

Perth retail outlet underpaid vulnerable, young employee and sacked him for complaining

10 June 2013

A Perth retailer breached workplace laws when it underpaid a vulnerable, young employee and then dismissed him when he complained, the Fair Work Ombudsman has found.

Empire Memorabilia Pty Ltd, which trades as Empire Toys in the Perth CBD and specialises in science fiction memorabilia, has also been found to have underpaid a second former employee.

As part of an Enforceable Undertaking entered into with the Fair Work Ombudsman as an alternative to litigation, the retailer has admitted the breaches and agreed to back-pay the workers and revamp its workplace policies.

The retailer underpaid a 20-year-old worker with mild learning difficulties when it employed him as a shop assistant through an employment program that involves employers receiving a wage subsidy when they take on certain workers.

The employee was entitled to receive \$17.52 an hour for about two weeks' work in September, 2012, but Empire Memorabilia paid him only \$13.66 an hour.

When employment program representatives, on the employee's behalf, raised the matter with the retailer's manager, the manager stated "it was all too difficult" and dismissed the employee, who then left the store in an agitated state.

The Fair Work Ombudsman investigated after the employee lodged an official complaint and Empire Memorabilia back-paid him \$301 in wages.

The retailer has now admitted that it breached workplace laws by taking adverse action against the employee when it dismissed him after he complained - and has agreed to back-pay him a further \$666, being wages in lieu of notice.

As part of the Enforceable Undertaking, Empire Memorabilia has also agreed to: rectify a \$1060 underpayment discovered by the Fair Work Ombudsman of another former employee; issue written apologies; take out a newspaper advertisement detailing its breaches; develop processes to ensure ongoing compliance; and commission workplace relations compliance training.

Acting Fair Work Ombudsman, Michael Campbell, said the matter highlighted that it was not acceptable for employers to breach employees' basic workplace rights.

"Employees have fundamental rights to be paid lawful minimum entitlements and treated with dignity and respect in the workplace," Mr Campbell said.

Employers and employees seeking assistance should visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94.

Find out more:

- [Enforceable Undertaking - Empire Memorabilia \(PDF 3.5MB\) \(www.fairwork.gov.au/ArticleDocuments/721/Empire-Memorabilia-EU.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/721/Empire-Memorabilia-EU.pdf.aspx)

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Contact us

Fair Work Online: www.fairwork.gov.au

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