

Indian restaurant back-pays 22 workers

15 March 2019

An Indian restaurant on the Gold Coast has signed up to a Court Enforceable Undertaking (EU) that will significantly improve its workplace practices, after the Fair Work Ombudsman found it underpaid workers a total of \$54,470.

The Saffron Indian Gourmet restaurant, located at Broadbeach, and its Director and Manager, Sridhar Penumechchu, entered into the EU after underpaying 22 employees between January and May last year.

Fair Work Inspectors investigated the restaurant after receiving an anonymous tip-off from an employee. They found 22 workers were paid flat hourly rates between \$15 and \$18.50 leading to underpayment of the ordinary hourly rates, casual loadings, and weekend and public holiday penalty rates under Restaurant Industry Award.

Most of the employees were visa holders, including 14 international students and five temporary work visa holders. Underpayments of individual workers ranged from \$143 to \$9,457.

Fair Work Ombudsman Sandra Parker highlighted the impact of the FWO's [anonymous reporting tool \(https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff\)](https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff).

"If you know a workplace that isn't doing the right thing but don't want to get involved, you can report it to us anonymously in English or 16 other languages. In this matter, one tip off to the Fair Work Ombudsman led to one employer back-paying 22 employees over \$50,000."

"All workers in Australia have the same workplace rights, regardless of their citizenship or visa status. This restaurant's hefty back payment bill should serve as a warning to all businesses that they must pay the lawful minimum wage rates that apply to their workers," Ms Parker said.

As required under the EU, Saffron Indian Gourmet has commenced rectifying all underpayments through a back-payment plan and will also make a \$25,000 donation to the Gold Coast Community Legal Centre.

The restaurant must also engage an external professional to complete two audits of the pay and conditions of all employees; commission workplace relations training for all managers, payroll and human resource staff; and demonstrate how it is complying with the Fair Work Act.

Improving compliance in the fast food, restaurant and café industry continues to be a priority for the FWO. Our [Small Business Showcase \(https://www.fairwork.gov.au/small-business-showcase\)](https://www.fairwork.gov.au/small-business-showcase) makes it easier for small business owners to access resources on workplace laws, with information on hiring, paying and managing employees, handling employee requests and keeping accurate records.

Employers and employees seeking assistance can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. Small business callers can receive priority service via the Small Business Helpline and an interpreter service is available on 13 14 50.

Migrant workers should be aware that, in line with an [agreement \(https://www.fairwork.gov.au/find-help-for/visa-holders-and-migrants\)](https://www.fairwork.gov.au/find-help-for/visa-holders-and-migrants) with the Department of Home Affairs, they can seek assistance from the FWO without fear of their visa being cancelled.

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Contact us

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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