

Melbourne truck driver allegedly underpaid \$124,000

13 March 2013

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 a Melbourne grocery importation business, alleging it underpaid a delivery truck driver who speaks limited English more than \$124,000 over a five-year period.

Facing court is Lay Brothers (Wholesale) Pty Ltd, a Dandenong-based company involved in importing and distributing Asian grocery products.

It is alleged the company paid a delivery truck driver flat hourly rates of \$10 to \$11.50 between January, 2007 and December, 2011, resulting in a total underpayment of \$124,816.

The employee, aged in his 40s, is an immigrant from East Timor who speaks limited English.

It is alleged that the employee often worked more than 60 hours per week, including weekends.

The Fair Work Ombudsman claims he was entitled to at least \$14 to \$16 for normal work hours and more than \$20 an hour for overtime and weekends.

It is also alleged that Lay Brothers (Wholesale) breached workplace laws by cashing-out the employee's accrued annual and personal leave entitlements and also breached legal requirements around record-keeping and pay slips.

The delivery driver complained to the Fair Work Ombudsman, which launched an investigation.

Fair Work Ombudsman, Nicholas Wilson, said the significant amount of underpayment involved and the vulnerability of the employee were key factors in the decision to prosecute.

The company faces penalties of up to \$33,000 per breach, plus back-payment of the delivery drivers underpaid wages.

The case is listed for a directions hearing in the Federal Magistrates Court in Melbourne on June 19.

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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Page reference No: 3384

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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