

## Trolley collector allegedly underpaid \$26,000

23 May 2016

The Fair Work Ombudsman filed a notice of discontinuance in relation to this matter on 14 March 2017.

An overseas worker employed as a trolley collector in NSW was underpaid \$26,000 in less than four months, the Fair Work Ombudsman claims.

The Korean national, in Australia on the 417 working holiday visa, was allegedly often required to work long hours of unpaid overtime.

The 26-year-old, who spoke little English, worked as a trolley collector at the Woolworths supermarket site at Punchbowl between January 12 and April 20 last year.

The Fair Work Ombudsman today announced it had commenced legal proceedings against his employer, Sydney man David Kim and his trolley collection and cleaning company, Green World Management Pty Ltd.

It is alleged Mr Kim generally required the employee to work from 9 am to 10 pm, seven days a week. It is alleged the employee was generally paid a flat weekly rate of \$701.25, based on a 38-hour week.

He was allegedly paid little or nothing for the overtime he performed most weeks, despite being entitled to receive between \$27.02 and \$45.03 an hour for the work.

Workplace laws relating to pay slips, record-keeping, annual leave entitlements and requiring employees to work unreasonable additional hours were also allegedly breached.

Further, Mr Kim and his company allegedly breached frequency-of-pay laws by withholding the employee's first week's wages as a "bond", before paying it to him three months later.

Mr Kim fully rectified the alleged \$26,308 underpayment of the employee after being contacted by the Fair Work Ombudsman.

The Fair Work Ombudsman discovered the alleged underpayment when it conducted a proactive audit of Green World Management last year as part of a national Inquiry into Woolworths' trolley collection services.

It is the second litigation flowing from the Inquiry. Action against a former operator of a trolley collection company at Wagga was announced last week: [Trolley-collection company faces Court \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/may-2016/20160517-civic-national-litigation\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/may-2016/20160517-civic-national-litigation) .

A decision was made to commence legal action because of the seriousness of the matter and the involvement of a vulnerable overseas worker.

Mr Kim faces penalties of up to \$10,200 per contravention of workplace laws, while Green World Management Pty Ltd faces penalties of up to \$51,000 per contravention. The matter will be heard in the Federal Circuit Court in Sydney.

Employers and employees seeking assistance can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) ([www.fairwork.gov.au](http://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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