

Brisbane massage parlour operators face Court

14 June 2017

A massage parlour operator in the Brisbane CBD is facing Court after allegedly underpaying two workers more than \$12,000.

The Fair Work Ombudsman has commenced legal action against Sean Pinnell and Sajana Paudel, as well as their company Bishnu Laxmi Ganesha Trading Pty Ltd, which operates the 'Brisbane City Thai Massage and Day Spa' outlet and formerly operated the 'Heavenly Asian Massage' parlour.

The Fair Work Ombudsman alleges Mr Pinnell, Ms Paudel and their company failed to comply with a formal Compliance Notice requiring they back-pay two massage therapists a total of \$12,842 in outstanding wages and entitlements.

The employees, both women aged in their mid-20s, were allegedly underpaid over a three-month period early last year. One was a Japanese national who was in Australia on 417 working holiday visa.

It is alleged the employees were paid on a per-massage basis for most of their employment but were entitled to the minimum hourly rates and entitlements under the Hair and Beauty Industry Award.

Fair Work Ombudsman inspectors investigated after the employees requested assistance.

An inspector issued a Compliance Notice requiring Bishnu Laxmi Ganesha Trading to back-pay the workers, but the company, Mr Pinnell and Ms Paudel allegedly failed to comply with the Notice.

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

Fair Work Ombudsman Natalie James says inspectors made extensive efforts to resolve the matter but did not receive sufficient co-operation. Most of the alleged underpayment remains outstanding.

"We prefer to assist employers to rectify non-compliance issues, but we are prepared to take legal action against employers who refuse to engage with us," Ms James said.

In addition, the Fair Work Ombudsman alleges record-keeping and pay slip laws were contravened and that the employees were not provided with a Fair Work Information Statement at the commencement of their employment. It is alleged Bishnu Laxmi Ganesha Trading business manager Binaya Sapkota was involved in the additional contraventions and he is also facing Court.

Mr Pinnell, Ms Paudel and Mr Sapkota face penalties of up to \$5400 per contravention for most allegations, while Bishnu Laxmi Ganesha Trading faces penalties of up to \$27,000 per contravention.

The Fair Work Ombudsman is also seeking Court Orders for the company to back-pay the employees in full and for Mr Pinnell, Ms Paudel and Mr Sapkota to register with the My Account service at www.fairwork.gov.au and complete the courses for employers in the Online Learning Centre.

A directions hearing is listed in the Federal Circuit Court in Brisbane on July 17.

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

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