

Bundaberg transport company allegedly underpaid worker \$11,000 in less than a year

15 February 2018

The Fair Work Ombudsman has commenced legal action against a Bundaberg-based transport company for allegedly underpaying an employee more than \$11,000 over a period of just nine months.

Facing the Federal Circuit Court is Bundaberg Refrigerated Transport Pty Ltd, which transports refrigerated farm produce to various destinations across Australia, including Brisbane, Sydney, Melbourne and Adelaide.

It is alleged the company underpaid a clerical employee in Bundaberg a total of \$11,451 between October 2014 and July 2015.

Bundaberg Refrigerated Transport allegedly paid the employee a flat hourly rate of \$23, despite her being entitled to ordinary hourly rates of up to \$26.09 as a casual employee, up to \$41.74 for overtime and weekend work, and up to \$52.18 on public holidays under the company's enterprise agreement.

The company allegedly also contravened workplace laws by underpaying annual leave entitlements, failing to provide the employee with the terms of her employment in writing, and failing to provide a Fair Work Information Statement when she commenced work.

The Fair Work Ombudsman investigated after the employee lodged a request for assistance.

Bundaberg Refrigerated Transport has now back-paid the employee in full.

It is alleged the underpayment occurred despite the Fair Work Ombudsman having previously informed Bundaberg Refrigerated Transport about its obligation to pay minimum lawful entitlements when investigating underpayment allegations from other workers.

Fair Work Ombudsman Natalie James says the fact that the company had been put on notice to comply was a significant factor in the decision to commence legal action.

"We allege that this business has demonstrated an attitude of disregard for its employment obligations, despite having been formerly placed on notice by my agency that it was not paying workers correctly," Ms James said.

Bundaberg Refrigerated Transport faces maximum penalties of \$54,000 per contravention.

The Fair Work Ombudsman is also seeking orders requiring the company to make hard copies of its enterprise agreement available at its premises, and to display workplace notices containing information about employee entitlements and FWO contact details.

A hearing is listed in the Federal Circuit Court in Brisbane for 3 August 2018.

Employers and employees seeking advice and assistance can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 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>).

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