

Cleaning operator faces Court for allegedly underpaying overseas workers almost \$60,000

18 February 2016

The operator of a cleaning services business in Brisbane is facing Court for allegedly underpaying four young overseas workers almost \$60,000 and breaching sham contracting laws.

The Fair Work Ombudsman has commenced action against Bijal Girish Sheth in the Federal Circuit Court.

Mr Sheth and his company Brisclean Pty Ltd allegedly underpaid the four employees a total of \$59,878 for work they performed between August, 2012 and December, 2014.

Brisclean was placed into administration late last year, restricting the Fair Work Ombudsman from pursuing legal action against it.

As such, the Fair Work Ombudsman is seeking civil penalties against Mr Sheth and a Court Order for him to personally back-pay the workers.

Mr Sheth allegedly breached sham contracting laws by deliberately misclassifying the employees as contractors.

He allegedly paid the workers low, flat rates and did not pay them at all for some work performed.

This allegedly resulted in underpayment of their minimum hourly rates, annual leave entitlements, part-time and shift loadings and penalty rates for weekend public holiday and overtime work.

The workers were allegedly underpaid individual amounts of \$26,492, \$22,545, \$6679 and \$4162.

Mr Sheth allegedly contravened record-keeping and pay-slip obligations and failed to comply with three Notices to Produce employment records issued by Fair Work inspectors.

Fair Work Ombudsman Natalie James says the Fair Work Ombudsman treats very seriously the underpayment of vulnerable employees, such as overseas workers.

She says the employer's failure to engage with the Fair Work Ombudsman and comply with multiple requests to assist the Agency's investigation was a factor in deciding to litigate.

Mr Sheth faces maximum penalties of up to \$10,200 per contravention, in addition to an Order to back-pay the workers in full.

The Fair Work Ombudsman has had previous requests for assistance from employees working for Mr Sheth and Brisclean.

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 on 13 14 50.

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Contact us

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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

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