

## Young fitness centre employees allegedly paid just 73 cents an hour

30 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.

A former Melbourne martial arts and fitness centre paid its young trainees - some as young as 15 - less than a dollar an hour, the Fair Work Ombudsman alleges.

Documents lodged in the Federal Magistrates Court in Melbourne allege the trainees should have been paid between \$8 and \$16 an hour.

The Fair Work Ombudsman has launched a prosecution against Croydon man David Michael Auty and his company Revolution Martial Arts Pty Ltd.

Mr Auty and his company formerly operated a centre on Dorset Road at Boronia.

After investigating a complaint lodged by an employee, the Fair Work Ombudsman found that 17 staff at the fitness centre were allegedly underpaid a total of \$67,320 between July, 2009 and April, 2012.

More than \$64,000 of the total underpayment allegedly relates to 12 trainees aged between 15 and 21 at the time who were completing Certificates in Sports or Fitness.

The largest alleged underpayment was \$12,349 of a teenage male trainee.

The Fair Work Ombudsman's Statement of Claim alleges that Mr Auty made unauthorised deductions from the trainees' wages for such things as club membership and administration fees - which resulted in them receiving actual payments of between 73 cents and \$2.74 an hour.

It is further alleged that annual leave entitlements were not paid and that workplace laws relating to employment records were breached.

The Fair Work Ombudsman says Mr Auty and his company did not begin to rectify the underpayments until after the Agency had initiated legal proceedings.

Mr Auty was allegedly advised in 2006 by the Office of Workplace Services, a predecessor agency of the Fair Work Ombudsman, about restrictions on making deductions from employee wages.

Fair Work Ombudsman Nicholas Wilson says a decision to prosecute was made because of the significant amount involved for young and vulnerable workers.

Mr Auty faces maximum penalties of up to \$6600 per breach and his company faces penalties of up to \$33,000 per contravention.

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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## Contact us

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

Fair Work Infoline: 13 13 94

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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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