

Court action over alleged underpayment of Filipino worker in Perth

7 August 2011

The Fair Work Ombudsman has launched a prosecution against a national company for allegedly underpaying a Filipino employee based in Perth more than \$20,000.

Facing court is Ultra Tune Australia Pty Ltd, which operates a network of vehicle service centres throughout Australia.

Documents lodged in the Federal Magistrates Court in Perth allege Ultra Tune underpaid a Filipino national a total of \$21,700 between February, 2006 and January, 2008.

Ultra Tune recruited the employee, a mechanic in his 40s, from the Philippines and sponsored him on a 457 visa to work at Warwick.

It is alleged Ultra Tune paid him a flat hourly rate of \$15.34, which resulted in an underpayment of the minimum hourly rate and overtime.

When the Warwick outlet closed and the employee's employment was terminated, it is alleged Ultra Tune failed to pay the employee wages in lieu of notice, redundancy and accrued annual leave entitlements.

Fair Work inspectors became aware of the alleged underpayments last year when they investigated a complaint from the worker.

Ultra Tune has since rectified about \$11,000 of the alleged underpayment.

It is alleged Ultra Tune further breached workplace laws by failing to keep proper employment records for 10 Filipino workers it recruited on 457 visas to work in Victoria, WA and Queensland.

It is alleged the lack of employment records hampered Fair Work inspectors' attempts to investigate whether the nine other workers had been paid correctly.

Fair Work Ombudsman Nicholas Wilson says the decision to prosecute was made because of the worker was vulnerable, there was a significant amount involved and the employer had failed to fully rectify the matter.

Ultra Tune allegedly committed numerous breaches of workplace laws. The company faces maximum penalties of up to \$33,000 per breach. The case is listed for a directions hearing on November 4.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au 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

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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