

My Name is Maxim Zintchenko

I think that my story is raising a few questions about Fair Work Commission (FWC), Fair Work Ombudsman (FWO), Australian Tax Office (ATO) and court system.

I worked for a 2 small companies from 2011 until March 2017. That companies runs by the same individual for that time. Companies had a contract for servicing Melbourne suburbs with big national courier company. My job was a courier driver. When I started this job I was told that I am s sub contractor and i have to have an ABN. I didn't pay attention because I was just happy to get a job. I worked for 6 years without any issues. In the middle of the March 2017 I was terminated and lost my job in 2 days. Bosses told me that because they think I steal a parcel. Police investigation took the place but after checking CCTV and interview police find that there was no evidence against me. During that time (police investigation) I contacted FWO regarding my termination. I explained them what happened to me and FWO recommended contacting FWC, because my work conditions looks like a full time job not a sub contract job. I find a lawyer (no win no fee) to represent me in FWC. After a year FWC find me a full time employee and rewarded me for unfair dismissal. That decision made in March 2018. After that I made a complain to FWO regarding unpaid holiday, shame contract and wage theft. FWO spend rest of 2018 for investigation. The result of investigation was in my favour. FWO find that companies breached 7 sections of Fair Work Act, but refused to continue take any actions because it wasn't in public interest. An investigation of ATO (unpaid superannuation) was taking, after my complain, and result was in my favour as well.

The result of 2 years of fighting for my rights:

FWC, FWO and ATO investigations in my favour. That means that all Australian Government Departments confirmed that companies and director breached Fair Work Act.

FWC were powerless to demand compensation (amount wasn't paid).

FWO refuse to proceed to act against companies and director.

ATO taking actions so slow that I have no idea at which stage I am now.

After all I Started a Federal Circuit Court procedure in February 2019, and had the Judgment delivered in December 2019. That judgement disappointed me, because the Judge had decided that a defender is not guilty because he didn't know that his actions was against the law. I can't believe that defender actions, as a single person in that companies and the director for his companies (he is in that business model more than 10 years), wasn't aware of law breaches.

I am so frustrated about a whole story because no one there to help me. All departments agree with fact that there are violations of Fair Work Act, but all of them powerless to punish perpetrator.

Even the Federal Circuit Court taking so long time to make a decision (public fund cost) regardless that all evidence and previous investigations and result of that investigations (FWC, FWO, ATO) made by government departments. That raises a biggest questions:

IS AN AUSTRALIAN LAW SYSTEM DESIGNED TO PROTECT PEOPLE OR JUST TO PROTRACT PROCEDURES, SO APPLICANTS WILL JUST GIVE UP.

SECTION 550(2)(C) OF FW ACT GIVES ANY DIRECTOR OF ANY COMPANY (SMALL OR BIG) POSSIBILITY TO AVOID RESPONSIBILITY FOR FW ACT BREACHIES REGARDLESS OF CORPORATION ACT 2001 DIRECTOR RESPONSIBILITIES.