

## More than \$175,000 back-pay for 53 service station employees

17 June 2011

Fifty-three current and former employees of a service station in Melbourne are to be reimbursed more than \$175,000 after an investigation by the Fair Work Ombudsman found they were being underpaid.

The operators of Fueltown, a service station, convenience store, mechanical repair shop and car wash on the Nepean Highway at Highett, have agreed to back-pay the underpaid workers all their outstanding entitlements by the end of August.

A Fair Work Ombudsman investigation found that between April 13, 2005 and January 13, 2009, Fueltown Motors Pty Ltd paid all its employees a base rate of pay for all hours of work, without payment of penalties for work performed on weekends, at night or in excess of ordinary hours.

The employees should have been paid under The Vehicle Industry - Repair, Services and Retail - Award 2002 up to March 27, 2006 and after that according to the Australian Fair Pay and Conditions Standard.

As an alternative to litigation, those responsible for the contravention - Arthur, Tom and Brooke Nestor and Jennifer Tomkinson - have entered into an Enforceable Undertaking with the Fair Work Ombudsman.

The agreement requires them to:

- Ensure all underpaid workers are repaid by the end of August this year,
- Take-out a newspaper advertisement apologising to the underpaid workers,
- Report to the Fair Work Ombudsman on systems they have developed to ensure their businesses comply with workplace laws in future,
- Participate in workplace relations compliance training,
- Provide the Fair Work Ombudsman with an independent audit report each year for the next three years confirming their businesses are complying with workplace laws, and
- Report to the Fair Work Ombudsman on their attempts to find underpaid workers who have not yet been located.

The Fair Work Ombudsman has a number of tools on its website at [www.fairwork.gov.au](http://www.fairwork.gov.au) to assist employees and employers to check minimum rates of pay, including PayCheck and a Pay Rate Calculator.

An 'Industries' section on the Fair Work Ombudsman's website provides information specifically tailored for employers and workers in the retail, cleaning, clerical, hair and beauty, security, hospitality, fast food and horticulture industries.

Employers or employees seeking assistance or further information can also contact the Fair Work Infoline on 13 13 94 from 8am-6pm weekdays.

Copy of undertaking: [Fueltown Motors Pty Ltd Enforceable Undertaking \(PDF 387.6KB\) \(www.fairwork.gov.au/ArticleDocuments/719/Fueltown-Motors-Pty-Ltd-Enforceable-Undertaking.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/719/Fueltown-Motors-Pty-Ltd-Enforceable-Undertaking.pdf.aspx)

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## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

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For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

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