

Company and director to face legal action after compensation order goes unpaid

13 August 2014

In an Australian first, a Melbourne company will face legal action for ignoring a Fair Work Commission order to compensate a young employee who had been unfairly dismissed.

The Fair Work Ombudsman has commenced legal proceedings against World Gym Sunshine Pty Ltd, a fitness club based at Sunshine in Melbourne's western suburbs.

Also facing the Federal Circuit Court will be the company's sole director and part-owner, Wayne George Mailing, of Brighton.

In January, the Fair Work Commission ordered World Gym Sunshine to pay \$2200 compensation within 14 days to a 24-year-old receptionist it found had been unfairly dismissed.

The employee contacted the Fair Work Ombudsman seeking assistance after the compensation was not paid.

The Fair Work Ombudsman issued several notices requesting the company to comply with the Commission's Orders, but they were ignored.

"Our inspectors made extensive efforts to engage with this business to try to resolve the matter, but were not able to secure any co-operation," says Fair Work Ombudsman Natalie James.

She says her Agency has an important role to play in enforcing orders issued by the Fair Work Commission.

"Compliance is fundamental for the integrity of the workplace relations system and employers should be aware that we are prepared to take action where appropriate," she said.

World Gym Sunshine faces a maximum penalty of \$51,000 and Mr Mailing faces a maximum penalty of \$10,200.

The Fair Work Ombudsman is also seeking a Court Order for the company to pay the outstanding compensation.

A directions hearing is listed for September 19.

Since May, 2012, the Fair Work Ombudsman has investigated 10 matters relating to alleged non-compliance with Fair Work Commission Orders.

Seven were the result of employee requests for assistance and three as a result of referrals from the Commission.

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available by calling 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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