

## Melbourne business fined for underpaying immigrant employee

18 September 2012

Note: Reference to prosecution in this media release is a general reference to the FWO commencing proceedings for the imposition of civil penalties and should not be taken to be a reference to criminal proceedings.

The operators of a Melbourne business that underpaid an immigrant employee have been fined a total of \$37,620.

Collingwood-based Access Embroidery (Australia) Pty Ltd, which is engaged in embroidery and the finishing and alteration of garments, has been fined \$29,700.

Company manager and part-owner Tao Hua has been fined a further \$7920.

The fines, handed down in the Federal Magistrates Court in Melbourne, are a result of an investigation and prosecution by the Fair Work Ombudsman.

Federal Magistrate Frank Turner imposed the fines after finding Hua was involved in Access Embroidery underpaying a 61-year-old embroiderer's assistant who speaks little English a total of \$22,803 between 2006 and 2010.

The employee, originally from China, was paid flat hourly rates ranging from \$9 to \$12, plus an additional \$1 an hour when working overtime, as defined by her employer.

However, she was entitled to a normal hourly rate of more than \$13 and up to \$36 an hour for overtime, weekend and public holiday work.

Access Embroidery rectified the underpayment last year.

Workplace laws related to keeping employment records were also breached.

In his judgment, Federal Magistrate Turner noted that Access Embroidery had previously been required to rectify an underpayment of an employee in 2004.

Fair Work Ombudsman Nicholas Wilson says the Court's decision serves to remind employers that underpayment of vulnerable workers is a serious matter.

"Successful prosecutions such as this also benefit employers who are complying with workplace laws because it helps them to compete on a level playing field," Mr Wilson said.

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.

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## 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

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