

Statement on Glendal Foods

8 October 2012

The Fair Work Ombudsman today expressed concern about serious allegations publicly raised by a number of employees about their working conditions at a Brunswick food manufacturing site in suburban Melbourne.

The Fair Work Ombudsman confirmed that Glendal Foods, operated by Kanodia Nominees Pty Ltd, was already the subject of an investigation.

A complaint was received by the Fair Work Ombudsman in August from an employee of Glendal Foods alleging underpayment of overtime, non-payment of leave loading and a reduction in hours of work without prior notice.

After receiving additional information at the weekend from the National Union of Workers (NUW) concerning more than 20 employees at the Brunswick site - and a further report in today's The Age newspaper alleging widespread bullying and intimidation - the Fair Work Ombudsman has referred the case to its serious non-compliance team for immediate attention.

The Fair Work Act protects workplace rights and those who exercise those rights and the Fair Work Ombudsman has powers under the legislation to take enforcement action against employers who threaten or act against employees who query or complain about their rights.

Companies can face a maximum penalty of \$33,000 per breach if found guilty by the Courts of taking adverse action against an employee who queried or complained about their entitlements.

The Fair Work Ombudsman wishes to make it clear that the Agency will view very seriously any allegations raised with it that an employee has been discriminated against because they made a complaint or inquired about their workplace conditions.

The Fair Work Ombudsman's investigation will explore the allegations raised by the NUW on behalf of more than 20 employees, particularly those alleging coercion and undue influence over employees to accept deductions from their wages and/or reduced working hours.

Allegations raised by the initial complainant about bullying and harassment, which were deemed outside the Fair Work Ombudsman's jurisdiction, were referred to Victoria's WorkSafe, which is understood to have responded by going on-site to commence its own inquiries. The Fair Work Ombudsman will continue to liaise with WorkSafe, the NUW and any other relevant parties.

The Fair Work Ombudsman devotes considerable resources to protecting vulnerable workers from a non-English speaking background, conscious that foreign workers in Australia can be vulnerable because they are often not fully aware of their workplace rights under Australian laws.

Youth, language and cultural barriers can also make it difficult for foreign workers to negotiate their employment conditions. The best defence for vulnerable workers, especially those from a non-English speaking background, is an awareness of their workplace rights.

People seeking advice or assistance should contact the Fair Work Infoline on 13 13 94 or a free interpreter service on 13 14 50. Information translated into 27 languages is available at www.fairwork.gov.au.

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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