

Migrant worker short-changed \$31,000 at Melbourne bottle shop

www.fairwork.gov.au/twitter 20 December 2016

The Fair Work Ombudsman has recovered \$31,000 for a Chinese migrant who was underpaid while working at a bottle shop at Bentleigh East, in Melbourne's south-east.

The employee, who is a permanent resident of Australia, worked as a part-time sales representative at the business over a two-year period from 2014 until earlier this year.

He was paid a flat hourly rate of \$11 to \$12 an hour for the duration of his employment.

However, under the General Retail Industry Award, he was entitled to receive at least \$18.52 for ordinary hours, \$23.15 on Saturdays, \$37.04 for Sunday and overtime work, and more than \$46 on public holidays.

The underpayments arose because the employer, also from a non-English speaking background, was not aware of the minimum lawful rates the employee was entitled to under the Award.

After the employee lodged a request for assistance, Fair Work Inspectors educated the employer, who promptly back-paid the employee in full.

The employer was put on notice of the need to comply in future.

Acting Fair Work Ombudsman Michael Campbell says all small business owners must ensure they abide by the minimum wage rates applicable to their business.

"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," Mr Campbell said.

"It's not acceptable to pay a worker a 'going rate' or what you think the job is worth, even if an employee says they agree to it."

In a separate matter, the Fair Work Ombudsman recently recovered \$5900 for an adult apprentice in South Yarra who had been underpaid his adult apprentice rate.

The business operator told Fair Work inspectors he was unaware adult apprentices were entitled to a higher pay rate than juniors.

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

Mr Campbell says most underpayments are inadvertent and the result of employers failing to check their obligations under workplace laws.

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

The Fair Work Ombudsman offers a range of free tools and resources for employers at www.fairwork.gov.au including the Pay and Conditions Tool (PACT) to assist business owners to calculate pay rates applicable to their business and templates for pay slips and time-and-wages sheets.

Employers uncertain about their workplace practices can also 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. An interpreter service is available on 13 14 50.

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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

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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