

Korean workers encouraged to know their rights

3 March 2014

The Fair Work Ombudsman is encouraging employees in Australia's Korean community to learn more about their workplace rights - particularly minimum pay rates.

Fair Work inspectors recently received intelligence suggesting that some Korean employees were receiving as little as \$8 an hour. The current national minimum wage in Australia is \$16.37 an hour, or \$622.20 a week. Casual employees covered by the national minimum wage get \$20.30 an hour.

Fair Work Ombudsman Natalie James says all employees working in Australia, including overseas workers, are entitled to basic rights and protections in the workplace.

"Every employee is legally entitled to a minimum wage and a range of other workplace entitlements, even if they're not an Australian citizen," she said.

"A key role of the Fair Work Ombudsman is to assist both employers and employees to understand their rights and obligations, including what they should pay or be paid."

Information to assist both employers and employees from non-English speaking backgrounds has been translated into 27 languages, including Korean, on the Fair Work Ombudsman website at www.fairwork.gov.au/languages (www.fairwork.gov.au/language-help/default)

As well as educating people about their workplace rights, the Fair Work Ombudsman can investigate employee complaints and enforce compliance with Australia's workplace laws. Last financial year, the Agency recovered \$1.4 million for more than 2000 Visa holders.

Recently, a Korean national at a restaurant in Sydney was back-paid \$12,100 in wages after Fair Work inspectors discovered he had been underpaid over nine months. The waiter, who spoke limited English, was paid \$15 an hour, below the minimum wage, and not enough to cover weekend penalty rates.

In separate case, 10 workers at a fast food business in Sydney - most of them young Korean nationals - were back-paid a total of \$5900 after their employer failed to pay out their annual leave entitlements on termination of employment in 2012.

Both employers co-operated with inspectors and reimbursed all money owed to employees voluntarily without the need for the Fair Work Ombudsman to take further action.

Ms James says the Fair Work Ombudsman is constantly looking to new and innovative ways to ensure overseas workers in Australia receive their lawful entitlements.

Last year, after an issue about underpaid overseas workers in Queensland, a social media campaign to educate seasonal workers, including backpackers, about their rights, reached almost 300,000 people. Facebook messages also reached 6500 people.

When the Fair Work Ombudsman identifies underpayments of employees, its first preference is always to work co-operatively with employers to have them understand their mistakes and rectify them voluntarily - and to put processes in place to ensure the errors are not repeated.

However, where an employer deliberately fails to comply with workplace laws or refuses to engage with Fair Work inspectors, the Fair Work Ombudsman has a number of enforcement options at its disposal, including litigation.

The largest penalty awarded by the Courts so far is \$343,860 in September last year against a Perth cleaning company and its manager who were found to have deliberately underpaid six cleaners, including five overseas workers from Taiwan, Hong Kong, New Zealand and Ireland.

For information and advice on workplace laws visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

View this media release in Korean:

- [Korean workers encouraged to know their rights \(PDF 205.6KB\) \(www.fairwork.gov.au/ArticleDocuments/585/Korean-workers-Media-Release-20140303-translated.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/585/Korean-workers-Media-Release-20140303-translated.pdf.aspx)
- [Korean workers encouraged to know their rights \(RTF 357KB\) \(www.fairwork.gov.au/ArticleDocuments/585/Korean-workers-Media-Release-20140303-translated.rtf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/585/Korean-workers-Media-Release-20140303-translated.rtf.aspx)

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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.