

Tour operator short-changes visa-holders

8 August 2016

A Cairns tourism employee owed wages for working up to 109 hours a fortnight has been reimbursed thousands of dollars following action by the Fair Work Ombudsman.

The Japanese worker, who specialised in the overseas tourism market, was paid sporadically for months, then not at all for her final five pay periods before she resigned.

The visa-holder sought assistance from the Fair Work Ombudsman after the employer failed to rectify the matter.

Fair Work inspectors subsequently determined that by the time she resigned, the worker was owed more than \$10,100 in unpaid wages, annual leave and leave loadings.

A co-worker, who was also a visa-holder, resigned after a week because she was not paid for two days training and three days work. She was back-paid more than \$960.

The employer told Fair Work inspectors the underpayments occurred because the business could not afford to pay wages on a regular basis.

“For an employer to simply shrug off their legal responsibilities to staff by saying they can’t afford to pay them is simply not acceptable,” Fair Work Ombudsman Natalie James says.

In separate matters, the Fair Work Ombudsman also recouped:

- \$22,400 for 11 security workers in Cairns who were underpaid for seven months because their employer failed to pass on the annual wage increase,
- \$9800 for a Clifton Beach fast-food worker who received \$12 an hour for 11 months when she should have been paid a minimum of \$18.98 and up to \$29.66 at weekends, and
- \$6800 for three Cairns tradesmen who, over seven months, received overtime after 40 hours work a week instead of 38 hours.

Ms James says it is important for anyone running a business to understand the workplace laws applicable to their business.

“Employers in Cairns need to be aware that there are minimum wage rates, they apply to all workers, and they are not negotiable,” Ms James said.

“It is the responsibility of employers to be fully aware of the wage rates and entitlements that they are obliged to pay their workers.”

Ms James says the businesses avoided enforcement action because they co-operated, agreed to repay all monies owed and pledged ongoing compliance with their obligations.

Employers who are uncertain about their workplace obligations can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. Small businesses calling the Infoline can opt to be put through to a priority service for assistance.

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>).

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

Media inquiries:

Eithne Johnston, Media Adviser

Mobile: 0439 835 855

eithne.johnston@fwo.gov.au (<mailto:eithne.johnston@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

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.