

## Hair and beauty salon commits to change after underpaying overseas workers more than \$25,000

6 July 2018

A Sydney hair and beauty salon operator has back-paid seven workers more than \$25,000 and will overhaul its workplace practices, under the terms of an Enforceable Undertaking with the Fair Work Ombudsman.

The back-payments have been made by Ohmed Pty Ltd, which operates the OKS Hair and Beauty Salon in Lidcombe.

In addition to back-paying the workers, the company has agreed to donate \$5000 to the Marrickville Legal Centre.

Seven workers at the OKS Hair and Beauty Salon were underpaid a total of \$25,045 between March 2016 to May 2017.

At least two of the workers were Korean nationals.

One of the Korean workers, who was in Australia on a working holiday visa at the time, obtained work at the salon with the assistance of the university she had studied at in Korea to become a beautician, though the work at the salon was not a part of her studies.

She lodged a request for assistance with the Fair Work Ombudsman after becoming aware she was not being provided with the minimum pay rates that apply in Australia.

The Fair Work Ombudsman investigated and found that the worker and six other workers at the OKS Hair and Beauty Salon had been underpaid the minimum rates for ordinary hours and penalty rates for weekend and public holiday work they were entitled to under the Hair and Beauty Award at the time. Some were paid cash-in-hand.

The workers were all employed as casual salon assistants, with tasks including greeting customers, cleaning and providing assistance to the salon's hairdressers and beauticians.

Ohmed Pty Ltd also failed to issue pay slips to the workers and failed to pay superannuation. The Fair Work Ombudsman will refer the matter to the Australian Taxation Office.

The company and its director, Mr Hyung Jin Oh, fully co-operated with the Fair Work Ombudsman's investigation, back-paying the workers in full and agreeing to enter into an Enforceable Undertaking (EU) focussed on ensuring future compliance.

The EU imposes significant obligations on Mr Oh and Ohmed Pty Ltd, including a requirement for the company to engage, at its own expense, an external auditor to conduct three audits of all employees' pay and conditions over the next two years.

The EU also requires the company to ensure all staff with responsibility for human resources, recruitment or payroll functions undertake workplace relations training. Mr Oh and his mother Mrs Kyung Sook Oh – who assisted with the operation of the salon – are also required to complete additional training via the FWO Online Learning Centre.

The company must also send letters of apology to the affected workers, display a notice regarding the EU in the workplace and on its Facebook page.

Ohmed agreed to make the \$5000 donation to the Marrickville Legal Centre in recognition of its contrition for the underpayments. The company will ensure its employees have the opportunity to attend a legal information session run by the Marrickville Legal Centre, with a Korean interpreter present.

Acting Fair Work Ombudsman Kristen Hannah said an EU was an appropriate outcome, given the full cooperation of the employer and the rectification of back-payments.

"EUs allow the Fair Work Ombudsman to achieve strong outcomes against companies that breach workplace laws without the need for civil court proceedings, which are often lengthy and can significantly extend the time it takes for workers to receive their entitlements," Ms Hannah said.

"This EU puts in place robust measures to ensure that Mr Oh and Ohmed Pty Ltd take real steps to improve their workplace practices and ensure sustained compliance with workplace laws going forward. This will make a real difference to workers."

Ms Hannah said the Fair Work Ombudsman takes matters involving vulnerable workers, such as visa-holders or workers from

culturally and linguistically diverse backgrounds, particularly seriously.

“The idea that it’s OK to pay migrants and visa holders a ‘going rate’ that undercuts the lawful minimum wage rates that apply in Australia is a myth,” she said. “All workers in Australia have the same entitlements, regardless of their citizenship, ethnicity or cultural and linguistic background.”

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

Information on the website can be translated into 40 languages other than English and the Fair Work Ombudsman’s popular [Anonymous Report function \(www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/july-2017/20170731-migrant-worker-anon-report-tool\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/july-2017/20170731-migrant-worker-anon-report-tool) is available in 16 languages other than English, allowing visa-holders to report workplace concerns anonymously to the agency in their own language.

Since September 2016, the Fair Work Ombudsman has been actively working to raise awareness of workplace laws amongst the Korean community via its [Korean Australian Engagement Strategy \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/september-2016/20160919-group-k-eu-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/september-2016/20160919-group-k-eu-release).

The Fair Work Ombudsman recently launched a Small Business Showcase at [www.fairwork.gov.au/smallbizshowcase](http://www.fairwork.gov.au/smallbizshowcase) (<http://www.fairwork.gov.au/smallbizshowcase>), a virtual hub providing a wealth of resources for small businesses seeking information about their workplace obligations.

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

Sign up to receive the Fair Work Ombudsman’s media releases direct to your email inbox at [www.fairwork.gov.au/mediareleases](http://www.fairwork.gov.au/mediareleases) ([www.fairwork.gov.au/mediareleases](http://www.fairwork.gov.au/mediareleases)).

Read the [Ohmed Pty Ltd Enforceable Undertaking \(DOCX 140.4KB\) \(https://www.fairwork.gov.au/ArticleDocuments/1179/enforceable-undertaking-ohmed-pty-ltd-redacted.docx.aspx\)](https://www.fairwork.gov.au/ArticleDocuments/1179/enforceable-undertaking-ohmed-pty-ltd-redacted.docx.aspx) (PDF 2.8MB) (<https://www.fairwork.gov.au/ArticleDocuments/1179/enforceable-undertaking-ohmed-pty-ltd-redacted.pdf.aspx>)

Media inquiries:

Yasmin Daymond, Assistant Director - Media  
Mobile: 0421 630 460  
[yasmin.daymond@fwo.gov.au](mailto:yasmin.daymond@fwo.gov.au) (<mailto:yasmin.daymond@fwo.gov.au>)

**Page reference No: 8550**

## Contact us

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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.