

Court action over alleged \$66,000 underpayment of Mildura worker

17 June 2013

The Fair Work Ombudsman has launched legal action against a Mildura business and its Director, alleging a worker was underpaid more than \$66,000 over a six year period.

The case against Mildura Battery Company Pty Ltd and Director of the company, Michael John Marquick, has been lodged in the Federal Circuit Court in Melbourne.

The Fair Work Ombudsman will allege in court that the company and Mr Marquick, who interviewed and hired the worker as a trainee in 2005, paid an hourly rate of pay below his minimum entitlements and which did not change in six years.

As a consequence, the Fair Work Ombudsman alleges the worker is entitled to \$66,580.17 in unpaid wages.

Documents lodged in court by the Fair Work Ombudsman allege the worker performed duties for the Mildura Battery Company Pty Ltd, which operated a wholesale battery business. It is alleged that Mr Marquick was a Director and responsible for the day-to-day management of the company.

The Fair Work Ombudsman will allege in court that the worker was underpaid his minimum hourly entitlements, annual leave loading and overtime entitlements.

Acting Fair Work Ombudsman, Michael Campbell, said the significant amount of money involved and the failure to rectify the alleged underpayments were significant factors in the decision to commence legal action.

He said the fact that the employee was a trainee when the underpayments first began and the extended time period over which the underpayments are alleged to have occurred were also key factors in taking the case to court.

The case alleges multiple breaches of workplace laws against both the company and Mr Marquick. They face penalties per breach of up to \$51,000 against the company and \$10,200 against Mr Marquick. In addition to penalties, the Fair Work Ombudsman is also seeking court orders that the underpayments to the worker be rectified.

A directions hearing is listed in the Federal Circuit Court in Melbourne on Wednesday, 19 June.

Employers and 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.

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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

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