

Hobart massage centres back-pay workers

6 May 2019

The operator of three massage centres in Hobart will overhaul its workplace practices after the Fair Work Ombudsman found it underpaid 22 employees a total of \$39,830.

King's Natural Healthcare Pty Ltd, which trades as King's Day Spa and Massage, and company director Yu 'Sam' Wang, have entered into a Court-Enforceable Undertaking.

Fair Work Inspectors investigated the company's massage centres in the Hobart CBD, Rosny Park and Glenorchy after receiving a request for assistance from an employee.

Inspectors found that workers were paid a percentage of each massage they provided to customers between 15 January 2018 and 11 March 2018, rather than the lawful minimum wage for each hour worked.

This resulted in underpayment of the minimum weekly wage, overtime rates, casual loadings and penalty rates for weekend and public holiday work they were entitled to under the Health Professionals and Support Services Award 2010.

The company also failed to issue pay slips to employees, in breach of the Fair Work Act.

Fair Work Ombudsman Sandra Parker said it was particularly concerning that affected employees were migrant workers.

"Many of the underpaid staff at King's Day Spa and Massage centres were international students who can be particularly vulnerable due to visa status," Ms Parker said.

"This hefty back payment bill should serve as a warning that is unlawful to pay migrant workers a so-called 'market rate' that undercuts the applicable minimum Award rates."

"Every employee has the same workplace rights, regardless of their citizenship, and Australia's minimum Award rates are not negotiable," Ms Parker said.

Under the Court-Enforceable Undertaking, King's Natural Healthcare must rectify all underpayments by 28 June 2019 and donate \$5,000 to the Tasmanian Migrant Resource Centre.

The company must also engage an external professional to complete two audits of the pay and conditions of all employees, apologise to workers and display public and workplace notices.

Further, Kings Natural Healthcare must inform the Fair Work Ombudsman if it engages any independent contractors to perform duties also completed by employees.

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. Small business callers can receive priority service via the Small Business Helpline and an interpreter service is available on 13 14 50.

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