

Motel operators face court after Filipino workers allegedly short-changed more than \$261,000

Note (30/01/2019): On 25 July 2018, the Federal Circuit Court found that the FWO had not established that either of the female employees had been underpaid. The Court held these two employees were not covered by an award and that the FWO had not established the employees had worked the hours alleged. The FWO is seeking penalties in respect of the underpayment of the male employees and other contraventions that were admitted or found to be established.

9 May 2016

The operators of two motels in NSW and Victoria are facing Court for allegedly short-changing four Filipino workers more than \$261,000.

The Fair Work Ombudsman has commenced legal proceedings against husband-and-wife Michael and Rowena Parkes and their company NSW Motel Management Services Pty Ltd.

They operate the Comfort Inn Country Plaza at Halls Gap, in Victoria, and the Quality Inn Country Plaza at Queanbeyan, in NSW.

The couple also formerly ran the Comfort Inn Country Plaza at Taree, in NSW.

The Fair Work Ombudsman alleges NSW Motel Management Services Pty Ltd recruited two Filipino couples to work in Australia on 457 skilled worker visas.

All four employees allegedly worked full-time, plus significant overtime. Their duties included reception, cleaning and laundry, waiting on tables, cooking, maintenance, gardening and groundwork.

One couple worked at the Halls Gap, Queanbeyan and Taree motels between November, 2012 and January, 2015.

It is alleged the female employee was underpaid more than \$109,500 as a result of being paid little or nothing for more than 3000 hours of overtime work.

Her partner was allegedly underpaid more than \$72,900.

Documents lodged in the Federal Circuit Court allege that the two employees were directed to under-record their work hours.

The female employee was also allegedly threatened with dismissal after she spoke to a Fair Work Ombudsman inspector.

The second Filipino couple was employed at the Halls Gap motel between February, 2013 and April, 2014.

It is alleged the only one of the two workers was paid a wage on the basis they were employed as a couple.

The male employee was allegedly paid nothing at all, despite being entitled to more than \$61,500 during the course of his employment.

His partner was paid for normal hours but received little or nothing for hundreds of hours of overtime work, resulting in an alleged underpayment of more than \$17,400.

In separate action, she made a successful claim to the Fair Work Commission that she was unfairly dismissed in 2014.

The Commission ordered NSW Motel Management Services Pty Ltd to pay her compensation of \$27,500.

In its legal proceedings, the Fair Work Ombudsman is also alleging breaches of workplace laws relating to annual leave entitlements, allowances, deductions, record-keeping, pay-slips, rostering, working unreasonable additional hours and the requirement to provide a Fair Work Information Statement to new employees.

Fair Work inspectors discovered the alleged contraventions when they investigated a referral from the Department of Immigration and Border Protection.

Fair Work Ombudsman Natalie James says legal action was commenced because of the seriousness of the alleged conduct, the involvement of vulnerable overseas workers and a lack of co-operation from the employer.

Mr and Mrs Parkes face penalties of up to \$10,200 per contravention, while NSW Motel Management Services Pty Ltd faces penalties of up to \$51,000 per contravention.

The Fair Work Ombudsman is also seeking Court Orders for the company to back-pay the four employees in full.

In addition, the Fair Work Ombudsman is seeking an injunction restraining Mr and Mrs Parkes and their company from underpaying employees in future.

The Agency is also seeking Orders requiring them to commission a professional audit of compliance with workplace laws, undertake training on workplace laws and display notices detailing employee entitlements in their workplaces.

A directions hearing is scheduled in the Federal Circuit Court in Melbourne on May 12.

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

Small businesses can opt to be put through to a priority service.

An interpreter service is available by calling 13 14 50 and information on the website is translated into 27 different languages.

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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Media inquiries:

Ryan Pedler, Assistant Media Director

Mobile: 0411 430 902

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

Page reference No: 6087

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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