

Perth cleaning contractor faces Court over alleged overseas worker underpayments

3 March 2016

Young overseas workers on 417 visas were underpaid thousands of dollars for cleaning rooms at a popular Perth hotel, the Fair Work Ombudsman alleges.

The Fair Work Ombudsman has commenced legal action against Perth man Blagojce Djoneski and his WA-based contract cleaning company Goldfinger Facility Management Pty Ltd in relation to the alleged underpayments.

After securing a cleaning contract with The Melbourne Hotel in the Perth CBD, Mr Djoneski employed four overseas workers - three from South Korea and one from the UK - and supplied them to work as cleaners at the hotel.

The four workers, including three aged under 25, were in Australia on 417 working holiday visas.

It is alleged these overseas workers each performed between two and four weeks' work at The Melbourne Hotel between April and June, 2014, but were paid nothing.

The overseas workers were allegedly entitled to be paid a total of \$9359, with individual underpayments ranging from \$1263 to \$3351.

It is alleged Mr Djoneski's business underpaid a fifth overseas worker - an Indian national employed as a marketing specialist on a 457 visa - by failing to pay him more than \$4000 he was entitled to for 18 weeks' work.

A manager at Mr Djoneski's business, an Australian citizen, was allegedly also short-changed more than \$13,000.

In total, six employees of Mr Djoneski's business were allegedly underpaid \$26,627.

Breaches of frequency-of-pay and pay-slip laws are also alleged.

The Fair Work Ombudsman investigated the matter after receiving requests for assistance from employees.

Fair Work Ombudsman Natalie James says inspectors made repeated efforts to try to resolve the matter before taking court action, but were unable to secure any co-operation.

Mr Djoneski faces maximum penalties of up to \$10,200 per contravention and his company faces maximum penalties of up to \$51,000 per contravention.

The Fair Work Ombudsman is also seeking a Court Order for Goldfinger Facility Management to back-pay the workers in full.

A directions hearing is scheduled for the Federal Circuit Court in Perth on April 4.

The largest penalty awarded nationally by the Courts in a matter initiated by the Fair Work Ombudsman is \$343,860 - delivered against a Perth cleaning company and its manager in September, 2013.

In that case, the Court found they had deliberately underpaid six cleaners - including five overseas workers from Taiwan, Hong Kong, New Zealand and Ireland - and as well as the penalty, instructed that the employees be reimbursed more than \$22,000 in underpaid wages.

The Fair Work Ombudsman is currently conducting a national review of the wages and conditions of overseas workers in Australia on the 417 working holiday visa.

The Fair Work Ombudsman is now receiving more complaints from overseas visa-holders working in Australia than ever before.

Last financial year, the Fair Work Ombudsman recovered \$1.6 million in underpaid wages and entitlements for visa-holders, up from \$1.1 million the previous year.

The Fair Work Ombudsman established an Overseas Workers' Team in 2012 in recognition that overseas workers can be vulnerable to exploitation and require specialist assistance.

"While we have always had a strong focus in relation to visa-holders, we now give these vulnerable employees priority through our

Overseas Workers' Team - and have invested significant resources to assisting them," Ms James said.

Information to assist people from culturally and linguistically diverse backgrounds has been translated into 27 languages and can be accessed at www.fairwork.gov.au.

The Fair Work Ombudsman has fact sheets tailored to overseas workers and international students on its website.

The Agency has also produced videos in 14 languages and posted them on YouTube to assist overseas workers to understand their workplace rights.

The Fair Work Ombudsman can assist employers and employees with accurate, reliable information that is easy to access, understand and apply.

Those seeking assistance can also call the Fair Work Infoline on 13 13 94. Overseas workers can call 13 14 50 if they need an interpreter.

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>).

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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

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