

## National advertising company faces court over alleged \$59,000 underpayment of employees

10 March 2013

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 Fair Work Ombudsman has launched legal action against a national advertising company, alleging it underpaid 45 employees in Brisbane, Sydney, Melbourne and Adelaide, many of whom were young and foreign workers, almost \$60,000.

OHMedia Melbourne Pty Ltd and company director and part-owner Wen Zhou, of Melbourne, also known as Joseph Chou, will face the Federal Magistrates Court in late March.

It is alleged OHMedia Melbourne underpaid the 45 casual employees a total of \$59,145 in a period of less than one month between March and April, 2011.

The employees worked at stalls outside supermarkets promoting prepaid SIM cards and top-up vouchers supplied by global telco Lycamobile, which had contracted OHMedia Melbourne to promote its products.

Several of the employees are foreign nationals who were in Australia on student and working holiday visas.

It is alleged that more than \$48,000 of the underpayment relates to 34 Brisbane-based employees - including seven juniors aged between 18 and 21 - who worked up to 133 hours without being paid.

The other employees were located across Melbourne (five employees), Adelaide (four) and Sydney (two).

Complaints by employees to the Fair Work Ombudsman prompted a detailed investigation, which revealed the extent of the alleged underpayments.

Fair Work Ombudsman, Nicholas Wilson, said the significant amount of the alleged underpayment and the vulnerability of the employees were key factors in the decision to prosecute.

"Foreign workers may not necessarily be aware of their full entitlements in the workplace and are therefore particularly vulnerable," Mr Wilson said.

Mr Zhou was allegedly directly involved in the breaches of workplace laws by OHMedia Melbourne. They face penalties of up to \$6600 and \$33,000 per breach respectively.

The Fair Work Ombudsman is also seeking a Court Order for back-payment for the affected employees. A directions hearing is listed in the Federal Magistrates Court in Brisbane on March 27.

Lycamobile Pty Ltd itself was recently fined \$59,400 by the Federal Magistrates Court for underpaying 13 staff in Brisbane and Adelaide \$28,000.

Employers or 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 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

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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