



Transport business in court

24 May 2021

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against a **Melbourne** transport business.

Facing court is Jetbus Airport Shuttle Pty Ltd, which operated a business providing airline crew transfers to and from Melbourne Airport.

The regulator commenced an investigation after an employee, a Dispatch Operator who performed clerical and office functions, lodged a request for assistance.

A Fair Work Inspector issued a Compliance Notice to Jetbus Airport Shuttle in February 2021 after forming a belief that the payment of \$18 and \$20 per hour had led to the employee being underpaid between May 2019 and March 2020.

The inspector formed a belief that the employee was underpaid casual loading, minimum wage rates, overtime rates, and penalty rates for weekend, public holiday and afternoon work under the Clerks – Private Sector Award 2010.

The FWO alleges the company without reasonable excuse, failed to comply with the Compliance Notice, which required it to pay the worker's outstanding entitlements.

In line with the FWO's proportionate approach to regulation during the COVID-19 pandemic, the FWO made attempts to secure voluntary compliance before commencing legal action.

Fair Work Ombudsman Sandra Parker said the regulator would continue to enforce workplace laws and take businesses to court where lawful requests are not complied with.

"Compliance Notices are important tools used by inspectors to deal with apparent contraventions of the Fair Work Act or industrial instruments, most typically Modern Awards," Ms Parker said.

"Where employers do not respond to or comply with these Notices, we will take appropriate enforcement action to protect employees. A court can order a business to pay penalties for not complying with such a Notice, in addition to back-paying workers as appropriate."

"Any employees with concerns about their pay or entitlements should contact the Fair Work Ombudsman for free assistance."

The FWO is seeking a penalty against Jetbus Airport Shuttle Pty Ltd. The company faces a penalty of up to \$33,300.

The regulator is also seeking an order for the company to take the action required to comply with the Compliance Notice, which includes rectifying the alleged underpayment in full, plus superannuation and interest.

A directions hearing is listed in the Federal Circuit Court in Melbourne on 7 June 2021.

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on **13 13 94** for free advice and assistance about their rights and obligations in the workplace. A free interpreter service is available on **13 14 50**.

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Fair Work Online: www.fairwork.gov.au

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Call through the National Relay Service (NRS):

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