

Sydney bus drivers allegedly underpaid \$47,000

4 March 2016

A Sydney transport company is facing the Federal Circuit Court for allegedly short-changing four bus drivers more than \$47,000.

The Fair Work Ombudsman has commenced legal proceedings against Eagle Tours Pty Ltd, which provides professional coach charter services.

Eagle Tours allegedly underpaid four bus drivers a total of \$47,640 between November, 2012 and February, 2014.

The drivers were allegedly paid flat rates of \$22 an hour.

These rates allegedly resulted in underpayment of casual loadings, overtime rates and penalty rates for weekend, public holiday, night and early morning work.

Under the Passenger Vehicle Transportation Award, the former employees were entitled to receive as much as \$38.94 an hour on weekends and \$48.68 on public holidays.

The Fair Work Ombudsman argues that all four drivers should have been classified as casual employees, but three were misclassified as independent contractors.

Eagle Tours has a contract with Transport Sydney Trains to provide shuttle bus services to transfer Transport Sydney Trains crew between stations and maintenance centres.

The Fair Work Ombudsman says the contract price paid by Transport Sydney Trains was enough for Eagle Tours to pay drivers their minimum lawful entitlements.

Eagle Tours has subsequently made some back-payments, but more than \$41,000 of the alleged underpayment remains outstanding.

Fair Work Ombudsman Natalie James says a decision was made to commence litigation because of the seriousness of the alleged contraventions.

Eagle Tours faces penalties of up to \$51,000 per contravention and the Fair Work Ombudsman is also seeking a Court Order for Eagle Tours to back-pay workers in full.

The Fair Work Ombudsman is also seeking a Court Order requiring Eagle Tours to display a workplace notice detailing employee entitlements and to commission a professional audit of its compliance with workplace laws and report the results to the Fair Work Ombudsman.

A directions hearing is listed for May 13 in the Federal Circuit Court in Sydney.

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94.

A free 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>).

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Contact the Translating and Interpreting Service (TIS) on 13 14 50

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