

## Cleaning operator penalised for refusing to back-pay international students

2 November 2016

A Sydney cleaning operator being penalised more than \$11,000 for refusing to back-pay two international students less than \$3000 sends a strong warning, according to the Fair Work Ombudsman.

Sydney man Michael Girowal has been penalised \$1890 and his company Green Clean (Aust) Pty Ltd has been penalised a further \$9450 in the Federal Circuit Court, following legal action by the Fair Work Ombudsman.

Girowal and his company received the penalties for failing to comply with a Compliance Notice issued by the Fair Work Ombudsman requiring them to rectify \$2943 in underpayments of two employees.

Under the Fair Work Act, business operators must adhere to Compliance Notices or make a Court application for a review if they are seeking to challenge a Notice.

The two employees were Filipino workers who were in Australia on student visas.

Fair Work Ombudsman Natalie James said extensive efforts were made to resolve the matter outside of the Court but Girowal's refusal to co-operate meant legal action was the only option.

Girowal back-paid the employees only after the Fair Work Ombudsman commenced litigation.

"This operator could have saved himself a lot of time and money by co-operating with the Fair Work inspectors who investigated this matter," Ms James said.

"The clear message to employers is that if you short-change employees and then thumb your nose at Fair Work inspectors, you do so at your own peril. We are prepared to take legal action against employers who refuse to engage with us and matters involving underpayment of visa holders are treated particularly seriously."

Girowal paid the employees a flat rate of \$20 an hour between December, 2014 and January, 2015, resulting in underpayment of the minimum hourly rates, penalty rates and an allowance they were entitled to under the Cleaning Services Award.

Girowal also failed to pay their accrued annual leave entitlements and pay in lieu of notice of termination when he terminated their employment without notice.

In his judgment, Judge Rolf Driver said the underpayment amounts were "not insignificant" for the employees and the penalty imposed should "show there are serious consequences for failing to comply with a compliance notice".

Judge Driver also ordered Girowal to register with the My Account service at [www.fairwork.gov.au](http://www.fairwork.gov.au) and complete the education courses for employers in the Online Learning Centre.

Employers and employees seeking assistance can visit the website or contact the Fair Work Infoline on 13 13 94. An interpreter service is available on 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](http://twitter.com/fairwork_gov_au)) or find us on Facebook [www.facebook.com/fairwork.gov.au](http://www.facebook.com/fairwork.gov.au) (<http://www.facebook.com/fairwork.gov.au>).

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at [www.fairwork.gov.au/mediareleases](http://www.fairwork.gov.au/mediareleases) ([www.fairwork.gov.au/mediareleases](http://www.fairwork.gov.au/mediareleases)).

Media inquiries:

Ryan Pedler, Director of Media

Mobile: 0411 430 902

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

## Contact us

Fair Work Online: [www.fairwork.gov.au](http://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

---

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.