

Transport company in court

3 June 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against Sydney-based passenger transport company, Ambient Transport Pty Ltd.

Fair Work Inspectors commenced an investigation after receiving requests for assistance from drivers who had been engaged by Ambient Transport between May and October 2019 to transport passengers.

A Fair Work inspector issued a Compliance Notice after forming a belief that drivers had not received all earnings under the Passenger Vehicle Transportation Award 2010, including one employee not receiving any earnings at all, and the company had contravened provisions of the award relating to penalty rates for weekend, early morning, and night work.

The regulator alleges the company failed to comply with the Compliance Notice which required it to calculate and back-pay any outstanding amounts owing to five drivers.

Fair Work Ombudsman Sandra Parker said that the regulator will enforce workplace laws in a proportionate manner during the COVID-19 pandemic, and that includes continuing to take businesses to court where lawful requests are not complied with.

“Under the Fair Work Act, Compliance Notices are important tools used by inspectors if they form a belief that an employer has breached workplace laws,” Ms Parker said.

“Where employers do not comply with a Compliance Notice, we will take appropriate action to protect employees. A court can then order them to pay penalties in addition to back-paying workers. Any employees with concerns about their pay should contact us for assistance.”

Ambient Transport Pty Ltd faces a penalty of up to \$31,500 from the Court.

The FWO is also seeking a Court Order requiring Ambient Transport to comply with the Compliance Notice, which includes rectifying underpayments in full, plus superannuation and interest.

A directions hearing has been listed in the Federal Circuit Court in Sydney on 2 October 2020.

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.

Know a workplace that isn't doing the right thing but don't want to get involved? [Report it to us \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff) anonymously – in your language.

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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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