

## Melbourne business faces court for allegedly underpaying Chinese immigrant \$27,000

5 July 2011

The Fair Work Ombudsman has launched a prosecution against a Melbourne business for allegedly underpaying a Chinese immigrant more than \$27,000.

A 61-year-old embroiderer's assistant who speaks little English was allegedly paid flat hourly rates ranging from \$9 to \$12, plus an additional \$1 an hour when working overtime, as defined by her employer.

However, the Fair Work Ombudsman says the worker was entitled to a normal hourly rate of more than \$13 and up to \$36 an hour for overtime, weekend and public holiday work.

Fair Work Ombudsman Nicholas Wilson says the employee's vulnerability was a key factor in the decision to prosecute.

Facing court is Collingwood-based Access Embroidery (Australia) Pty Ltd, which is engaged in embroidery and the finishing and alteration of garments.

Also facing court is manager and part-owner Tao Hua.

Documents lodged in the Federal Magistrates Court in Melbourne allege Mr Hua was centrally involved in Access Embroidery underpaying the worker a total of \$27,123 between May, 2006 and March, 2010.

Fair Work inspectors discovered the alleged underpayment when they investigated a complaint from the woman.

Access Embroidery rectified the alleged underpayment earlier this year.

It is alleged Mr Hua and Access Embroidery were involved in further breaching workplace law by failing to keep proper employment records.

Mr Hua and Access Embroidery allegedly committed several breaches of workplace law. Mr Hua faces maximum penalties of up to \$6600 per breach and Access Embroidery faces maximum penalties of up to \$33,000 per breach.

The case is listed for a directions hearing on July 13.

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

Keep up to date with the Fair Work Ombudsman and updates on Australia's workplace relations laws through Twitter [@fairwork\\_gov\\_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork\_gov\_au).

Media inquiries:

Ryan Pedler, Senior Adviser, Media & Stakeholder Relations  
(03) 9954 2561, 0411 430 902  
[ryan.pedler@fwo.gov.au](mailto:ryan.pedler@fwo.gov.au)

## 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.