

The importance of learning about your workplace rights - Stephanie'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 Stephanie's story to find out how her knowledge of workplace rights helped her get back pay when her employer didn't pay her correctly.



Stephanie, a 21 year old student from America got a job at a resort restaurant while studying in Australia. Stephanie worked for two weeks at the restaurant as a casual worker, and was told she'd be paid \$20 per hour.

Stephanie knew this rate was less than the pay rate she should have been getting under the Hospitality Industry Award. When Stephanie asked her boss about her pay, he threatened to end her employment. He told her that the award was just a guideline, and everyone in the industry was paid \$20.

Stephanie refused to accept the low rate of pay, so her boss fired her by sending a text message which said her employment 'was not working out'. The employer refused to pay Stephanie for the two weeks she had worked. Stephanie was very upset about losing her job. She decided to get help from the Fair Work Ombudsman.

At first, Stephanie's boss denied that Stephanie worked at the restaurant, but after the Fair Work Ombudsman's investigation, he admitted that he had broken the law and finally paid Stephanie the almost \$2 000 he owed her.

Even though Stephanie's boss eventually paid her, the Fair Work Ombudsman still took the company and the boss to court. It was the second time this employer had been found to be underpaying employees. He had already been fined \$21 000 for paying a Chinese backpacker just \$10 per hour.

Stephanie helped the Fair Work Ombudsman with its court case. The company and her boss were penalised almost \$73 000. Stephanie was praised by the judge and the Fair Work Ombudsman for educating herself about her workplace rights in Australia. Knowing she was underpaid and her ability to stand up for herself ensured that her boss could not take advantage of her youth and her status as an international student.

One of the best defences international students have against being exploited is awareness of their workplace rights. In Australia, minimum pay rates apply to everyone including visa holders and they are not negotiable.

The FWO helps international students like Stephanie every day.

Visit www.fairwork.gov.au/internationalstudents, call the Fair Work Infoline on 13 13 94 or call 13 14 50 for the Translating and Interpreting Service.

The FWO recently updated our website www.fairwork.gov.au to include a web translator that allows you to translate our entire website into 40 languages other than English.

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