

Fruit-picking backpackers most likely to dispute pay

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Backpackers on working holiday visas account for the highest level of pay disputes raised with the Fair Work Ombudsman, new statistics reveal.

Female visa-holders are also more likely than males to seek help with wage disputes and most are aged in their 20s.

The majority of requests for assistance from 417 working holiday visa-holders come from fruit and vegetable pickers and packers working in Queensland and NSW.

Fair Work Ombudsman Natalie James says the profile of the typical underpaid overseas worker has emerged from an analysis of requests for assistance from overseas workers received throughout 2015.

Ms James says more than \$2.2 million in underpaid wages and entitlements was recovered for 513 visa-holders from disputes completed by the Agency last calendar year – an average of \$4317 each.

The Fair Work Ombudsman received a total 1916 requests for assistance from visa-holders in 2015, or 12.6 percent of the total number lodged by all workers.

Overseas workers on the 417 backpacker working holiday visa accounted for 807 of all requests for assistance from visa-holders last year.

Almost \$1 million of all money recovered for overseas workers last year was for 250 employees on 417 working holiday visas.

Almost three quarters of all visa-holders who contacted the Fair Work Ombudsman were aged under 30. The majority were between 26 and 30 and females accounted for over 40 per cent of that group.

Backpackers on the 417 working holiday visa accounted for 136,892 of the total 649,494 visa-holders with work rights as at June 30 last year.

Of those 417 visa-holders who contacted the Fair Work Ombudsman requesting assistance, almost 20 per cent were working as fruit and vegetable pickers, almost 13 per cent as food and beverage attendants and almost eight per cent as kitchen hands.

Female 417 working holiday visa-holders contacting the Agency were most likely working as fruit and vegetable pickers/packers or waitressing. Male backpackers similarly were most likely working as fruit pickers/packers, chefs/cooks or kitchen hands.

Almost three-quarters of 417 visa-holders who sought help from the Fair Work Ombudsman last year were engaged as casual employees, and more than half worked in either NSW or Queensland.

Ms James says that a total of \$447,899 was recouped for 52 skilled 457 visa-holders last year, an average of \$8613 each.

Forty-two international students studying in Australia were back-paid a total of \$227,368, an average of \$5414 each.

A total of \$20,545 was also recovered for six 485 temporary graduate visa-holders and \$12,309 for seven 462 work and holiday visa-holders.

One hundred and fifty six overseas workers on unspecified visas received \$526,074, an average of \$3372 each.

Accommodation and food services, agriculture forestry and fishing and administration and support services were the three industries generating the most requests for assistance from visa-holders last year.

More than half of the international students who contacted the Fair Work Ombudsman last year were male and almost three quarters were under 30.

Student visa-holders who contacted the agency were predominantly working in NSW (32 percent), Victoria (30.7 percent), and Queensland (24.2 percent). More than 43 percent of international students seeking assistance worked in accommodation and food services.

The most common complaints from visa-holders were that they had either been underpaid or not paid at all for work they had performed.

Ms James says the Fair Work Ombudsman used its full suite of enforcement tools to deal with employers who had exploited vulnerable visa-holders last year.

The Agency placed 24 matters before the Courts alleging underpayment of visa-holders and required 15 employers to sign Enforceable Undertakings aimed at addressing non-compliance and encouraging behavioural change.

In addition, Fair Work inspectors issued 157 formal letters of caution to employers, 145 infringement notices (on-the-spot fines) and 39 compliance notices.

Ms James says the Fair Work Ombudsman is determined to build a culture of compliance with workplace laws across Australian workplaces.

“While many 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,” she said.

The Agency has a number of Inquiries underway to identify and address the structural and behavioural drivers of non-compliance in various industry networks and supply chains in which overseas workers are heavily represented.

These include a review of the wages and conditions of workers in Australia on the 417 working holiday visa, an Inquiry into the workplace arrangements of workers cleaning 4 and 5 star hotels and a Harvest Trail inquiry into the horticulture and viticulture sectors nationally.

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