

Travel agency signs workplace pact after short-changing Korean worker \$4200 in just 7 weeks

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A Melbourne travel agency underpaid a Korean sales assistant more than \$4200 over a period of just seven weeks, a Fair Work Ombudsman investigation has found.

The 32-year-old worker, who was in Australia on a spousal visa, was initially classified as an “unpaid trainee” and not paid anything for her first two weeks’ work with Abella Travel Pty Ltd in June last year.

The company, which services the inbound Korean tourist market, then paid her a flat daily rate of \$100 for working up to 9.5 hours-per-day.

Under the General Retail Industry Award 2010, the employee was entitled to a standard hourly rate of \$18.52 and penalty rates of up to \$37.05 an hour for overtime, weekend, evening and public holiday work.

Abella Travel also underpaid the employee’s annual leave entitlements, failed to keep adequate records or issue payslips and failed to provide the employee with written notification of termination.

The woman’s employment status was changed from full-time to part-time, before her job was ultimately terminated.

The Fair Work Ombudsman investigated after the woman lodged a complaint.

It is not the first time Abella Travel, which operates from premises in Little Collins Street in the CBD, has come to the attention of Fair Work inspectors.

In mid-2012, the company was advised of its workplace obligations after three employees sought assistance from the Fair Work Ombudsman.

The matters were subsequently resolved voluntarily by the company.

In the latest case, the company has co-operated with Fair Work inspectors and reimbursed the Korean sales assistant a total of \$4231.

It has also signed an Enforceable Undertaking (EU), giving a number of commitments, such as providing a written apology to the worker.

Further, Abella Travel will commission accredited workplace relations training for its managers, provide records and pay slips to the Fair Work Ombudsman for auditing and engage two external audits of its payment practices later this year.

The company has also agreed to develop systems for ensuring ongoing compliance with workplace laws and use the Fair Work Ombudsman’s Online tool My Account.

My Account allows employers to save tailored information such as pay rates and conditions of employment specific to their circumstances and log-in to view the information at any time.

Fair Work Ombudsman Natalie James says it is important that employers understand they cannot enter into agreements with staff that undercut lawful minimum terms and conditions.

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

“We know workplace laws can seem complicated for the uninitiated, but we ask small business to use the tools and resources that we provide for them and inform themselves,” she says.

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94.

Employees and employers can call 13 14 50 if they need interpreter services.

Small business employers calling the Fair Work Infoline can opt to receive priority service via the Small Business Helpline.

Information on the website has been translated into 27 languages, including Korean, to assist people from culturally and linguistically

diverse backgrounds.

The Fair Work Ombudsman has fact sheets tailored to overseas workers and employers on its website and has produced videos in 14 different languages and posted them on YouTube to assist people from non-English speaking backgrounds to understand Australia's workplace relations laws.

"Equipping people with the information they need encourages and empowers employees and employers to resolve issues in their workplace and build a culture of compliance, ensuring a level playing field for all," Ms James said.

The Fair Work Ombudsman uses Enforceable Undertakings where it has 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.

"Many of the initiatives included in EUs help to build a greater understanding of workplace responsibilities, motivate the company to do the right thing and help them avoid the same mistakes again," Ms James says.

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

Download:

- [Abella Travel Pty Ltd Enforceable Undertaking \(DOCX 109KB\)](http://www.fairwork.gov.au/ArticleDocuments/837/abella-travel-pty-ltd-enforceable-undertaking.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/837/abella-travel-pty-ltd-enforceable-undertaking.docx.aspx) (PDF 2.3MB) (www.fairwork.gov.au/ArticleDocuments/837/abella-travel-pty-ltd-enforceable-undertaking.pdf.aspx)

Media inquiries:

Tom McPherson, Media Adviser

Mobile: 0439 835 855

tom.mcpherson@fwo.gov.au (mailto:tom.mcpherson@fwo.gov.au)

Page reference No: 5230

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

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