

More than \$16,000 back-pay secured for overseas workers at labour-hire company

5 January 2017

The Fair Work Ombudsman has secured a total of \$16,300 back-pay for five overseas workers at a labour hire company based at Fremantle, in Western Australia.

The labour hire company supplied the employees to work at a food processing factory in Perth, where their duties involved cutting, peeling, washing and packing vegetables.

The company paid the workers a flat hourly rate of less than \$22 for all hours worked, which was insufficient to meet the penalty rates they were entitled to for weekend and overtime work.

As casual employees, under the Food, Beverage and Tobacco Manufacturing Award they were entitled to receive up to \$32.54 on Saturdays, \$43.38 on Sundays and \$43.38 for overtime.

The workers were all visa-holders from non-English speaking backgrounds.

Fair Work Ombudsman inspectors conducted inquiries into the matter after the workers sought assistance, concerned they were not receiving all of their entitlements.

After inspectors contacted the labour hire company and explained its obligations under workplace laws, the company rectified the underpayments in full.

Fair Work Ombudsman Natalie James says the company avoided enforcement action by fully co-operating and agreeing to take steps to ensure it complies in future.

Inspectors issued the employer with a formal Letter of Caution placing it on notice that further breaches could result in enforcement action.

"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.

Other recent Fair Work Ombudsman recoveries in Perth include:

- \$8300 for a traffic controller in Perth who was underpaid his relevant minimum hourly rate for nearly two years, and
- \$7200 for a casual mining industry worker based in Perth who was owed wages by his labour hire employer after he was short-changed due to an internal communication error.

Employers and employees who are seeking advice can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

The Pay and Conditions Tool (PACT) available on the website can assist business owners to calculate pay rates applicable to their business.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) , the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au .

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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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