

Health club stood down fitness instructor who queried wages & entitlements

1 July 2015

The owner of two health clubs in Launceston has been required to pay compensation to a casual fitness instructor stood down for questioning his entitlements.

The Fair Work Ombudsman has ruled that the stand-down was unlawful and that the employee be reimbursed \$2179 for lost wages.

The worker suffered financial difficulties after losing his income and was forced to vacate his rental accommodation.

Fair Work Ombudsman Natalie James says employees cannot be stood down for asking about their wages and conditions.

“It is every worker’s right to make an inquiry or complaint in relation to their employment, without fear of reprisal,” she said.

“At the Fair Work Ombudsman, we pro-actively encourage employees to take their disputes directly to their employer in the first instance and to try to resolve the issue without the need for our intervention.”

Ms James says the fitness instructor, who had been employed from July, 2012 until September, 2014, was stood down and not offered any work for 10 weeks after he complained about his wages.

His employer, Mark Connelley, who trades as EFM Windsor and EFM Launceston, has now signed an Enforceable Undertaking (EU) with the Fair Work Ombudsman as an alternative to litigation.

Ms James says Mr Connelley was given several opportunities to resolve the matter, but failed to do so, leaving the Agency with no option but to take enforcement measures.

Under the terms of the EU, Mr Connelley will:

- Pay \$2179 compensation to the employee by October 30,
- Issue an apology to the affected employee,
- Place a public notice in the Launceston Examiner detailing his contraventions and action taken to remedy them,
- Display a workplace notice at both his work sites explaining the incident,
- Register with the Fair Work Ombudsman’s Online tool, My Account,
- Undergo ‘Hiring an Employee’ Training, and
- Develop and implement a workplace grievance and complaints procedure.

The Fair Work Ombudsman’s website - www.fairwork.gov.au - contains a range of tools and resources to assist employers and workers understand and comply with workplace laws.

Small to medium-sized businesses without human resources staff can ensure they are better equipped when hiring, managing and dismissing employees by using the free template employment documentation available online.

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

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Download:

- [EFM Windsor and EFM Launceston Enforceable Undertaking \(DOCX 103KB\)](http://www.fairwork.gov.au/ArticleDocuments/837/enforceable-undertaking-efm-windsor-and-efm-launceston-redacted.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/837/enforceable-undertaking-efm-windsor-and-efm-launceston-redacted.docx.aspx) (PDF 1.5MB) (www.fairwork.gov.au/ArticleDocuments/837/enforceable-undertaking-efm-windsor-and-efm-launceston-redacted.pdf.aspx)

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