

## Back-pay secured for estate of deceased Brisbane worker

10 May 2013

A Fair Work Ombudsman litigation has led to the recovery of \$19,000 in wages for the estate of an underpaid Brisbane worker who passed away three years ago, as well as \$53,460 in fines against the operators of the business she worked for.

New Image Photographics Pty Ltd, a Woolloongabba-based company engaged in portrait photography, underpaid the casual employee \$19,314 when she performed telemarketing and administrative duties between 2006 and 2009.

After lodging a complaint with the Fair Work Ombudsman, the employee, aged in her 60s, passed away in 2010.

The Fair Work Ombudsman continued to pursue the matter at her husband's request and launched a litigation last year after the company failed to rectify the underpayment.

The company finally back-paid all outstanding wages to the employee's estate earlier this month.

In addition, the Federal Circuit Court in Brisbane has now fined New Image Photographics \$42,900 and fined the company's majority owner and sole director, Bryan Charles Bedington, a further \$10,560.

Acting Fair Work Ombudsman, Michael Campbell, said the case illustrated a commitment to ensuring employees and their families received their full lawful entitlements for work performed.

"Receiving lawful minimum wages for work performed is a fundamental right for every worker and this case illustrates the lengths that the staff of the Fair Work Ombudsman will go to ensure that occurs," Mr Campbell said.

"We will not tolerate employers significantly underpaying employees' wages and then failing to promptly rectify the matter once it is brought to their attention."

In his judgment, Judge Michael Jarrett said a clear message needed to be sent to employers that underpayment of wages and entitlements is unacceptable.

"It is imperative that the correct entitlements for employees be paid and that steps be taken by all employers, irrespective of the size of their enterprise, to properly ascertain and comply with minimum statutory requirements," he said.

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.

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