

Backpackers working at abattoir short-changed more than \$35,000

31 May 2016

A labour-hire company supplying workers to an abattoir in Western Australia underpaid 27 of its employees, many of them overseas workers, more than \$35,000, an investigation by the Fair Work Ombudsman has found.

Comprehensive Cleaning Pty Ltd supplied workers for Derby Industries Pty Ltd, which operates the Linley Valley Pork abattoir, at Wooroloo, east of Perth.

Many of the underpaid employees were in Australia on 417 working holiday visas from countries including China, Korea, Taiwan and Italy.

They were engaged on a casual basis to perform meat packing and storage duties at the abattoir.

The employees were short-changed a total of \$35,078 between July, 2014 and August, 2015 as a result of Comprehensive Cleaning applying incorrect minimum pay rates.

The workers were entitled to be paid according to the terms and conditions of the Meat Industry Award, but the employer mistakenly paid them according to a Derby Industries enterprise agreement, which was not applicable.

The employees were paid flat rates of \$18.80 for normal hours and \$28.20 for overtime.

Under the Meat Industry Award, they were entitled to be paid hourly rates of between \$21.09 and \$22.10 for normal hours and penalty rates ranging from \$25.30 to \$35.36 for afternoon, night, weekend, public holiday and overtime work.

Underpayments of individual employees ranged from \$180 to \$4377.

The Fair Work Ombudsman discovered the underpayments when it investigated a request for assistance lodged by one of the employees.

Comprehensive Cleaning cooperated with the Fair Work Ombudsman and has agreed to back-pay all employees in full.

The company has entered into an Enforceable Undertaking (EU) with the Fair Work Ombudsman aimed at encouraging behavioural change and future compliance with federal workplace laws.

Under the EU, the company will commission a professional audit of its compliance with federal workplace laws, register with the Fair Work Ombudsman's online tool My Account and develop processes for ensuring future compliance with workplace laws.

The company will also display a workplace notice detailing its contraventions.

Fair Work Ombudsman Natalie James says education is as important as deterrents in achieving compliance with workplace laws.

She encourages employers who are uncertain about their workplace practices to visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for advice. An interpreter service is available on 13 14 50, and information on the website is translated into 27 languages.

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Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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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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