

Australian fishing company penalised almost \$50,000 for underpaying Indonesian crew

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An Australian fishing company and its director have been penalised a total of almost \$50,000 for underpaying four Indonesian crew tens of thousands of dollars.

The fishing company – formerly called Australian Wild Tuna Pty Ltd and recently renamed Stella Del Mare Pty Ltd – has received a \$43,200 penalty after admitting it underpaid the four employees, who were in Australia on 457 skilled worker visas, a total of \$43,481.

Company director and manager Angelo Maiorana, of Sydney, has been penalised a further \$5120 for his role in the underpayments.

The penalties, imposed in the Federal Circuit Court, are the result of legal action by the Fair Work Ombudsman.

Judge Nicholas Manousaridis ordered that part of the penalties be paid to the underpaid workers, who have been only partially back-paid, to rectify any entitlements that remain outstanding.

Fair Work Ombudsman Natalie James says the penalties send a message that there are serious consequences for exploiting overseas workers in Australia.

“We treat underpayment of overseas workers particularly seriously because they can be vulnerable if they are unaware of their rights or reluctant to complain,” Ms James said.

The four underpaid employees - three deckhands and an engineer – worked on two tuna fishing vessels, the Santo Rocco and the Challenge, in waters off the east coast between Sydney and Queensland’s Sunshine Coast between July, 2012 and June, 2013.

The Santo Rocco primarily docked in NSW and the Challenge primarily docked in Queensland.

The underpayments, individually ranging from \$7113 to \$12,604, were primarily the result of a regular failure to pay employees’ minimum wages and unlawful deductions from wages. Record-keeping and pay slip laws were also contravened.

The underpayments persisted over a significant period, with Maiorana promising employees that when company financial difficulties were resolved their outstanding wages would be paid in full.

Judge Manousaridis found that as time went on, Maiorana acted unreasonably in believing that he would be able to pay any shortfall in wages.

Judge Manousaridis said the underpayments were significant and the company’s financial difficulties were no excuse for failing to pay the employees their full lawful entitlements.

The penalty imposed should “signal to the community not only the importance of employers complying with their obligations to pay the correct amount of wages; it should also signal the importance of employers complying with such obligations even at times when the employer’s business faces financial stress,” Judge Manousaridis said.

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. An interpreter service is available by calling 13 14 50.

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