

New Field underpays two graduates

14 December 2018

A multinational education company will make major changes to its workplace practices after the Fair Work Ombudsman discovered the underpayment of two Chinese graduates in its Melbourne CBD branch.

New Field Education Group Pty Ltd and owner Jinghong Sha have entered into an Enforceable Undertaking after misclassifying two workers as interns. In fact, the workers should have been paid as casual employees, then later as part-time employees.

Between June 2016 and February this year, the workers were paid low flat weekly rates that resulted in underpayments of the ordinary hourly rate, casual loading, weekend penalty rates and annual leave entitlements under the Clerks – Private Sector Award 2010.

The Chinese nationals, aged in their 20s during their employment, have been back-paid \$35,780 by New Field prior to the signing of the undertaking as a result of the Fair Work Ombudsman's investigation. Both workers held a 485 temporary graduate visa and assisted with administrative tasks such as processing visas.

Ms Sha resides in China and her Melbourne branch manager is also of Chinese heritage. Ms Sha and her company further breached laws by failing to issue pay slips or make payment for public holidays.

New Field is required to engage an external professional to complete three audits of the pay and conditions of all its employees and rectify any underpayments found.

Fair Work Ombudsman Sandra Parker said the undertaking also requires the company to review the status of any other worker classified as an intern.

"Enforceable Undertakings require compliance measures from employers that can deliver sustainable benefits for current and future employees. New Field made early admissions of the workplace breaches, has now rectified the underpayments and will be under scrutiny to ensure these issues are not repeated."

"It is a company's responsibility to understand how their workers can be engaged, including whether they can be correctly classified as interns. It is never OK for employers to undercut the lawful minimum wage rates that apply to all workers including migrants, regardless of whether you are of the same cultural background as your employees. Any workers with concerns should contact us," Ms Parker said.

The company will also make a substantial donation to CASS Care, a charity that assists migrants to settle into Australian society, for the promotion of workplace compliance.

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Read the [New Field Education Group Pty Ltd Enforceable Undertaking \(DOCX 155.9KB\)](https://www.fairwork.gov.au/ArticleDocuments/1416/new-field-education-group-pty-ltd-enforceable-undertaking.docx.aspx) (<https://www.fairwork.gov.au/ArticleDocuments/1416/new-field-education-group-pty-ltd-enforceable-undertaking.docx.aspx>) (PDF 654.5KB) (<https://www.fairwork.gov.au/ArticleDocuments/1416/new-field-education-group-pty-ltd-enforceable-undertaking.pdf.aspx>)

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