

## Penalty over failure to back-pay Indian workers

4 July 2017

A Fair Work Ombudsman legal action has secured a penalty against the former operator of an Indian restaurant in suburban Melbourne for failing to back-pay two underpaid Indian workers.

A \$500 penalty has been imposed in the Federal Circuit Court against Hari Pal, who formerly owned and operated Konna Indian Cuisine, later renamed Punjabi Tandoori Corner, in Richmond.

The Fair Work Ombudsman found that two Indian visa-holders, both females studying in Melbourne, were short-changed a total of \$8082 for waitressing work they performed at the restaurant between October, 2014 and January 2015.

The workers were paid a flat rate of \$12 an hour and did not receive penalty rates when working on weekends, nights and public holidays. They were individually short-changed \$5395 and \$2687.

Pal was not the owner of the restaurant at the time of the underpayments but he was the owner in October, 2015 when the Fair Work Ombudsman issued the restaurant a Compliance Notice requiring the underpayment to be rectified.

The Fair Work Ombudsman commenced legal action when the Notice was not complied with.

Under the Fair Work Act, business operators must adhere to a Compliance Notice or make a Court application for a review if they are seeking to challenge a Notice.

Pal has now personally rectified more than half of the underpayment of the workers and has undertaken to rectify the rest by way of monthly instalments.

Employers and employees seeking assistance can visit the [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

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### Contact us

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Fair Work Infoline: 13 13 94

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