

Sushi operator allegedly underpaid vulnerable workers in Canberra

8 December 2017

The Fair Work Ombudsman has commenced legal action against the operator of a chain of sushi outlets for allegedly exploiting overseas workers in Canberra.

Facing the Federal Circuit Court is Rebecca Yi Jeong Shin and her company Sushi Bay ACT Pty Ltd.

Ms Shin owns and operates several sushi outlets across NSW, Queensland, the Northern Territory and the ACT, including the 'Sushi Bay Belconnen' outlet in Canberra.

The Fair Work Ombudsman alleges Ms Shin and Sushi Bay ACT Pty Ltd underpaid 22 employees at Sushi Bay Belconnen a total of \$18,671 between November 2015 and March 2016.

Most of the allegedly underpaid employees were Korean nationals who were in Australia on working holiday and student visas.

Four of the allegedly underpaid workers were juniors aged between 17 and 19.

Fair Work Ombudsman inspectors audited Sushi Bay Belconnen as part of a proactive compliance activity last year that involved inspectors visiting more than 40 sushi outlets across Northern NSW, Newcastle, Central Coast NSW, the Gold Coast and Canberra, to check workers were being paid correctly.

Inspectors allegedly found that pay rates at Sushi Bay Belconnen did not comply with the Restaurant Industry Award 2010.

It is alleged that employees' minimum weekday rates, casual loadings and penalty rates for weekend and public holiday work were underpaid.

It is also alleged that leave entitlements were underpaid and that laws relating to making part-time agreements and record-keeping were contravened.

The employees were allegedly underpaid amounts ranging from \$103 to \$1992. Sushi Bay ACT Pty Ltd has rectified the underpayments in full.

Fair Work Ombudsman Natalie James says a significant factor in the decision to commence legal action was that the Fair Work Ombudsman had received underpayment allegations dating back to 2007 from employees of businesses operated by Ms Shin - and Ms Shin had previously been put on notice to rectify non-compliance issues.

This included the Fair Work Ombudsman formally cautioning Ms Shin in May 2015 that enforcement action could be taken against her for any contraventions identified in future.

Ms James says that the involvement of young and vulnerable workers is also a concerning aspect of the matter.

The Fair Work Ombudsman is seeking the imposition of penalties against Ms Shin and Sushi Bay ACT Pty Ltd, as well as an injunction restraining them from underpaying workers in future.

Ms Shin faces penalties of up to \$10,800 per contravention, while the company faces penalties of up to \$54,000 per contravention.

If the injunction is granted, each could face contempt of court proceedings for any further contraventions proven in court.

In recognition that some employees are reluctant to complain about their workplace issues, the Fair Work Ombudsman now has an "Anonymous Report" function to allow the community to confidentially report potential workplace breaches (www.fairwork.gov.au/how-we-will-help/how-we-help-you/report-a-workplace-issue-in-your-language) in English and 16 other languages.

The results of the Fair Work Ombudsman's proactive auditing activity focused on sushi outlets are currently being finalised.

Employers and employees seeking assistance can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50 and information on the website is available in 30 languages.

Resources on the website include a Pay and Conditions Tool (PACT) that employers can use to determine the pay rates applicable to their employees, including base pay rates, allowances, overtime and penalty rates.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (http://twitter.com/NatJamesFWO) , the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au (http://www.facebook.com/fairwork.gov.au) .

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Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

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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