

Melbourne businessman fined over \$22,000 underpayments of Thai employee

26 March 2014

The former operator of a Melbourne electrical manufacturing business has been fined \$7854 over the underpayment of an immigrant worker.

Moussa Ghorbani-Palangi owned and operated Bayswater-based M.G.P. Electrical before it ceased trading last year.

The Federal Circuit Court in Melbourne has issued the penalty following legal action by the Fair Work Ombudsman.

Ghorbani-Palangi admitted he was responsible for a process worker being underpaid a total of \$22,473 between 2008 and 2012.

Judge Frank Turner ordered the \$7854 penalty be paid to the employee to partially rectify the underpayment.

Ghorbani-Palangi also gave an undertaking to the Court that he would back-pay the outstanding balance to the underpaid employee.

The male employee, in his 40s, was in Australia from Thailand on a bridging visa when he started work.

He is now an Australian citizen.

The man was paid a flat hourly rate of \$13, later increased to \$18, but still below the minimum to which he was entitled as a casual employee.

Judge Turner described the underpayment as substantial for a low paid worker and said like-minded employers must be deterred from similar conduct.

He commented that Ghorbani-Palangi had failed to ascertain the employee's correct entitlements with sufficient diligence, noting that "ignorance of the law is no excuse" and labelling the conduct "at best negligent".

Fair Work Ombudsman Natalie James says the involvement of a vulnerable worker and the employer's failure to voluntarily resolve the issue, despite the efforts of inspectors, were significant factors in the decision to place the matter before the Court.

Employers or employees seeking assistance can 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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Contact us

Fair Work Online: www.fairwork.gov.au

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