

## Tasmanian restaurant operator faces court

11 December 2019

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operators of the Jade Willow Chinese Restaurant located at Ulverstone in Tasmania.

Facing Court is the company that operates the restaurant, Galb Pty Ltd, and the company's sole director, Mr Chao Liang.

The Fair Work Ombudsman alleges that the company and Mr Liang breached the Fair Work Act by failing to comply with a Compliance Notice requiring the company to calculate and back-pay any outstanding amounts owing to five employees.

Fair Work Inspectors commenced an investigation into the Jade Willow Chinese Restaurant last year after receiving a request for assistance from an employee.

The Compliance Notice was issued after a Fair Work Inspector formed a reasonable belief that food and beverage attendants at the restaurant had been underpaid minimum wage rates, weekend and public holiday penalty rates, casual loadings, late night additional payments and minimum two-hour shift pay under the Restaurant Industry Award.

Inspectors issued Galb Pty Ltd with a Compliance Notice requiring the business to calculate and rectify the alleged underpayments and produce reasonable evidence of its compliance.

Fair Work Ombudsman Sandra Parker says compliance notices are an important tool to recover unpaid wages for workers.

"Under the Fair Work Act, inspectors can issue a compliance notice if they have a reasonable belief that an employer has breached workplace laws. Employers must comply with Compliance Notices unless they decide to challenge a notice in court."

"The Fair Work Ombudsman is cracking down on the alleged underpayment of vulnerable workers, including young workers. We will continue to utilise our full suite of enforcement tools to hold employers to account," Ms Parker said.

The FWO is seeking penalties against Galb Pty Ltd and Mr Liang. The company faces a maximum penalty of \$31,500, while Mr Liang faces a maximum penalty of \$6,300.

The FWO is also seeking a Court Order requiring the company and Mr Liang to take the action required by the Compliance Notice, including calculating any underpayments and rectifying them in full, plus superannuation and interest.

A directions hearing has been listed in the Federal Circuit Court in Hobart for 6 February 2020.

Employers and employees seeking assistance can visit [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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