

## 417 visa-holders short-changed almost \$10,000

25 May 2015

Three Chinese backpackers fruit-picking in regional Victoria are among dozens of workers back-paid thousands of dollars following recent intervention by the Fair Work Ombudsman.

The backpackers, all 417 working holiday visa-holders, were short-changed their minimum hourly rates of pay while working for five months last year on a property at Murchison.

They have been reimbursed a total of \$9800, an average of \$3266 each, after turning to the Fair Work Ombudsman for assistance after leaving their jobs.

Fair Work Ombudsman Natalie James says the employer was underpaying casual wage rates, but after discussions with Fair Work inspectors, agreed to reimburse the former workers.

“When we find mistakes, our preference is to educate employers about their obligations and assist them to put processes in place to ensure the errors are not repeated,” she said.

Ms James says this and other recent cases highlight the importance of Goulburn Murray employers taking the time to ensure they understand their workplace obligations.

She revealed that local employers had been required to reimburse about \$70,000 to underpaid workers following recent inquiries.

“A small mistake left over time can easily result in a hefty bill for back-payment of wages – so it is important employers get it right in the first place,” she said.

For example, a café at Cobram has also been required to return \$25,600 to 11 of its staff who were found to have been underpaid over 12 months.

Waiting staff, cooks and apprentices were underpaid their minimum hourly rates and penalty rates for weekend, overtime, public holiday and shift work.

The underpayments occurred as a result of the employer’s failure to pass on annual increases to minimum pay rates and pay some workers under the correct Modern Award.

The Fair Work Ombudsman identified the mistake during a random audit of the business.

Other recent recoveries include:

- \$9800 for five farm hands at a Kyabram property not paid their casual loading entitlements,
- \$9200 for 11 employees at a Broadford retail business underpaid their minimum hourly rates, early morning penalty rates, laundry allowances and paid rest break entitlements,
- \$7600 for four apprentices at an Alexandra business underpaid their minimum hourly rates, and
- \$5400 for a truck driver at Shepparton underpaid his night penalty rates over 12 months.

Ms James encouraged employers in the Goulburn Murray region to go to [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on 13 13 94 if they were unsure of their responsibilities.

The Fair Work Ombudsman is currently running a three-year program called the Harvest Trail to ensure seasonal workers, many of them backpackers on 417 working holiday visas, receive their full entitlements. For more information go to [www.fairwork.gov.au/harvesttrail](http://www.fairwork.gov.au/harvesttrail) ([www.fairwork.gov.au/harvesttrail](http://www.fairwork.gov.au/harvesttrail)) .

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Fair Work Infoline: 13 13 94

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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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