

Melbourne warehouse worker allegedly underpaid more than \$60,000

23 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 has launched a prosecution against the former operators of a Melbourne wholesaler for allegedly underpaying an employee more than \$60,000.

Facing court are Melbourne husband-and-wife Guo Hui Liu and Jun Hong Ma and their company, Top Value International Pty Ltd.

Through their company, the couple formerly owned and operated a business importing and wholesaling home ware and giftware from a warehouse at Huntingdale.

The couple were allegedly responsible for their company underpaying a casual employee at the warehouse \$63,471 between November, 2005 and June, 2010.

The employee was allegedly paid a flat hourly rate of just \$12.50, but was entitled to receive up to \$21 an hour for normal hours and up to \$31 an hour for overtime work.

The employee, aged in his 50s, performed duties including packing and organising stock, forklift driving and cleaning.

Fair Work inspectors discovered the alleged underpayments when they investigated a complaint lodged by the employee. Record-keeping and pay slip laws were allegedly also breached.

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

The Fair Work Ombudsman alleges Mr Liu and Ms Ma were involved in Top Value International Pty Ltd committing multiple breaches of workplace laws.

The maximum potential penalty per breach is \$6600 each for Mr Liu and Ms Ma and \$33,000 for their company.

The Fair Work Ombudsman is also seeking a Court Order for Top Value International Pty Ltd to rectify the alleged underpayment of the employee.

The case will be being heard 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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EDITOR'S NOTE : Top Value International Pty Ltd sold the wholesaling business after the alleged underpayments occurred. The current owners and operators of the 'Top Value' wholesaling business have no connection to any of the matters alleged in this case.

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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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

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