

[[Previous](#)] [[Major News - ACTU Mentions](#)] [[Next](#)]

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Cleaning 'contractor' seeks \$45,000 in unpaid wages

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A CLEANER at the Carlton IMAX cinema is taking his employer to court claiming unpaid wages of \$45,000 in a case unions say highlights the inadequacies of independent contracting laws.

Fonda Panayiotakis has worked for CMC Corporate Services since December 1998.

For nearly five years he worked eight hours a day, seven days a week cleaning the theatre, for which he was paid a flat rate of \$12.50 an hour without penalty rates for night and weekend shifts. He also worked an extra six hours most nights cleaning two pubs, for which he also received \$12.50 an hour.

"It's going to sound silly but I went along with what (my boss) said because he told me: 'That's what we can afford, \$12.50, take it or leave it'," Mr Panayiotakis said. "I'd been out of work for about a year and I just took it."

In 2003, realising he was being "ripped off", Mr Panayiotakis joined the Liquor, Hospitality and Miscellaneous Union, which took up his case. He then started receiving penalty payments, but not at the right rate and not including wage rises based on the annual minimum wage increases granted by the Australian Industrial Relations Commission.

Mr Panayiotakis said that when he launched action against the company, his boss cut two days from his roster.

The union has taken action on his behalf in the Magistrates Court. The case will be heard tomorrow.

According to the union, CMC Corporate Services has filed a defence stating Mr Panayiotakis was paid the correct rate and was not entitled to award increases because he was an independent contractor. But Mr Panayiotakis said he was required to wear a CMC uniform, had accumulated annual

leave, and had superannuation contributions and income tax paid on his behalf by the company.

The company's solicitor declined to comment, saying the matter was before the courts.

ACTU president **Sharan Burrow** said the case highlighted the inadequacies of the Federal Government's independent contractor legislation, which claims to protect workers from "sham" contracting arrangements.

Caption :PHOTO: Out on a limb: Fonda Panayiotakis says he was "ripped off". PICTURE: PENNY STEPHENS

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