

## 417 visa-holders allegedly short-changed thousands

2 November 2015

A packing services company in Melbourne is facing Court for allegedly underpaying three employees, including two 417 working holiday visa-holders.

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against ACC Services (Aust) Pty Ltd, which trades as Rapid Pak.

Also facing Court is company director and part-owner Ingrid Hsi, of Glen Iris.

Three packers employed by the company were allegedly underpaid a total of \$23,479.

The employees were allegedly paid flat hourly rates or according to the number of items they packed.

This allegedly led to underpayment of normal hourly rates and penalty rates for weekend, public holiday and overtime work. Annual leave entitlements were allegedly also underpaid.

Two of the employees - 417 visa-holders from China and Taiwan aged in their early 30s – were allegedly underpaid amounts of \$3776 and \$4911 over a period of just three months in 2014.

The majority of the alleged underpayment relates to the third employee, a Chinese migrant in her 50s who was allegedly short-changed \$14,792 between 2011 and 2014.

Fair Work inspectors investigated after the employees, who spoke limited English, lodged requests for assistance. The alleged underpayments have now been rectified in full.

Fair Work Ombudsman Natalie James says that while it is pleasing the outstanding wages and entitlements have been reimbursed, legal action has been initiated because it is not the first time the agency has received complaints from migrant workers about ACC Services – and the company has previously been put on notice about its need to comply with workplace laws.

The previous matters resulted in ACC Services back-paying employees more than \$60,000.

ACC Services faces maximum penalties of \$51,000 per contravention, while Ms Hsi faces maximum penalties of \$10,200 per contravention.

The Fair Work Ombudsman has also taken the rare step of seeking an injunction restraining ACC Services and Ms Hsi from underpaying employees in future. If the Fair Work Ombudsman is successful with the injunction, ACC Services and Ms Hsi could potentially face contempt of court proceedings for any further underpayments proven in Court.

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. An interpreter service is available on 13 14 50.

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>).

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at [www.fairwork.gov.au/mediareleases](http://www.fairwork.gov.au/mediareleases) ([www.fairwork.gov.au/mediareleases](http://www.fairwork.gov.au/mediareleases)).

Media inquiries:

Ryan Pedler, Assistant Media Director

Mobile: 0411 430 902

[ryan.pedler@fwo.gov.au](mailto:ryan.pedler@fwo.gov.au) (<mailto:ryan.pedler@fwo.gov.au>)

## 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

---

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.