

Student visa-holders underpaid

10 August 2016

Two international students working at a fast-food outlet in Sydney have been short-changed thousands of dollars.

The underpayments were discovered during a random audit of the business by the Fair Work Ombudsman.

The visa-holders, from India, were paid flat rates of \$18 an hour for all hours worked.

Under the Fast Food Industry Award, they should have been paid \$23.74 for ordinary hours, \$28.49 on Saturdays, \$33.24 on Sundays and \$52.23 on public holidays.

They were underpaid \$3820 and \$3345 respectively.

The Harris Park business also failed to issue pay-slips.

It has received a formal Letter of Caution placing it on notice that further breaches of workplace laws may result in enforcement action.

Fair Work Ombudsman Natalie James says employers need to take the time to understand the wage rates applicable to their individual workplace.

"We have minimum pay rates in Australia, they apply to everyone, and they are not negotiable," she says.

"While most employers want to do the right thing, there are some who seek to gain a competitive advantage by exploiting vulnerable workers, such as visa-holders."

In separate matters in Sydney's west, the Fair Work Ombudsman has also recovered:

- \$11,800 for 20 employees at a Wetherill Park logistics company who did not receive their correct casual base rate because the employer failed to revise wages following the annual wage increase,
- \$5100 for a female part-time teacher in North Parramatta who did not receive payment while on sick leave for two months because the employer misinterpreted the enterprise agreement,
- \$6800 for two part-time hairdressers, a full-time apprentice hairdresser and a part-time beautician in Parramatta who were paid flat rates instead of the higher Award hourly minimum and Saturday penalty rate, and
- \$6000 for a pest control technician in Seven Hills who did not receive his annual leave entitlements upon leaving the business.

Ms James says it is important that businesses, particularly small businesses, know that they can contact the Fair Work Ombudsman for advice and assistance if they are unsure of their obligations.

The Agency's Pay and Conditions Tool (PACT) provides advice about pay, shift, leave and redundancy entitlements. Visit www.calculate.fairwork.gov.au (<http://www.calculate.fairwork.gov.au>) to learn more.

Ms James encouraged employers who had any uncertainty about whether their workplace practices were appropriate to visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for advice.

A free interpreter service is available on 13 14 50.

The Infoline offers a priority service to small business callers whose leading concerns are about wages, conditions, termination of employment, leave and entitlements.

Small business operators can also tap in to the suite of easy-to-follow courses at the award-winning Fair Work Ombudsman Online Learning Centre.

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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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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