

Former company director fined \$28,000 over underpayment of eight employees

12 March 2014

The former director of an environmental control products company who was involved in underpaying eight employees in Adelaide and Sydney has been fined \$28,000.

The Federal Circuit Court in Adelaide has imposed the penalty against Sydney man Simon Forbes Oke following legal action by the Fair Work Ombudsman.

Oke was the majority owner and sole director of Ozone Manufacturing Pty Ltd before the company was placed into liquidation last year.

The Court ordered the penalty be paid to the eight underpaid employees.

They are still owed a total of more than \$73,000.

Ozone Manufacturing was involved in designing, manufacturing and distributing 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 at Balmain in Sydney.

Five manufacturing employees in South Australia were underpaid a total of \$17,018 and three sales employees in NSW were underpaid a total of \$56,036 in wages, annual leave and personal leave entitlements between January and October, 2012.

Oke, of Rozelle, was also involved in a failure to comply with a Notice to Produce employment records.

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

Workplace laws relating to superannuation and frequency-of-pay were also breached.

"We do not apologise for taking legal action when employers dismiss the efforts of Fair Work inspectors to resolve these issues voluntarily," Fair Work Ombudsman Natalie James said today.

She said the penalty should serve as a reminder to other company directors that they can face personal liability for their actions.

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94.

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Fair Work Online: www.fairwork.gov.au

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