

Foreign nationals in Sydney back-paid \$15,000, employer fined

23 October 2013

The Fair Work Ombudsman has recovered \$15,800 for 12 underpaid workers in Sydney, many of whom were Chinese and Korean nationals on student and working holiday visas, and fined one business owner more than \$2,000.

The biggest repayment was \$9,900 for two Chinese nationals on student visas who were not paid for all the hours they'd worked, were underpaid weekend and public holiday penalty rates in 2012 and not paid full entitlements upon termination.

The workers were employed as advertising sales representatives at an IT firm in Sydney's CBD .

Inspectors from the Fair Work Ombudsman's Overseas Workers Team discovered the underpayments after receiving complaints from the employees.

In another case, 10 fast food workers who were employed at a business with stores in the CBD, Eastwood and Strathfield, most of whom were young Korean nationals on working holiday visas, were back-paid \$5,900 in unpaid annual leave entitlements.

Their employer, who spoke limited English, failed to accrue the workers' annual leave throughout their employment - and consequently underpaid their entitlements on termination last year- because he didn't understand the minimum entitlements he was required to provide.

Back-payments for the fast food workers ranged from \$135 to \$1,500 and the employer was fined \$2,550 for failing to keep time-and-wages records and provide employees with pay slips.

Both employers reimbursed all money owed to employees voluntarily without the need for the Fair Work Ombudsman to take further action.

Fair Work Ombudsman, Natalie James, said a range of tools and resources are available to help workers and employers for whom English is a second language understand national workplace laws.

"Information on our website - www.fairwork.gov.au/languages (www.fairwork.gov.au/language-help/default) - is translated into 27 languages, including Chinese and Korean, and a free interpreter service is available on 13 14 50 for anyone seeking advice," Ms James said.

Online resources include record-keeping and pay slip templates and tools for determining correct rates of pay for employees, such as PayCheck Plus.

Ms James said complying with record-keeping and pay slip obligations in particular is fundamentally important to maintaining the integrity of Australia's workplace laws.

"Failure to issue pay slips denies employees the opportunity to check that they are being paid correctly," she said.

Employers and workers seeking information and advice should get in touch with the Fair Work Ombudsman via the website www.fairwork.gov.au, by calling the Fair Work Infoline on 13 13 94, or on 13 14 50 if they need an interpreter.

Contact us

Fair Work Online: 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.