

Marketing company operator to face court over allegedly unlawful internships

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A Melbourne business operator faces court action following a Fair Work Ombudsman investigation into unpaid internships at her former marketing company.

Naomi-Jayne Aldred owned and operated Nexus Coaching Group Pty Ltd before the business went into liquidation last year.

Documents lodged in the Federal Circuit Court allege Ms Aldred's business failed to pay two interns anything at all for three months' casual work.

Nexus Coaching Group allegedly advertised for an unpaid intern in 2012, suggesting it was an opportunity for someone to break into the marketing industry.

The successful applicants were a 22-year-old Melbourne woman who had recently completed a university graphic design course and a 30-year-old international student from Thailand who had completed a TAFE multimedia course and was studying for a Master's degree.

The Fair Work Ombudsman claims the two performed about three months of part-time work, undertaking various graphic design, marketing and multimedia work, but were not paid any wages - despite being entitled to receive more than \$1500 each for the period.

The two were allegedly made employees of Nexus after three months, but were paid less than the minimum wages they were entitled to under the Graphic Arts Printing and Publishing Award 2010.

A third Nexus employee - who was aged 25 at the time and performed receptionist and marketing assistant duties - was allegedly also underpaid during this time.

The Fair Work Ombudsman claims Ms Aldred subsequently breached sham contracting laws when she attempted to reclassify the three employees as independent contractors.

All three allegedly refused to be reclassified as contractors, and were offered no further work, except for one employee who performed 7.5 hours casual work.

The three employees were allegedly underpaid a total of \$10,184.

Fair Work inspectors discovered the alleged underpayments when they investigated requests for assistance from the employees.

Ms Aldred allegedly breached record-keeping laws and failed to comply with a notice issued by Fair Work inspectors.

Fair Work Ombudsman Natalie James says employers need to be aware they are at risk of breaching workplace laws if they use unpaid work schemes as a source of free labor.

She says a lack of co-operation from Ms Aldred, the failure to fully rectify the alleged underpayments and the involvement of young and vulnerable workers were all significant factors in the decision to commence legal action.

"It is also of concern that after placing Nexus Coaching into liquidation, Ms Aldred is continuing to operate a marketing business in Melbourne through a different corporate entity and continues to employ workers," Ms James said.

Employers and employees seeking assistance on workplace relations issues should 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.

Helpful online tools include PayCheck Plus and an Award Finder to assist business owners and employees determine the correct award and minimum wages for their industry, templates for pay slips and time-and-wages records and a range of fact sheets on workplace entitlements.

Dedicated website resources for small businesses include a Fair Work Handbook and tips for new employers about hiring staff.

Earlier this month, the Fair Work Ombudsman released an 'update' on its work since commissioning a report into unpaid work and internships.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](http://twitter.com/NatJamesFWO) , the Fair Work Ombudsman [@fairwork_gov_au](http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au .

Find out more:

Media release:

- [Internships & unpaid work - update \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/august-2014/20140812-interns-unpaid-work-update\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/august-2014/20140812-interns-unpaid-work-update)

Copy of original report:

- [Experience or Exploitation? The Nature, Prevalence and Regulation of Unpaid Work Experience, Internships and Trial Periods in Australia \(PDF 4.5MB\) \(www.fairwork.gov.au/ArticleDocuments/763/UW-complete-report.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/763/UW-complete-report.pdf.aspx)

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Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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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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