the employees.

It is alleged that Ms Moelau knew the three employees were being underpaid because inspectors had previously provided her with information on lawful pay rates when investigating several other underpayment complaints against her business. The complaints were resolved through Ms Moelau's business voluntarily back-paying employees.

Fair Work Ombudsman Nicholas Wilson says the history of underpayment complaints and involvement of vulnerable, young workers were key factors in the decision to prosecute.

The Fair Work Ombudsman alleges Ms Moelau and her company committed several breaches of workplace laws. They face maximum penalties per breach of up to \$6600 and \$33,000 respectively.

The Fair Work Ombudsman is also seeking a Court Order for Ms Moelau's company to rectify the alleged underpayments of the employees. A directions hearing is listed for September 7 in the Federal Magistrates Court in Sydney.

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.

Media inquiries:

Ryan Pedler, Assistant Director, Media & Stakeholder Relations
(03) 9954 2561, 0411 430 902
ryan.pedler@fwo.gov.au

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

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