

## \$10,500 back-pay for Japanese backpackers

20 February 2015

Three Japanese backpackers who worked at a café in Sydney have been reimbursed a total of \$10,500 after the Fair Work Ombudsman found they had been underpaid.

The three young women took part-time jobs after arriving in Australia on the 417 working holiday visa.

They were underpaid their minimum hourly rate and penalty rates, receiving an average of about \$14 an hour.

As casual employees, they should have received more than \$20 an hour for normal hours, as well as additional penalty rates for late night, weekend and public holiday work.

The employees realised they had been short-changed when they read about Australian wage rates in a student magazine.

They then contacted the Fair Work Ombudsman for assistance.

Fair Work inspectors subsequently determined that the underpayments were a genuine mistake on the part of the café owner, also from Japan.

The business had no history of non-compliance with workplace laws.

However, it has received a Letter of Caution from the Fair Work Ombudsman.

The letter puts the employer on notice that compliance with workplace laws is now expected.

Fair Work Ombudsman Natalie James says the business avoided further enforcement action by fully co-operating with Fair Work inspectors.

“This is an example of our fair, reasonable and proportionate response to employers who admit their mistakes, fix them immediately and put systems in place to ensure the errors are not repeated in future,” she said.

“However, we are conscious that overseas workers can be vulnerable if they are not fully aware of their workplace rights, and are often reluctant to complain, so we won’t hesitate to take action against those who seek to take advantage of that vulnerability.”

The Fair Work Ombudsman has a strong focus on ensuring that the workplace rights of overseas workers are upheld.

In August, the Agency announced a review into the wages and conditions of overseas workers in Australia on the 417 working holiday visa (see [media release – Fair Work Ombudsman to review entitlements of overseas visa-holders on working holidays \(http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/august-2014/20140804-working-holiday-entitlements-review\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/august-2014/20140804-working-holiday-entitlements-review) ).

“We want the experience of an overseas worker in Australia to be a positive one. And we simply aim to ensure that all those who work here are treated with respect and accorded the same rights as local workers,” Ms James said.

Other recent recoveries in Sydney’s CBD and surrounding suburbs include:

- \$9700 for an engineer at Alexandria not paid redundancy pay entitlements upon termination of employment,
- \$9000 for a storeman at a Waterloo wholesale business underpaid the minimum hourly rate,
- \$7700 for nine child care workers and support staff at a CBD child care centre underpaid their minimum hourly rates,
- \$7500 for a car park attendant in the CBD not paid his annual leave entitlements on termination of employment,
- \$6400 for a specialist at a CBD medical clinic not paid his annual leave entitlements on termination of employment, and
- \$5700 for a telemarketer at Surry Hills underpaid the minimum hourly rate.

The employees were reimbursed all money owed without the need for further action after Fair Work inspectors contacted the businesses and explained their obligations.

Inspectors also assisted employers to put processes in place to ensure they comply with workplace laws in the future.

Ms James says the Fair Work Ombudsman can assist employers with accurate, reliable information that is easy to access, understand and apply.

Online tools available at [www.fairwork.gov.au](http://www.fairwork.gov.au) include PayCheck Plus to determine the correct award and minimum wages for employees, templates for pay slips and time-and-wages records and a range of Best Practice Guides.

Employers and employees seeking assistance can consult the range of free tools and resources available on the website, or call the Fair Work Infoline on 13 13 94.

Small businesses can opt to be put through to a priority HelpLine.

A free interpreter service is also available on 13 14 50, and information on the website is translated into 26 languages at [www.fairwork.gov.au/languages](http://www.fairwork.gov.au/languages).

The Fair Work Ombudsman supports compliant, productive and inclusive Australian workplaces and aims to build a culture of compliance with workplace laws.

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](http://twitter.com/fairwork_gov_au)) or find us on Facebook [www.facebook.com/fairwork.gov.au](http://www.facebook.com/fairwork.gov.au) (<http://www.facebook.com/fairwork.gov.au>).

Media inquiries:

Nicci de Ryk, Senior Media Adviser

Mobile: 0466 522 004

[nicci.deryk@fwo.gov.au](mailto:nicci.deryk@fwo.gov.au) (<mailto:nicci.deryk@fwo.gov.au>)

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**Page reference No: 5209**

## 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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