

Taiwanese backpacker short-changed \$21,000

10 December 2015

A fast-food restaurant in the Melbourne CBD underpaid a Taiwanese backpacker almost \$21,000 in just five months, a Fair Work Ombudsman investigation has found.

The 417 working holiday visa-holder was paid as little as \$9 an hour for all hours worked, when she should have received a minimum \$25.17 for normal hours and up to \$50.94 on public holidays.

Fair Work inspectors found that the restaurant adjusted its pay rates subject to its cash flow to ensure it maintained a steady profit margin.

In a separate and unrelated matter, a second fast-food venue in Melbourne's CBD has also been found to have underpaid two Taiwanese employees a total of \$23,000.

In the second case, the female employees – who spoke no English and required an interpreter to communicate with Fair Work inspectors – were paid a flat rate of \$11 an hour, cash in hand.

They should have received \$23.15 an hour for normal hours and up to \$50.93 for work on public holidays.

Both matters were investigated by the Fair Work Ombudsman's specialist Overseas Workers' Team

after the employees left their jobs and contacted the Agency to request assistance.

Fair Work Ombudsman Natalie James says both businesses have now been formally apprised of their respective workplace obligations and the need to adhere to minimum wage rates.

All outstanding entitlements have also been reimbursed.

Ms James says the Agency is working hard to build a culture of compliance with workplace laws in Australia by providing practical advice that is easy to access, understand and apply.

She says it is important that there be a fair competitive environment for employers who are doing the right thing by creating a level playing field in relation to business costs.

"Anyone establishing or operating a business needs to ensure they take the time to understand our workplace laws applicable to their business," Ms James said.

"Employers simply cannot undercut the minimum lawful entitlements of their employees based on what they think the job may be worth, what the employee is happy to accept, what other businesses are paying, or what the job may pay in their country of origin."

"Underpaying vulnerable visa-holders who may have little or no English and limited understanding of their workplace rights is not acceptable.

"We take a dim view of any employer who seeks to profit by underpaying their staff, particularly vulnerable overseas workers. Workers who have come from overseas have the same rights as any other worker in Australia and should be treated with the same dignity and respect."

Ms James encouraged employers who had any uncertainty about whether their workplace practices were appropriate to visit the Fair Work Ombudsman website at www.fairwork.gov.au

Employers and employees can also call the Fair Work Infoline on 13 13 94. A free interpreter service for those from non-English speaking backgrounds is available on 13 14 50.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (<http://twitter.com/NatJamesFWO>), the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au (<http://www.facebook.com/fairwork.gov.au>).

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at www.fairwork.gov.au/mediareleases (www.fairwork.gov.au/mediareleases).

Media inquiries:

Lara O'Toole, Media Adviser

Mobile: 0439 835 855

lara.otoole@fwo.gov.au (mailto:lara.otoole@fwo.gov.au)

Page reference No: 5694

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.