

Long-haul transport business faces court

30 March 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against Sapphire Freighters Pty Ltd (Sapphire Freighters), a long distance trucking business transporting goods between Melbourne and Brisbane.

The Fair Work Ombudsman alleges Sapphire Freighters 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 December 2016 and January 2018.

A Fair Work Inspector conducted an investigation after the business failed to engage with the regulator's efforts to schedule a voluntary mediation session in response to a request for assistance from the truck driver.

The Compliance Notice was issued in December 2019 after the Fair Work Inspector formed a belief that Sapphire Freighters allegedly paid a rate of pay per kilometre that was less than required under the Road Transport (Long Distance Operations) Award 2010 and failed to pay an allowance to compensate the employee for taking rest breaks away from home.

The regulator also alleges in the Compliance Notice that Sapphire Freighters 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.

"It is disappointing that the business did not take up our offer to resolve the matter voluntarily through mediation, however we are committed to taking action to ensure entitlements are paid. We encourage any workers with concerns about their pay and entitlements to contact us for assistance."

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

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

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.

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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