

Nature's Care signs workplace pact after short-changing Asian backpackers almost \$100,000

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Thirteen young backpackers on 417 working holiday visas have been short-changed almost \$100,000 working for a high-profile natural health and skin care products company in NSW.

Fair Work Ombudsman Natalie James says the workers – 12 from Taiwan and one from Hong Kong – spoke little or no English.

They worked as packers and labourers for Sydney-based Nature's Care, which has a factory at Belrose, north of Sydney, and a farm at Pokolbin, in the Hunter Valley.

Both Nature's Care Manufacture Pty Ltd and its wholly-owned Natralab Australia Pty Ltd were found to have been involved in the underpayments – which have since been rectified.

Nature's Care manufactures and distributes hundreds of health supplement and skin care products throughout Australia, the US, Canada, China, Taiwan, Japan, Korea, Hong Kong and Thailand.

Ms James says the 10 males and three females, aged between 21 and 30, were paid flat hourly rates of between \$15.51 and \$16.37.

However, they should have been paid a standard hourly rate of \$20.36 and penalty rates of up to \$43.38 for overtime, weekend, evening and public holiday shifts.

"Collectively, the employees were underpaid a total of \$98,499 between February, 2013 and August last year," Ms James revealed.

"Individual underpayments ranged from \$2500 to \$13,079."

The Fair Work Ombudsman discovered the underpayments and other breaches of workplace laws after investigating requests for assistance from the 13 employees in July last year.

Fair Work inspectors used interpreters to communicate with the workers.

Ms James says both companies co-operated with the Fair Work Ombudsman and agreed to reimburse the workers all outstanding entitlements.

She says the companies have also signed an Enforceable Undertaking, committing to a series of actions to ensure future compliance with federal workplace laws.

"Further, Nature's Care will donate \$5000 to the Sydney-based Asian Women at Work (AwaW) support group to assist it promote workplace rights," Ms James said.

Each of the affected workers received a written apology from the company expressing "sincere regret" for the behavior.

The Enforceable Undertaking requires Nature's Care to commission workplace relations training for its managers and engage a professional, external review of its pay practices.

Enforceable Undertakings were introduced by legislation in 2009 and the Fair Work Ombudsman has been using them to achieve strong outcomes against companies that breach workplace laws, without the need for civil court proceedings.

"We use Enforceable Undertakings where we have formed a view that a breach of the law has occurred, but where the employer has acknowledged this and accepted responsibility and agreed to co-operate and fix the problem," Ms James said.

Ms James says the case is a timely reminder to business operators of the need to ensure they take the time to understand and comply with the laws applicable to their workplace.

She encouraged employers who had any uncertainty about whether their workplace practices were appropriate or not to visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for advice.

Online tools also include pay rate calculators to assist employers determine the correct Award and minimum wages for employees and free templates for pay slips and time-and-wages records.

Ms James says the Fair Work Ombudsman is now receiving more requests for assistance from visa-holders working in Australia than ever before.

“One in 10 of our requests for assistance are now coming from visa-holders. That’s significant and that is a trend that is concerning us greatly,” she said.

“We are very keen to work with employers and communities to make sure that those who try to get a competitive edge by ripping off vulnerable workers are brought to account.”

Ms James says 417 visa-holders have emerged as a strong priority for the Fair Work Ombudsman and their wages and conditions are now the subject of a national Inquiry.

The 417 is a temporary visa issued by the Department of Immigration and Border Protection (DIBP) to young people who want to holiday and work in Australia for up to two years.

The Fair Work Ombudsman established an Overseas Workers’ Team in July, 2012 in recognition that overseas workers can be vulnerable to exploitation or require specialist assistance.

Information on the Fair Work Ombudsman website is available in 27 languages.

An interpreter service is available on 13 14 50.

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- [Nature's Care Manufacture Pty Ltd Enforceable Undertaking \(DOCX 132.3KB\)](http://www.fairwork.gov.au/ArticleDocuments/837/enforceable-undertaking-natures-care-manufacture-and-natralab-australia-redacted.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/837/enforceable-undertaking-natures-care-manufacture-and-natralab-australia-redacted.docx.aspx) (PDF 2.8MB) (www.fairwork.gov.au/ArticleDocuments/837/enforceable-undertaking-natures-care-manufacture-and-natralab-australia-redacted.pdf.aspx)

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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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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