

## Penalty for failing to pay Chinese worker

16 April 2014

The operators of a Brisbane business have been fined a total of \$21,420 and ordered to back-pay a young Chinese worker more than \$10,000.

Information technology consultancy Extradoss Solutions Pty Ltd has been penalised \$17,850 and company director Peter Johnson a further \$3570.

The Federal Circuit Court in Brisbane has imposed the penalties following an investigation and litigation by the Fair Work Ombudsman.

The legal proceedings followed a failure by Extradoss Solutions and Johnson to comply with a Compliance Notice issued by the Fair Work Ombudsman.

The formal notice - one of a number of compliance tools used by the Fair Work Ombudsman - required them to back-pay an employee who had not been paid any wages for work he had performed.

Judge Michael Jarrett has also ordered the company to back-pay the employee a total of \$10,813 in wages and annual leave entitlements owed to him.

The employee, aged in his early 20s, is a Chinese national who speaks limited English who was in Australia on a 457 visa when he worked for Extradoss Solutions last year.

Fair Work Ombudsman Natalie James says inspectors made extensive efforts to facilitate back-payment of the worker before legal proceedings were commenced.

"This employer is now facing a Court order for back-payment as well as a penalty which could have been avoided if it had co-operated with us in the first instance," she said.

"The failure to back-pay the outstanding wages is not only a fundamental breach of workplace laws and the employee's rights, it's also proven to be a poor business decision."

Fair Work inspectors identify underpayments at thousands of businesses nationally each year and resolve the vast majority of matters by working co-operatively with employers, guiding them through the back-payment process and assisting them to put systems in place to ensure they pay staff correctly in future.

Employers who receive Compliance Notices should be aware that the Fair Work Ombudsman is simply seeking to recover wages that should have been paid in the first instance and is not seeking to be punitive.

However, the Fair Work Ombudsman is willing to initiate legal proceedings where Compliance Notices are not complied with and it is in the public interest to do so.

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