

457 visa holder back-paid almost \$10,000

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A manager at a Daintree Rainforest tourism outlet has been reimbursed almost \$10,000, following recent intervention by the Fair Work Ombudsman.

The tourism worker, a 30-year-old female, was in Australia on a 457 working visa.

She was paid as a casual, when as a 457 visa-holder she should have been paid as a full-time employee.

The 457 visa is a temporary work visa which allows skilled workers to come to Australia and work for an approved business for up to four years.

However, after investigating a complaint from the woman, the Fair Work Ombudsman found she was not paid in accordance with her 457 visa employment contract.

She should have been paid at a full-time agreed contractual rate of \$27 an hour, but was paid \$21.06 an hour. A \$9240 underpayment occurred over five months between May and October last year.

The employer voluntarily agreed to rectify the underpayment.

Fair Work Ombudsman Natalie James says this case highlights the need for Tropical North Queensland business owners to ensure they are fully aware of their obligations under federal workplace laws.

“Mistakes like this can add up over time and leave an employer with a hefty bill for back-payment of entitlements they were not budgeting for,” she said.

The woman was among 34 workers in the region to share in almost \$20,000 following recent intervention by the Fair Work Ombudsman.

In a separate case in Cairns, 33 hospitality workers were back-paid over \$10,000.

The employer had failed to apply the minimum wage increase following the Annual Wage Review.

Inspectors were told the increase had been delayed because they were waiting for head office, based overseas, to approve it.

The underpayments related to a number of entitlements, including casual loading, weekend, evening and late night penalties.

The underpayments ranged from \$21.93 to \$740.

After discussion with Fair Work inspectors, the employer promptly conducted a self-audit of the business and back-paid the employees all outstanding entitlements.

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

Employers and employees seeking assistance call the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

Helpful online tools available at www.fairwork.gov.au include calculators to determine the correct award and minimum wages for employees, templates for pay slips and time-and-wage records and a range of Best Practice Guides.

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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Fair Work Online: www.fairwork.gov.au

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For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

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