

## Court action over alleged underpayment of Sydney care workers

29 October 2013

The Fair Work Ombudsman has launched legal action against the operators of a Sydney care facility, alleging two recent migrants employed at the facility were underpaid a total of more than \$84,000.

Facing Court is Lovely Care Pty Ltd, operator of the Elizabeth Cottage facility at Peakhurst, which provides emergency accommodation and respite care for people with a disability.

Also facing Court is the facility's manger and part-owner, Elizabeth Bonilla, of Peakhurst.

It is alleged that two disability support workers employed on a casual basis at the facility were underpaid a total of \$84,450 between 2007 and 2011.

The employees, a man from Egypt and a woman from China, were recent migrants to Australia. The woman from China spoke limited English.

It is alleged the underpayments were largely the result of the employees being paid flat rates of \$200 to \$312 for shifts of at least 15 hours.

The flat rates were allegedly insufficient to cover the employees' minimum hourly rates, casual loadings and a sleepover allowance. It is alleged one employee was underpaid \$54,115 and the other was underpaid \$30,335.

The Fair Work Ombudsman discovered the alleged underpayments when it investigated complaints lodged by the employees.

Fair Work Ombudsman, Natalie James, said the involvement of vulnerable workers, the significant alleged underpayments and the failure to rectify the matter were significant factors in the decision to commence legal action.

The Fair Work Ombudsman alleges Ms Bonilla was involved in Lovely Care committing multiple breaches of workplace laws. Ms Bonilla faces maximum penalties of \$6,600 per breach and the company faces maximum penalties of \$33,000 per breach.

In addition, the Fair Work Ombudsman is seeking a Court Order for the company to rectify the alleged underpayments in full. A directions hearing is listed in the Federal Circuit Court in Sydney on November 1.

Employers and employees seeking assistance should visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available by calling 13 14 50.

Page reference No: 3099

### Contact us

Fair Work Online: [www.fairwork.gov.au](http://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