

Childcare centre fined over underpayments

20 November 2015

The operators of a Sydney childcare centre have been fined a total of \$14,083 after underpaying three teenage employees.

The penalty has been imposed against Sydney woman Gina Moelau and her company Rainbow Paradise Preschool Childhood Development and Education Long Day Care Centre Pty Ltd.

The penalty was imposed in the Federal Circuit Court in Sydney following legal action by the Fair Work Ombudsman.

Moelau and her company operate the 'Rainbow Paradise Pre-School' childcare centre at Blacktown.

They underpaid three employees a total of \$8214 between July, 2009 and November, 2011.

One employee received no money for her employment, while another was paid an average of \$6.43 an hour when the correct hourly rate was \$16.72.

The third employee was paid an average of between \$11.27 and \$13.41 when the correct hourly rate was \$18.23.

As well as imposing a penalty, the Court also ordered Moelau's company to back-pay the employees, and they have now been reimbursed all outstanding entitlements.

Each of the employees was aged 19 when they started working at the centre. It was the first job for two of the employees and the first full-time role for the other employee, who had completed a traineeship prior to commencing the role.

Two of employees supervised children, while the third prepared meals and cleaned.

The employees were variously underpaid their minimum wages and hourly rates, annual leave entitlements and wages in lieu of notice of termination. One employee was not provided with paid rest breaks.

In addition, two Notices to Produce employment records issued by Fair Work inspectors were not complied with and laws relating to frequency-of-pay and pay slips were breached.

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

The Fair Work Ombudsman had previously received requests for assistance from six other employees at the childcare centre, which were resolved through voluntary assistance after the Fair Work Ombudsman intervened.

Employers or employees seeking assistance can contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au. A free interpreter service is available on 13 14 50.

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