

Foreign workers at Melbourne service station allegedly underpaid \$111,000

23 May 2013

The Fair Work Ombudsman has launched legal action against the operators of a Melbourne suburban service station, alleging two employees, both recent immigrants, were underpaid more than \$111,000.

Facing court is Liquid Fuel Pty. Ltd., which operates a service station trading as BP on Clyde Road in Berwick.

Also facing Court are service station managers Xin Zhang and his wife Linda Qu, and Liquid Fuel part-owner and director Nian Li, who is Ms Qu's father.

It is alleged that two console operators employed at the service station were underpaid a total of \$111,874 between 2007 and 2012.

The employees were Indian nationals who were both aged 28 and in Australia on visas when they commenced their employment. One is now a permanent resident in Australia and the other is now an Australian citizen.

It is alleged the employees were paid flat rates ranging from \$10 to \$17 an hour, resulting in underpayment of their minimum hourly rates, casual loadings and penalty rates for overtime, weekend and public holiday work.

The employees were allegedly entitled to receive up to \$27 an hour for some work they performed.

Record-keeping and pay slip breaches are also alleged.

Fair Work inspectors discovered the alleged breaches when they investigated complaints lodged by the employees.

The alleged underpayments were subsequently rectified, with the employees being back-paid individual amounts of \$58,584 and \$53,290.

Acting Fair Work Ombudsman, Michael Campbell, said the significant amounts and the involvement of vulnerable workers were key factors in the decision to commence legal action.

Xin Zhang, Linda Qu and Nian Li were allegedly involved in Liquid Fuel committing several breaches of workplace laws. The individuals face penalties of up to \$6,600 per breach and the company faces penalties of up to \$33,000 per breach.

A directions hearing is listed in the Federal Circuit Court in Melbourne on May 27.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au.

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