

\$10k in fines for paying overseas worker \$8 an hour

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More than \$10,000 in fines have been imposed after an ugg boot retailer paid an overseas worker in Sydney just \$8 an hour.

Ever Australia Pty Ltd – which manufactures and sells ugg boots and other products under the ‘Ever UGG’ brand – has been fined \$8500.

The company’s operator and majority owner, Strathfield man Yue Hua Liu, has been fined a further \$2550.

The fines, imposed by the Federal Circuit Court, are the result of legal action by the Fair Work Ombudsman.

Liu and Ever Australia admitted short-changing a Chinese national \$4222 over a period of just two months last year and breaching pay slip laws.

The employee – aged in her late 20s and in Australia on a 417 working holiday visa – was paid just \$8 an hour to staff pop-up stores at shopping centres at Wetherill Park, Merrylands, Winston Hills and Chester Hill in Sydney’s western suburbs.

As a casual sales employee, she was entitled to more than \$22 for normal hours and penalty rates up to \$32 an hour for weekend work and up to \$43 an hour for public holiday work.

The Fair Work Ombudsman took legal action after the employee lodged a request for assistance. The employee was subsequently back-paid in full.

Fair Work Ombudsman Natalie James says Liu and Ever Australia had been put on notice in 2013 after three other employees, including two on 417 visas, were paid just \$8 an hour. Ever Australia back-paid the employees more than \$9000.

“The fact this employer chose to continue to blatantly underpay entitlements even after receiving a warning is completely unacceptable and the Court’s decision sends a message that this sort of conduct will not be tolerated,” Ms James said.

Ms James says 417 visa holders are a strong priority for the Fair Work Ombudsman and their wages and conditions are the subject of a national Inquiry launched last year.

In her judgment, Judge Sylvia Emmett said the underpayment of the employee was deliberate and there was a need to impose a penalty that deterred others from similar conduct.

Judge Emmett said all employees working in Australia on 417 visas “are entitled to the full benefit of the Australian workplace laws and are entitled to expect that they will be properly treated by Australian employers”.

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

Information to assist people from culturally and linguistically diverse backgrounds has been translated into 27 languages.

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) or find us on Facebook www.facebook.com/fairwork.gov.au (<http://www.facebook.com/fairwork.gov.au>).

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Media inquiries:

Ryan Pedler, Assistant Media Director

Mobile: 0411 430 902

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

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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