

Court action over failure to pay compensation

12 February 2015

A Melbourne business is facing Court for allegedly ignoring a Fair Work Commission order to compensate an employee who had been unfairly dismissed.

The Fair Work Ombudsman has commenced legal proceedings against Arlington Catering & Events Pty Ltd.

In August last year, the Fair Work Commission ordered the company to pay \$15,384 compensation to a function and bar manager it found had been unfairly dismissed in 2013, after nine years' service.

The employee lodged a complaint with the Fair Work Ombudsman after the compensation was not paid within the required 21 days.

The Fair Work Ombudsman made several requests for the company to comply with the Commission's Orders, but the company did not pay the compensation.

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

The compensation remains unpaid.

Ms James says her Agency has an important role to play in enforcing Orders issued by the Fair Work Commission.

"Building a culture of compliance with workplace law is important, and employers should be aware that we are prepared to take action where appropriate," she said.

Arlington Catering & Events faces a maximum penalty of \$51,000 and the Fair Work Ombudsman is also seeking an additional Court Order for the company to pay the outstanding compensation to the employee.

A directions hearing is listed in the Federal Circuit Court in Melbourne for February 19.

It is one of a number of Fair Work Ombudsman litigations alleging breaches of a Fair Work Commission Order to pay unfair dismissal compensation.

In the one case that has been finalised, Melbourne company World Gym Sunshine Pty Ltd and its director Wayne George Mailing were fined almost \$50,000 in September, 2014 for ignoring an order to pay \$2200 compensation to a young employee (see [Company, director fined almost \\$50,000 for ignoring unfair dismissal compensation Order media release \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/september-2014/20140930-world-gym-penalty\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/september-2014/20140930-world-gym-penalty)).

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?

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Hearing & speech assistance

Call through the National Relay Service (NRS):

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