

Court action over failure to pay compensation

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A Victorian petrol station operator fined more than \$120,000 last year for deliberately underpaying staff is again facing legal action – this time for allegedly ignoring an order to pay compensation to an unfairly dismissed employee.

The Fair Work Ombudsman has commenced proceedings against Wedderburn Petroleum Pty Ltd, which formerly operated a petrol station at 117 High Street, Wedderburn, north-west of Bendigo.

In April last year, the Fair Work Commission ordered the company to pay \$5000 compensation to an employee it found had been unfairly dismissed in 2013 after working as a console operator and manager for more than two-and-a-half years.

The employee turned to the Fair Work Ombudsman for help after the compensation was not paid within the required 14 days.

The Fair Work Ombudsman made several requests for the company to comply with the Commission's Orders.

"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 legal action comes after Wedderburn Petroleum was last year fined \$123,915 in Court for underpaying two other console operators a total of almost \$50,000. That fine was also the result of legal action by the Fair Work Ombudsman.

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.

Wedderburn Petroleum 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 due in the Federal Circuit Court in Melbourne today.

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.

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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