

## Melbourne retailer faces court for allegedly underpaying workers more than \$90,000

22 February 2016

The operators of a retail outlet in Melbourne are facing Court for allegedly short-changing three employees, including two overseas workers, a total of more than \$90,000.

The Fair Work Ombudsman has commenced legal proceedings against Something Aussie Pty Ltd and company director and part-owner Kuan Kok Kan.

Three female shop assistants at the company's retail outlet on Victoria Street, North Melbourne, were allegedly paid flat rates as low as \$16 and \$17 an hour.

The employer allegedly contravened his obligations under the General Retail Industry Award, including minimum hourly rates, casual loadings, annual leave entitlements and weekend and public holiday penalty rates.

Award obligations to minimum engagement periods and provision of meal breaks were also allegedly breached.

Two of the employees were visa-holders from Thailand when they commenced work with Something Aussie and spoke little English.

Each of the three employees was allegedly underpaid just over \$30,000 over a five-year period between 2010 and 2015, resulting in a collective underpayment of \$91,238.

Fair Work Ombudsman Natalie James says a decision was made to commence litigation because of the seriousness of the alleged contraventions and because Mr Kan had previously been educated about his workplace obligations in 2012.

Mr Kan faces maximum penalties of up to \$10,200 per contravention and Something Aussie Pty Ltd faces penalties of up to \$51,000 per contravention.

The Fair Work Ombudsman is seeking an injunction restraining Mr Kan and Something Aussie from contravening workplace laws in future.

A directions hearing is listed for March 16 in the Federal Circuit Court in Melbourne.

Any worker who is concerned they have been underpaid or treated unfairly at work can visit [www.fairwork.gov.au](http://www.fairwork.gov.au)

Similarly, employers unsure about their workplace practices are also encouraged to visit the website.

A free interpreter service for those from non-English speaking backgrounds is available by calling 13 14 50 and information about workplace laws is translated into 27 different languages at [www.fairwork.gov.au/languages](http://www.fairwork.gov.au/languages)

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Fair Work Infoline: 13 13 94

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