

Adelaide employer underpays visa-holder \$22,000

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An Adelaide labour hire company short-changed an Indian visa-holder \$22,000 over just 17 months, inquiries by the Fair Work Ombudsman have revealed.

The business underpaid the casual employee's minimum hourly and public holiday rates.

It also failed to pay his casual loading, which alone totalled \$19,085.

The employee, aged in his mid-30s, was working six days a week in the horticulture industry on a 475 skilled regional sponsored visa.

He was paid flat rates of between \$15.96 and \$17 an hour.

Under the Horticulture Industry Award he should have received a minimum of between \$20.66 and \$20.83 an hour and between \$26.45 and \$29.99 on public holidays.

The employee sought the assistance of the Fair Work Ombudsman after he was unsuccessful in attempts to resolve the issue directly with his employer.

Fair Work Ombudsman Natalie James says the business escaped enforcement action because it had not previously come to the Agency's attention and co-operated with inspectors to rectify the matter and ensure its ongoing compliance in the future.

However, after a follow-up Compliance Notice was issued following further requests for assistance from two other employees, the company went into liquidation.

In separate matters, the Fair Work Ombudsman has recently recovered:

- \$18,000 for 26 casual wait staff at an Adelaide CBD restaurant who were paid a flat rate of \$22 an hour when they should have received up to \$27.71,
- \$8500 for a male fast food worker in Mawson Lakes who completed unpaid work for a portion of his shifts, and
- \$6000 for a full-time manager, three casual housekeepers and a receptionist at an accommodation business in Adelaide's CBD who were underpaid their minimum hourly rate and weekend penalties.

Employees and employers can use the Fair Work Ombudsman's free online tools and resources to check entitlements specific to their workplace.

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.

"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 uncertain about their workplace practices can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for advice.

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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