

## Taiwanese backpackers allegedly short-changed \$40,000 working as hairdressers

27 May 2015

Two Taiwanese backpackers were allegedly underpaid almost \$40,000 while working as hairdressers in Adelaide.

The male and female workers, aged in their 20s, were in Australia on 417 working holiday visas at the time.

The two were allegedly short-changed a total of \$39,144 between September, 2013 and May last year.

The Fair Work Ombudsman today announced it had commenced legal proceedings against Perth man Wei Wang.

Mr Wang runs and part-owns two F10 Quick Cut outlets at the Arndale Shopping Centre at Kilkenny and the Elizabeth Shopping Centre.

Also facing legal action is a company of which Mr Wang is the sole director, Sonisolar Pty Ltd.

The Fair Work Ombudsman claims the underpayment is largely the result of the workers being treated as contractors, rather than being provided with minimum employee entitlements.

The workers were allegedly engaged six days a week and were paid amounts that resulted in an average rate of less than \$10.50 an hour.

Under Australia's Hair and Beauty Industry Award, they were entitled to receive more than \$17 an hour for normal hours and up to \$38 an hour for weekend, overtime and public holiday work.

Wages in lieu of notice and annual leave entitlements were allegedly also underpaid.

It is alleged that the workers were underpaid \$19,767 and \$19,377 respectively and that Mr Wang was involved in some of the underpayments.

The Fair Work Ombudsman investigated after the workers turned to the Agency for help.

Mr Wang and Sonisolar allegedly also breached workplace laws by failing to fully comply with two Notices to Produce employment records issued by Fair Work inspectors.

Record-keeping and pay-slip breaches are also alleged.

Fair Work Ombudsman Natalie James says legal action was initiated after Mr Wang and Sonisolar declined to co-operate with the Agency.

"Our inspectors made repeated efforts to engage with this business operator to try to resolve the underpayment matter outside the Court, but were not able to secure sufficient co-operation," she says.

The Fair Work Ombudsman alleges multiple contraventions of workplace laws.

Mr Wang faces maximum penalties of up to \$10,200 per contravention and Sonisolar faces maximum penalties of up to \$51,000 per contravention.

The Fair Work Ombudsman is also seeking a Court Order for full back-payment of the alleged underpayments, which remain outstanding.

A directions hearing is listed for June 3 in the Federal Circuit Court in Adelaide.

Ms James says employers should be aware that the Fair Work Ombudsman treats underpayment of overseas workers very seriously.

417 visa-holders have emerged as a strong priority for the Fair Work Ombudsman and their wages and conditions are the subject of a national Inquiry launched last August.

Ms James says employers also need to be aware that the Fair Work Ombudsman is prepared to take legal action where employers fail to comply with Notices to Produce employment records.

“Enforcing compliance with Notices to Produce is fundamental to maintaining the integrity of Australia’s workplace laws and enabling inspectors to conduct thorough investigations,” she said.

Employers and employees seeking assistance can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or contact the Fair Work Infoline on 13 13 94.

Information to assist people from culturally and linguistically diverse backgrounds has been translated into 27 languages. Overseas workers can call 13 14 50 if they need interpreter services.

The Fair Work Ombudsman has fact sheets tailored to overseas workers and international students on its website.

The Agency has also produced videos in 14 different languages and posted them on YouTube to assist overseas workers understand their workplace rights in Australia.

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](http://www.facebook.com/fairwork.gov.au) .

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## 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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