

Working in Australia *How the Fair Work Ombudsman can help*

ISANA/ANZSSA Annual Conference

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In the media

- **Café operators face court for allegedly paying international students just \$8 an hour**
2 April 2014
- **International students, backpackers short-changed thousands of dollars in three months**
21 August 2014
- **Muffin Break stores to reimburse underpaid Chinese student \$20,000**
10 October 2014

Who we are

- The Fair Work Ombudsman (FWO) is an independent statutory agency created by the Fair Work Act 2009
- Our jurisdiction is the national workplace relations system which covers most Australian workplaces



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Who we are

- Natalie James is the Fair Work Ombudsman and heads our agency
- Supported by around 800 staff, including more than 300 Fair Work Inspectors
- We have offices in all capital cities and 15 regional locations throughout Australia



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What we do

- Promote fairness in Australian workplaces
- To make compliance with workplace laws easier we:
 - provide education, assistance and advice to employers and workers
 - undertake targeted strategic activities
- We also respond to requests for assistance:
 - use various resolution processes
 - take occasional court action

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Café operators face court for allegedly paying international students just \$8 an hour

2 April 2014

- 22 employees underpaid more than \$83,000 between July 2011 and April 2013
- Many were international students from non-English speaking backgrounds – a third of them aged under 21
- Underpaid minimum hourly rates, weekend and public holiday penalty rates, casual loadings, minimum shift pay and a clothing allowance



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Muffin Break stores to reimburse underpaid Chinese student \$20,000

10 October 2014

- A 24-year-old Chinese student on a 572 student visa worked as a casual at two Muffin Break stores in Melbourne
- Paid a flat hourly rate as low as \$10
- Franchises entered into an Enforceable undertaking and agreed to repay their former employee in full, provide a written apology



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International students, backpackers short-changed thousands of dollars in three months

21 August 2014

- A Melbourne retail store underpaid 27 staff almost \$40,000 in three months
- Included 19-26 year old Vietnamese, Korean, Chinese and Japanese nationals on student visas and backpackers on 417 working holiday visas
- Underpaid hourly rates, penalty rates, overtime, annual leave loading
- Company entered into an Enforceable Undertaking including back paying all staff and a written apology



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International students' data

Investigations completed	2012-13	2013-14	2014-15 (to 31 Oct 2014)
Student visa	182	210	53
All	25,814	25,650	6,536
Percentage	0.7%	0.8%	0.8%

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Temporary Graduate Visa

Investigations completed	2012-13	2013-14	2014-15 (to 31 Oct 2014)
Temporary Graduate	59	35	8
All	25,814	25,650	6,536
Percentage	0.2%	0.1%	0.1 %

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Why low numbers?

- Students not aware of their rights
- Reliant of employer to provide future sponsorship
- Taking cash in hand and working longer than their permitted hours



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Community engagement strategy

- Designed to extend FWO's reach to vulnerable communities
- Initial focus is on culturally and linguistically diverse communities and **international students**

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Community engagement strategy

We aim to partner with relevant groups to:

- promote FWO and workplace laws – for example:
 - Student ambassadors
 - Embassies
 - CISA
 - ISANA
- provide training, tools to assist them to support students
- identify issues that are facing students

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Community engagement strategy

Other activities include:

- developing a communication strategy to raise awareness
 - web, social media and print media
- testing suitability of our resources and developing new ones
- piloting a team of multicultural officers
 - in NSW and Victoria
 - to work directly with groups that reach international students




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Resources - www.fairwork.gov.au

- International student page
- Language assistance page - **27 languages**
- On-line videos about workers rights in Australia - **14 languages**
- Best Practice Guides – '*A guide for young workers*' and '*How to deal with disputes in the workplace*'
- On-line learning courses – '*Starting a new job*' and '*Managing difficult conversations*'

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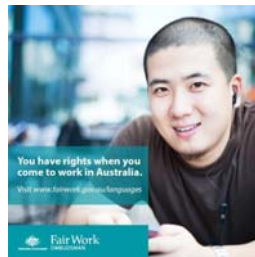
Other assistance

- **Fair Work Infoline** 13 13 94
- **Translating service** 13 14 50
- Follow us on:
 -  facebook.com/fairwork.gov.au
 -  [@fairwork_gov_au](https://twitter.com/fairwork_gov_au)
 -  youtube.com/fairworkgovau
- Student card

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Overseas Worker Team

- Established in July 2012 as a national team of Fair Work Inspectors
- Provide assistance to:
 - Newly arrived migrants
 - Workers on temporary visas
 - Workers whose visa conditions require them to remain with their sponsoring employer for a period of time



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Overseas Worker Team

Activities include:

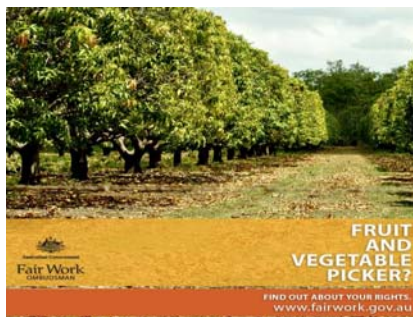
- Investigating allegations of serious non compliance with workplace rights (use bilingual inspectors)
- Conducting inquiries facing overseas workers where we know there is exploitation
- Monitoring 457 visa program in relation to:
 - Correct salary is being paid
 - Correct work tasks being performed

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Regional Services team

Programs include:

- Harvest Trail – fruit and vegetable pickers
- Trolley collecting
- Cleaning
- Convenience Stores



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Questions?

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