

Sydney printing business faces Court

8 May 2019

A Sydney printing finishing business and its operator will face the Federal Circuit Court for allegedly failing to satisfy the requirements of a Compliance Notice issued to it by the Fair Work Ombudsman.

Mega Tabs Services Pty Ltd and Mr Lloyd Lam allegedly failed to back-pay \$229,564 to 14 migrant workers, who asked the FWO for assistance.

The workers, in Australia from Korea on 417 working holiday visas, were allegedly paid a flat hourly rate of \$13 to cut, glue and assemble paper and cardboard at the company's Alexandria premises in inner Sydney between November 2013 and November 2015.

This allegedly led to underpayments of base rates of pay, casual loading, afternoon and night shift allowances, public holiday penalty rates and overtime rates owed under the Graphic Arts, Printing and Publishing Award.

For example, workers were allegedly entitled to combined base rates and casual loading of between \$20.63 and \$21.69 per hour, and penalty rates of up to \$54 per hour. Individual workers were allegedly owed between \$4,105 and \$36,666.

In July last year, Fair Work Inspectors issued a Compliance Notice to the company requiring it to pay \$229,564 to the 14 workers by 27 August 2018, which the FWO claims was not complied with.

Fair Work Ombudsman Sandra Parker said Compliance Notices are an important enforcement tool for the regulator.

"Under the Fair Work Act, business operators must not fail to comply with Compliance Notices without a reasonable excuse, unless they make a Court application for a review if they seek to challenge a Notice."

"The Fair Work Ombudsman enforces Compliance Notices to assist employees and protect the integrity of the workplace relations system," Ms Parker said.

"We will continue to prioritise any requests for assistance from migrant workers, who can be particularly vulnerable due to language or cultural barriers, or visa status."

The Fair Work Ombudsman seeks orders for the company and Mr Lam to be liable to pay the \$229,564, plus interest. In addition, the company faces a penalty of up to \$31,500 and Mr Lam of up to \$6,300.

A directions hearing is listed in the Federal Circuit Court in Sydney on 17 June 2019.

The Fair Work Ombudsman has an agreement with the Department of Home Affairs where visa holders can ask for our help without fear of their visa being cancelled.

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Media inquiries:

Matthew Raggatt, Senior Media Adviser

Mobile: 0466 470 507

matthew.raggatt@fwo.gov.au (mailto:matthew.raggatt@fwo.gov.au)

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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