

7-Eleven operator fined over underpayment

4 August 2015

The former operator of a 7-Eleven retail store in Queensland has been fined after underpaying an overseas worker more than \$21,000 and refusing to co-operate with the Fair Work Ombudsman.

The employee, an international student from Nepal, was short-changed a total of \$21,298 when he worked at the store from January, 2013 until February, 2014.

The Federal Circuit Court has imposed a \$6970 penalty against Mubin UI Haider, who owned and operated the 7-Eleven at 243 Edward Street in Brisbane until it closed last year.

UI Haider admitted his business underpaid the young visa-holder his minimum wages, casual loadings and penalty rates.

The Court has ordered that the fine be paid to the former employee.

Fair Work inspectors discovered the underpayments after investigating a request for assistance from the employee, aged in his late 20s.

The Fair Work Ombudsman issued a Notice to Produce employment documents last year, but UI Haider and his business did not comply.

A subsequent Compliance Notice requiring the underpayment to be rectified within 17 days and two follow-up letters were also ignored.

Under the Fair Work Act, business operators must comply with Notices to Produce and Compliance Notices issued by Fair Work inspectors - or make a court application for a review if they are seeking to challenge a Compliance Notice.

Fair Work Ombudsman Natalie James says inspectors made extensive efforts to engage with UI Haider to try to resolve the matter voluntarily and by agreement, but did not receive sufficient co-operation.

"Enforcing our notices is fundamental to maintaining the integrity of Australia's workplace laws and we will not tolerate them being ignored," she said.

Yesterday, Ms James announced that the operators of an Adelaide business had been penalised a total of \$5000 in the Industrial Relations Court of SA after refusing to pay a \$550 on-the-spot fine for failing to issue pay-slips to a 457 visa-holder on its staff.

Employers and employees seeking assistance to clarify their workplace obligations can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. An interpreter service is available by calling 13 14 50.

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Fair Work Online: www.fairwork.gov.au

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