

Court action over alleged exploitation of migrant trolley collectors in Bendigo

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A trolley collection subcontractor is facing Court for allegedly exploiting two migrant workers at Bendigo, in regional Victoria, and using false records to try to cover it up.

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against Jobanjeet Singh and his company Joban's Trolley Collection Pty Ltd.

The Fair Work Ombudsman alleges Mr Singh and his company underpaid two trolley collection workers a total of \$29,031 between January and June, 2015.

The workers were recent migrants from Afghanistan and Pakistan aged 32 and 29. They had recently arrived as refugees and been granted permanent residency. One worker spoke limited English.

Joban's Trolley Collection employed them to work at the Woolworths Bendigo Market Place shopping centre as part of a subcontract it had at the time with United Trolley Collections Pty Ltd. United Trolley Collection no longer holds any contracts with Joban's Trolley Collection and Joban's no longer operates at any Woolworths sites.

The Fair Work Ombudsman's investigation revealed that the two workers had allegedly been paid rates ranging from \$9.73 to \$19.20 an hour.

This allegedly resulted in underpayment of their minimum hourly rates, shift-work loadings, overtime rates and penalty rates for weekend and public holiday work.

They were allegedly also underpaid superannuation and annual leave entitlements.

It is also alleged that during the investigation, Mr Singh and his company knowingly provided Fair Work inspectors with false time-and-wages records that overstated the rates the two workers were paid.

Fair Work Ombudsman Natalie James says legal action has been commenced because of the involvement of vulnerable workers and the seriousness of the alleged conduct.

"Employers should be aware that we treat exploitation of migrant workers particularly seriously," Ms James said.

Mr Singh faces maximum penalties of up to \$10,800 per contravention and Joban's Trolley Collection Pty Ltd faces penalties of up to \$54,000 per contravention for a number of alleged contraventions of the Fair Work Act.

The two workers came forward and lodged requests for assistance during the Fair Work Ombudsman's Inquiry into the procurement of trolley collection services by Woolworths, which involved Fair Work inspectors visiting 130 Woolworths' sites across Australia.

The Fair Work Ombudsman last year released the findings of an [Inquiry into the procurement of trolley collection services by Woolworths Ltd \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/june-2016/20160625-woolworths-trolley-mr\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/june-2016/20160625-woolworths-trolley-mr).

Since the publication of the Inquiry findings, the Fair Work Ombudsman has had constructive discussions with Woolworths aimed at supporting the supermarket giant to establish robust, transparent and accountable management of its trolley collection services and building a culture of compliance in its business.

Coles became the first major supermarket chain to publicly declare it has an "ethical and moral responsibility" to stamp out exploitation of vulnerable trolley collectors when it signed an [Enforceable Undertaking with the Fair Work Ombudsman in October, 2014 \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/october-2014/20141007-coles-eu-presser\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/october-2014/20141007-coles-eu-presser).

Last year, Coles provided a first-year report to the Fair Work Ombudsman on steps it has been taking to stamp out exploitation of trolley collectors across hundreds of its sites, including bringing trolley collection services progressively in-house.

Ms James says she is increasingly concerned about the number of employers from culturally and linguistically diverse backgrounds who are exploiting workers from within their own ethnic communities.

"I want to make it clear to that the lawful obligations to pay minimum wage rates, keep appropriate employment records and issue payslips apply to all employers in Australia and they are not negotiable.

"We welcome the Government's commitments to enhance workplace laws to better protect vulnerable workers, including increasing applicable penalties for serious record-keeping contraventions."

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94.

An interpreter service is available by calling 13 14 50 and information and helpful materials on the website is translated into 27 different languages.

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

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