

## Retail employee in regional Victoria allegedly underpaid almost \$30,000

16 July 2013

The Fair Work Ombudsman has launched legal action against the operators of a retail business in regional Victoria, alleging an employee was underpaid almost \$30,000.

Facing Court is Westlink International Pty Ltd, which trades as Glenelg Auction Centre, a Portland-based business that sells a variety of new and used goods by retail sale and auction.

Also facing Court is the business's manager and part-owner Brian O'Halloran, of Portland.

It is alleged that a casual retail employee at the business was underpaid a total of \$29,792 between 2007 and 2010.

It is alleged the underpayment is largely the result of the employee, then aged in his 40s, being paid flat hourly rates starting at \$15 and later increasing to \$20.

This allegedly resulted in underpayment of the employee's casual loadings, as well as penalty rates for weekend and public holiday work, for which he was entitled to receive more \$30 an hour in some instances.

The employee was allegedly also not paid-out his accrued annual leave entitlements after he resigned.

Fair Work Inspectors discovered the alleged underpayments when they investigated a complaint lodged by the employee.

Fair Work Ombudsman executive director, Steve Ronson, said the significant amount involved and the failure to rectify the alleged underpayment were significant factors in the decision to commence legal action.

Mr O'Halloran was allegedly involved in Westlink International committing multiple breaches of workplace laws. He faces penalties of up to \$6,600 per breach and the company faces penalties of up to \$33,000 per breach.

The Fair Work Ombudsman is also seeking a Court Order for the company to fully rectify the alleged underpayment.

A directions hearing is listed in the Federal Circuit Court in Melbourne on July 17.

Employers and employees seeking assistance should visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available by calling 13 14 50.

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Fair Work Infoline: 13 13 94

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