

Chinese worker in Cairns short-changed almost \$9000 in just four months

12 December 2016

The Fair Work Ombudsman has recovered almost \$9000 for an overseas worker who worked at a travel agency in Cairns over a period of just four months.

The employee, from China, was paid a flat rate of \$400 per week even though she worked more than 38 hours most weeks.

This resulted in the full-time employee often receiving an effective rate of less than \$11 an hour, when she was employed at the agency for four months in 2014.

At the time, under the Clerks – Private Sector Award 2010, the employee was entitled to receive at least \$19.64 for ordinary hours.

She was also entitled to receive at least \$24.55 per hour on Saturdays, \$39.28 on Sundays, up to \$49.10 on public holidays and up to \$39.28 for overtime work.

The employee contacted the Fair Work Ombudsman for assistance, using the free interpreter service available by calling 13 14 50.

The Fair Work Ombudsman subsequently contacted the owner of the travel agency, who was also originally from China, and explained that it is unlawful under Australian workplace laws to pay less than the minimum conditions stipulated under the relevant industry award.

The business agreed to back-pay the employee \$8915 and was put on notice of the need to ensure it complies with workplace laws in future.

Further enforcement action was not taken as the business had not previously come to the attention of the Fair Work Ombudsman and the business owner fully co-operated.

Other recent recoveries by the Fair Work Ombudsman in North Queensland include:

- \$9930 for an electrician in Rockhampton who was not paid redundancy entitlements; and
- \$6985 for a plumber in Mackay who was underpaid after a payroll officer made a mistake when calculating his entitlements.

Fair Work Ombudsman Natalie James says she is concerned about the number of matters where migrant workers are being underpaid by culturally and linguistically diverse business owners.

“While I understand there are cultural challenges and vastly different laws in other parts of the world, it is incumbent on all businesses operating in Australia to understand and apply Australian laws,” Ms James said.

Ms James says there is a need to raise awareness of minimum entitlements among both employers and overseas workers in light of her Agency’s Inquiry into the experiences of 417 visa-holders finding that many working holiday makers are not aware of their workplace rights and that lack of awareness is highest among Asian workers.

Employers and employees who are seeking advice can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50 and the website contains materials translated into 27 different 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>).

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.