

Court action over alleged \$49,000 underpayment of employees in Adelaide and Sydney

21 May 2013

The Fair Work Ombudsman has launched legal action against the former operator of an environmental control products company, alleging eight employees in Sydney and Adelaide were underpaid a total of \$49,000.

Facing Court is Sydney man Simon Forbes Oke, who was the majority owner and sole director of Ozone Manufacturing Pty Ltd before the company was placed into liquidation earlier this year.

Ozone Manufacturing was involved in designing, manufacturing and distributing environmental control products for dust and fume control, and air and water purification.

The company had a manufacturing site at Woodville North, in Adelaide and a sales operation based at Balmain, in Sydney.

It is alleged Mr Oke, of Rozelle, was involved in underpaying five manufacturing employees in Adelaide a total of \$17,018 and three sales employees in Sydney a total of \$31,984 in wages, annual leave and personal leave entitlements between January and October, 2012.

The Fair Work Ombudsman will allege in court that the employees had also been underpaid further annual leave entitlements and superannuation which have not yet been quantified due to the company's failure to comply with Notices to Produce employment records issued by the Fair Work Ombudsman.

Under the Fair Work Act, employers must comply with requests from the Fair Work Ombudsman to provide records relating to employees and former employees.

Breaches of pay slip and frequency-of-pay laws are also alleged.

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

Mr Oke was allegedly involved in multiple breaches of workplace laws. He faces penalties of up to \$6,600 per breach.

A directions hearing is listed in the Federal Circuit Court in Adelaide on May 29.

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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Fair Work Online: www.fairwork.gov.au

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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

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