

Jessica's Story

International students have the same workplace rights as all workers in Australia. If you are having issues at work the Fair Work Ombudsman (FWO) is here to give you free help. Importantly, you can seek the FWO's assistance without fear of your visa being cancelled.

Read Jessica's story to find out how the FWO can help you sort out workplace issues about pay and hours of work.



Jessica, a 21-year-old international student, came to Sydney from Shanghai, China.

While studying an accounting degree at university, she looked for casual work. Jessica was worried that her English might not be good enough for some employers, so she applied for jobs advertised on various Chinese community websites. She found a job working in a grocery store.

Her new boss was also from Shanghai and gave Jessica free groceries on the days she worked. Jessica felt comfortable and safe working in a place where she didn't need to speak much English and her boss treated her nicely. Her boss gradually asked her to work more and more hours. In most weeks, she worked over 50 hours.

Jessica never received a pay slip and her hours changed constantly. She started to note down the hours she worked and the amount she was paid on her phone. Jessica received \$10 an hour and then, after several months, this increased to \$13 an hour.

Jessica spent so many hours working in the grocery store that she failed two of her university subjects. She realised that she spent too much time at work and did not have enough time and energy to study. Jessica asked her boss about reducing her hours. Her boss said no and told her that if she did, he would report Jessica to the Department of Home Affairs (Home Affairs) for breaching a condition of her visa. Jessica knew that her visa only allowed her to work 40 hours a fortnight during semester*.

Jessica was really worried and didn't know what to do. She was too scared to go back to work because she now felt threatened by her boss. At this time, Jessica was approached by the student advisor from her university who was concerned about her failing subjects. Jessica became upset but eventually shared her experience with

the student advisor. She told Jessica the pay rates she received were below the minimum rates set by law. The advisor encouraged Jessica to get help from the Fair Work Ombudsman.

Jessica was worried about getting into trouble but she did call the Fair Work Ombudsman. She was told she had been underpaid and reassured that she would not get in trouble for asking for help from the Fair Work Ombudsman. Under the Assurance Protocol, an arrangement between the Fair Work Ombudsman and Home Affairs, Jessica could seek help without the fear of visa cancellation. She could do this even if she had breached her work-related visa conditions, so long as she met other requirements.

Jessica felt much better after the phone call as the advisor had really seemed to understand her situation. She decided to lodge a claim online. This was then investigated by a Fair Work Inspector. Jessica's work diary, which she had kept on her phone, was important in identifying the hours that she worked and the amount of money she received. The Fair Work Inspector calculated she had been underpaid \$8000. The employer co-operated with the Fair Work Ombudsman through the investigation and paid the money he owed to Jessica. As per the Assurance Protocol, Home Affairs did not cancel Jessica's visa for the breach of her visa condition.

Jessica was really happy about receiving the money and was extremely grateful for the help that the Fair Work Ombudsman provided.

Jessica has recently found a new job working for a fashion retail business. She is now receiving legal wages and only works 40 hours or less a fortnight. Jessica also passed all of her subjects last semester.

▶ *Editor's notes:*
This case study was prepared based on a true story.

The FWO helps international students like Jessica every day.

So visit www.fairwork.gov.au/internationalstudents, call the Fair Work Infoline on 13 13 94 or call 131 450 for Translating and Interpreting Service.

You can also tell us about a workplace issue anonymously in English or in one of 16 other languages.

* To find out more about your visa conditions, including the recent temporary relaxation of working hours for student visa holders, please visit the Department of Home Affairs' [Staying in Australia](#) page.

Last updated: May 2021