

7-Eleven operator faces Court over underpayments

31 August 2015

The Fair Work Ombudsman has commenced legal proceedings against a 7-Eleven retail store in Sydney which allegedly underpaid two migrant employees almost \$50,000 and created erroneous records for the workers.

Facing the Federal Circuit Court is Harmandeep Singh Sarkaria, who owns and operates the 7-Eleven outlet at 354 Flushcombe Road in Blacktown. Also facing court is Mr Sarkaria's company, Amritsaria Four Pty Ltd.

Mr Sarkaria and his company allegedly underpaid two console operators a total of \$49,426.

Most of the alleged underpayment relates to a migrant employee from Pakistan aged in his late 30s, allegedly short-changed a total of \$43,633 between March, 2012 and March, 2014.

The other employee, also from Pakistan and aged in his mid-20s, was on an international student visa when he started working at the store. Now a permanent resident of Australia, he was also allegedly underpaid \$5793 between August, 2013 and March, 2014.

The Fair Work Ombudsman claims the alleged underpayments are the result of the workers often being paid rates equivalent to \$10 an hour.

The employees were entitled to receive normal hourly rates of more \$22 an hour and up to \$29.27 an hour for some weekend, public holiday and overtime shifts.

Amritsaria Four Pty Ltd allegedly made erroneous entries into the 7-Eleven head office payroll system that significantly understated the hours the employees had worked.

The company also allegedly routinely made entries that the employees had worked only 10 hours a week, despite them working significantly more hours.

The Fair Work Ombudsman claims the erroneous entries gave the appearance that the employees were paid about \$25 an hour.

Fair Work inspectors investigating the underpayments were allegedly provided with false time-and-wages sheets that understated the hours the employees had worked.

Fair Work Ombudsman Natalie James says a decision was made to commence legal action because of the seriousness of the alleged breaches and the involvement of vulnerable migrant employees.

Mr Sarkaria faces maximum penalties of between \$5100 and \$10,200 per breach and his company \$25,500 to \$51,000 per breach.

He has been co-operating with the Fair Work Ombudsman in relation to rectifying the alleged underpayments.

Employers and employees seeking assistance 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.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (<http://twitter.com/NatJamesFWO>), the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au (<http://www.facebook.com/fairwork.gov.au>).

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at www.fairwork.gov.au/mediareleases (www.fairwork.gov.au/mediareleases).

Media inquiries:

Ryan Pedler, Assistant Media Director

Mobile: 0411 430 902

ryan.pedler@fwo.gov.au (<mailto:ryan.pedler@fwo.gov.au>)

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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.