

Court fines Melbourne business over underpayment of labourer

29 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 former operators of a Melbourne metal work business have been fined a total of \$10,500 and ordered to back-pay an underpaid employee more than \$13,000.

Cheltenham man Neil Haig Brown has been penalised \$1000 and his private company Haig Brown Industries Pty Ltd - through which he formerly operated a metal work business based at Moorabbin - has been fined a further \$9500.

Federal Magistrate Heather Riley imposed the fines after Brown admitted his company underpaid a labourer a total of \$13,274 between February, 2006 and September, 2008.

Federal Magistrate Riley ordered Haig Brown Industries to fully rectify the underpayment of the employee - and also ordered Brown to pay his personal fine directly to the underpaid employee.

The fines and back-payment orders, imposed in the Federal Magistrates Court in Melbourne, are the result of an investigation and prosecution by the Fair Work Ombudsman.

The majority of the underpayment of the employee, who was aged in his late 20s at the time, was the result of him being paid \$11.55 an hour when he was entitled to be paid more than \$13 an hour.

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

Fair Work inspectors discovered the underpayments when they investigated a complaint lodged by the employee in 2010. Pay slip laws were also breached.

Fair Work Ombudsman Nicholas Wilson says the Court's decision should remind employers that failing to pay an employee their full lawful entitlements is a serious matter.

"Successful prosecutions such as this also benefit employers who are complying with workplace laws because it helps them to compete on a level playing field," Mr Wilson said.

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

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.