

Melbourne cleaning operator allegedly ignored warnings, exploited overseas workers

12 December 2017

A contract cleaning operator in Melbourne is facing the Federal Circuit Court for allegedly exploiting three overseas workers, despite having been put on notice to pay employees' lawful minimum entitlements.

The Fair Work Ombudsman has commenced legal action against David Leslie Hinchliffe and his company Davdot Pty Ltd, which trades as Davdot Facility Services.

It is alleged Mr Hinchliffe and his company underpaid three casual cleaning employees – all overseas workers - a total of \$10,428 between October 2015 and August 2016.

Davdot employed the workers on a casual basis to perform cleaning duties for its clients.

Fair Work Ombudsman inspectors investigated after the workers lodged requests for assistance.

Most of the alleged underpayment relates to a South Korean worker allegedly short-changed \$8294 for work performed at a serviced apartments complex.

The worker was in Australia on a subclass 801 partner visa and he required an interpreter when speaking with inspectors.

Another of the workers – an international student aged in her early 20s – was allegedly underpaid \$1838 for work at a suburban hotel.

The third worker was allegedly underpaid \$296 for work she performed at another suburban hotel.

The workers were allegedly variously underpaid entitlements including minimum rates for ordinary hours, casual loadings, overtime, minimum engagement pay and penalty rates for weekend and public holiday work.

Laws relating to frequency-of-pay, record-keeping and pay slips were allegedly also breached.

It will be alleged that the underpayments occurred despite the Fair Work Ombudsman having previously conducted investigations relating to alleged underpayments involving Mr Hinchliffe and his company.

Fair Work Ombudsman Natalie James said employers need to understand that failure to rectify issues within their operations would lead to court and the potential for heavy financial penalties.

"We go to great lengths to promote compliance in Australian workplaces. We have a dedicated small business helpline, targeted education campaigns and a wealth of resources freely available," Ms James said.

"So we have no patience for business operators who allegedly commit one breach after another."

Mr Hinchliffe is facing penalties of up to \$10,800 per contravention of workplace laws and his company is facing additional penalties of up to \$54,000 per contravention.

In addition, the Fair Work Ombudsman is seeking Court Orders for Mr Hinchliffe and his company to back-pay the three workers in full; sign-up to the My Account portal at www.fairwork.gov.au and complete the online courses for employers; and commission an external audit of its pay practices and rectify any underpayments discovered.

An injunction restraining Mr Hinchliffe and his company from underpaying employees in future is also being sought. If the injunction is granted, each could face contempt of court proceedings for any further contraventions proven in court.

A directions hearing is scheduled in the Federal Circuit Court in Melbourne on December 19.

Employers and employees seeking assistance can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. An interpreter service is available by calling 13 14 50.

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>).

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at www.fairwork.gov.au/mediareleases (www.fairwork.gov.au/mediareleases) .

Media inquiries:

Ryan Pedler, Assistant Director - Media

Mobile: 0411 430 902

ryan.pedler@fwo.gov.au (<mailto:ryan.pedler@fwo.gov.au>)

Page reference No: 7822

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.