

## Court action over alleged underpayment of foreign workers in Melbourne

16 September 2013

The Fair Work Ombudsman has launched legal action against the owner-operators of a Melbourne marketing and distribution business, alleging 12 employees - including young and foreign workers - were underpaid more than \$35,000.

Facing Court are Melbourne men Jonathan Paul William Stielow and Claudio Salvador Locaso and the company they jointly own and operate, Invivo Group Pty. Ltd.

It is alleged that 12 casual workers at Invivo Group were underpaid a total of \$35,408 between August, 2012 and February this year.

This included 10 foreign workers on working holiday visas, four of whom were aged 19-20 years old at the time.

It is alleged Invivo Group employed the workers to travel door-to-door offering free power boards to households and offering to install them free-of-charge.

This was in line with Invivo Group having been contracted by Melbourne company, Energy Efficient Technologies Pty Ltd, to install power boards in homes as part of the Victorian Government's Victorian Energy Efficiency Target Scheme.

It is alleged that seven of the workers were paid nothing despite working between 50 and 117 hours, with the five other workers being underpaid entitlements including minimum casual hourly rates, public holiday penalty rates, Saturday overtime rates and superannuation entitlements.

One employee, a foreign worker aged 21, was allegedly underpaid \$13,631.

The Fair Work Ombudsman discovered the alleged underpayments when it investigated complaints lodged by workers. Record-keeping, pay slip and frequency of pay laws were allegedly also breached.

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

Mr Stielow and Mr Locaso were allegedly involved in Invivo Group committing multiple breaches of workplace laws. The individuals face maximum penalties of between \$3,300 and \$10,200 per breach and the company faces maximum penalties of between \$16,500 and \$51,000 per breach.

The Fair Work Ombudsman is also seeking a Court Order for the company to back-pay the workers in full. A directions hearing is listed in the Federal Circuit Court in Melbourne on September 19.

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.

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## 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

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