

Court action over alleged \$76,000 underpayment of workers at Melbourne migration agency

5 September 2013

The operator of a Melbourne migration agency which allegedly underpaid five young, immigrant workers more than \$76,000 is to face legal action in the Federal Circuit Court.

The Fair Work Ombudsman has launched the action against Liu Ming Pan, the owner-operator of the Australian Chinese Centre for International Education, which offers services to international students seeking Australian visas and entry into educational institutions.

Also facing Court is Mr Pan's private company Australia China Trading Investment Consultancy Group Pty Ltd, through which he operates the migration agency.

It is alleged that five clerks/translators were underpaid \$76,186 between April, 2009 and March this year.

The employees were all immigrants from China aged in their 20s and had allegedly been paid flat hourly rates of \$9-\$10 for 'trial' periods of two-to-four months, before being paid flat hourly rates ranging from \$13.74 to \$16.

It is alleged that under the Clerks Private Sector Modern Award 2010, the employees were entitled to be paid more than \$16 an hour for all work performed, with higher rates payable for overtime and public holiday work. Annual and personal leave entitlements were allegedly also underpaid.

The Fair Work Ombudsman discovered the alleged underpayments, as well as pay slip breaches, when it investigated complaints lodged by employees. Underpayments have now been rectified.

It is alleged Mr Pan was aware of the need to pay the employees Award minimum entitlements because the Fair Work Ombudsman had informed him of this during an earlier investigation into an underpayment complaint from another employee, a working visa holder from China, which was resolved by way of a voluntary back-payment.

Fair Work Ombudsman, Natalie James, said the involvement of vulnerable employees was a key factor in the decision to commence legal action.

It is alleged that Mr Pan was involved in his company committing multiple breaches of workplace laws.

Mr Pan faces maximum penalties ranging from \$6,600 to \$10,200 and the company faces maximum penalties of up to \$33,000 to \$51,000 per breach.

A directions hearing is listed in the Federal Circuit Court in Melbourne on September 18.

Employers and employees seeking assistance should visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

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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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