

Trucking business faces court

27 February 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against Trucking Services Pty Ltd, a road transport business based on the Gold Coast.

The Fair Work Ombudsman alleges Trucking Services breached the Fair Work Act by failing to comply with a Compliance Notice requiring it to calculate and back-pay entitlements owed to a truck driver for work he completed between June 2017 and August 2018.

A Fair Work Inspector issued the Compliance Notice in October 2019 in response to a request for assistance from the truck driver.

The Compliance Notice was issued after the Fair Work Inspector conducted an investigation and formed a belief that Trucking Services allegedly underpaid minimum wages, overtime rates, weekend and public holiday penalties, carting livestock allowance and annual leave loading under the Road Transport and Distribution Award 2010.

The FWO also alleges in the Compliance Notice that Trucking Services breached the Fair Work Act by failing to pay out accrued annual leave on termination of the driver's employment.

Fair Work Ombudsman Sandra Parker says compliance notices are an important tool to recover unpaid wages, and they will be enforced where they are not followed.

"Under the Fair Work Act, inspectors can issue a Compliance Notice if they form a belief that an employer has breached certain workplace laws. Where employers do not comply with our notices, a court can order them to pay penalties in addition to back-paying any affected employees," Ms Parker said.

"We encourage any workers with concerns about their pay and entitlements to contact us for assistance."

The FWO is seeking penalties against Trucking Services. The company faces a maximum penalty of \$31,500.

The FWO is also seeking a Court Order requiring Trucking Services to take the action required by the Compliance Notice, which includes calculating and then rectifying all owed entitlements in full, plus superannuation and interest.

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for free advice and assistance about their rights and obligations in the workplace. A free interpreter service is available on 13 14 50.

Targeted resources to assist small businesses with workplace law compliance are available at the FWO's [Small Business Showcase](https://www.fairwork.gov.au/small-business-showcase) (<https://www.fairwork.gov.au/small-business-showcase>).

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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

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