

Labour hire operators face Court for allegedly underpaying foreign worker \$8000

20 April 2012

Note: Reference to prosecution in this media release is a general reference to the FWO commencing proceedings for the imposition of civil penalties and should not be taken to be a reference to criminal proceedings.

The Fair Work Ombudsman is prosecuting the operators of a labour-hire company for allegedly underpaying a foreign employee in Victoria more than \$8000.

Facing court is Butler & Blackberry Melbourne Pty Ltd, which has been engaged in supplying catering and hospitality workers to clients.

Also facing court is the company's sole director and part-owner Lenny Scalia, of Taylors Hill in Melbourne.

It is alleged Butler & Blackberry Melbourne underpaid a casual kitchen attendant \$8990.

The underpayment allegedly occurred when the company supplied the employee to work in the junior mess hall at HMAS Cerberus naval base at Crib Point, south-east of Melbourne.

The employee, an Indian national aged in his late 20s at the time, was allegedly not paid his full entitlements for two months' work he performed in 2010.

The employee was also allegedly underpaid the minimum hourly rate for some earlier work he performed at the naval base.

Fair Work inspectors discovered the alleged underpayment when they investigated a complaint lodged by the employee, who was in Australia on student and bridging visas.

Workplace laws relating to pay slips and frequency of wage payments were also allegedly contravened.

Fair Work Ombudsman Nicholas Wilson says a decision to prosecute was made because of the significant amount involved for a vulnerable worker and the employer's failure to rectify the matter.

Mr Scalia was allegedly involved in Butler & Blackberry Melbourne committing multiple breaches of workplace laws.

Mr Scalia faces maximum penalties of \$6600 per breach and the company faces maximum penalties of \$33,000 per breach.

The Fair Work Ombudsman is also seeking a Court Order for Butler & Blackberry Melbourne to back-pay the employee.

A directions hearing is listed for June 5 in the Federal Magistrates Court in Melbourne.

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

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Call through the National Relay Service (NRS):

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

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