

## Shine comes off labour-hire firm who underpaid migrant workforce \$22,000

9 May 2017

A labour-hire business in Perth has back-paid 19 employees - mostly migrant workers - more than \$22,000 and agreed to revamp its workplace practices, following intervention by the Fair Work Ombudsman.

A Fair Work Ombudsman investigation found that Shine-Lead Pty Ltd underpaid the employees after supplying them to work at the Yuan's Fresh Meat poultry and meat processing business, based in the Perth suburb of Canning Vale.

The investigation found 19 Shine-Lead employees were underpaid a total of \$22,137 over a period of less than four months between July and October last year.

Fifteen of the employees were overseas workers from China, Taiwan and Malaysia. Most were in Australia on working holiday visas and student visas.

The Fair Work Ombudsman investigated after receiving a tip-off and found Shine-Lead had paid employees flat rates of between \$18 and \$19.50 for all hours worked across a standard Sunday-to-Thursday working week.

However, under the Poultry Processing Award 2010, the employees were entitled to minimum rates of \$18.30 for ordinary weekday hours and \$32.03 on Sundays.

Public holiday entitlements were also underpaid.

Inadvertent application of the incorrect Award contributed to some underpayments.

Underpayment of individual employees, whose main duties were cutting and packing chicken, ranged from \$694 to \$1787.

The company cooperated with the Fair Work Ombudsman and has entered into an Enforceable Undertaking (EU) aimed at encouraging behavioural change and future compliance with federal workplace laws.

Under the EU, the company has back-paid all employees in full and committed to make a \$2000 donation to the Employment Law Centre of Western Australia.

The company will also commission a professional audit of its compliance with workplace laws this year and rectify any breaches; register with the Fair Work Ombudsman's online My Account portal and ensure its managers complete all educational courses; and develop processes for ensuring future compliance.

The company is also required to display a workplace notice detailing its contraventions at the Yuan's Fresh Meat business premises.

Fair Work Ombudsman Natalie James says cases of underpayments involving overseas workers are treated particularly seriously because they can be vulnerable due to a lack of awareness of their entitlements, language barriers and reluctance to complain.

"Labour-hire operators, like all employers, have a legal obligation to pay the correct minimum wage rates, and visa holders are entitled to the same minimum rates as Australian workers," Ms James said.

"All employers have a duty to inform themselves of applicable wage rates, claiming ignorance of applicable minimum rates is not an acceptable excuse."

The Fair Work Ombudsman's investigation found Yuan's Fresh Meat was not at fault, as the amounts the business paid to Shine-Lead were adequate to cover the correct Award entitlements.

In March, a Queensland labour-hire company and its director were penalised more than \$227,000 for exploiting vulnerable foreign workers who were employed to pick fruit and vegetables - read the [Queensland labour-hire operator slammed for 'appalling and egregious treatment' of visa-holders media release](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/march-2017/20170328-maroochy-sunshine-penalty). ([www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/march-2017/20170328-maroochy-sunshine-penalty](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/march-2017/20170328-maroochy-sunshine-penalty))

In January, the Fair Work Ombudsman also secured a total of \$16,300 back-pay for five overseas workers at a labour hire company who were supplied to work at a food processing factory in Perth - read [More than \\$16,000 back-pay secured for overseas workers at labour-hire company media release](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/january-2017/20170124-perth-food-processing-factory-back-pay) ([www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/january-2017/20170124-perth-food-processing-factory-back-pay](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/january-2017/20170124-perth-food-processing-factory-back-pay))

[2017/20170105-fremantle-and-perth-mr](#) .

In another Western Australian case, a labour-hire company supplying workers to an abattoir east of Perth agreed to back-pay 27 of its employees, many of them overseas workers, more than \$35,000 last year - read the [Backpackers working at abattoir short-changed more than \\$35,000 media release](#) ([www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/may-2016/20160531-comprehensive-cleaning-eu-mr](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/may-2016/20160531-comprehensive-cleaning-eu-mr)) .

In the 2015-16 financial year, the Fair Work Ombudsman recovered more than \$3 million for overseas workers.

Employers and employees seeking assistance can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

Fair Work Ombudsman has fact sheets tailored to overseas workers and international students on the website and information to assist people from culturally and linguistically diverse backgrounds has been translated into 27 languages.

Employers and employees can also refer to the Fair Work Ombudsman's Pay and Conditions Tool (PACT) to determine pay rates and check entitlements.

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Download the [Shine-lead Pty Ltd Enforceable undertaking \(DOCX 145KB\)](#) ([www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-shine-lead-pty-ltd-redacted.docx.aspx](http://www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-shine-lead-pty-ltd-redacted.docx.aspx)) (PDF 1.2MB) ([www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-shine-lead-pty-ltd-redacted.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-shine-lead-pty-ltd-redacted.pdf.aspx)) .

Media inquiries:

Matthew Raggatt, Senior Media Adviser

Mobile: 0466 470 507

[matthew.raggatt@fwo.gov.au](mailto:matthew.raggatt@fwo.gov.au) (<mailto:matthew.raggatt@fwo.gov.au>)

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## Contact us

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

Fair Work Infoline: 13 13 94

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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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