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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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.

Former Hobart restaurant operator penalised

2 June 2020

The Fair Work Ombudsman has secured a total of \$100,000 in penalties in the Federal Circuit Court after four employees were underpaid at a Turkish restaurant in Tasmania.

The Court has penalised Oya Waechter, who formerly owned and operated Anatolia Restaurant in North Hobart, \$78,000 for underpaying the workers a total of \$32,411.

Her husband, Peter Waechter, has been penalised \$22,000 for his involvement in some breaches, including pay slip failures, while his wife owned the restaurant.

The Fair Work Ombudsman discovered the underpayments in 2016 when it commenced an investigation following a request for assistance from the workers. The regulator started action in 2017 (www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/november-2017/20171115-waechter-anatolia-restaurant-litigation-mr) .

Between February 2015 and June 2016, wages were often paid late, or not at all, and amounts that were paid often did not reflect hours worked. This led to a significant underpayment of minimum wage rates, overtime rates, casual loadings and penalty rates for weekend and public holiday work owed under the Restaurant Industry Award 2010.

Affected workers included a waiter and an adult apprentice cook from Australia, a food-and-beverage attendant from Malaysia and a kitchen attendant from Pakistan.

Fair Work Ombudsman Sandra Parker urged businesses to check their workplace compliance.

“The exploitation of vulnerable workers is unacceptable - whether they be international students, young workers or apprentices of any age. Every worker in Australia is entitled to minimum wages and entitlements regardless of age or nationality,” Ms Parker said.

“These penalties should serve as a warning to all employers to ensure that they are paying their workers correctly and issue accurate pay slips. Any employees with concerns about their wages or entitlements should contact the Fair Work Ombudsman.”

Most of the underpayments relate to the Malaysian student who was short-changed \$24,800 over 12 months. The Pakistani worker received only 10 per cent of his wages.

Judge Grant Riethmuller said the respondents’ actions were “deliberate”, and that they “must have simply ignored their obligations” .

“In this matter there has been significant exploitation of employees who for the most part, were never paid,” Judge Riethmuller said.

His Honour said the failure to provide the workers pay slips was a “serious contravention” of the Fair Work Act that “significantly disempowers employees”.

The Court previously ordered Ms Waechter to back-pay all outstanding wages, with 98 per cent of underpayments remaining unpaid. The restaurant ceased trading in late 2016.

Employers and employees can seek assistance at www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

Know a workplace that isn't doing the right thing but don't want to get involved? [Report it to us \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff) anonymously – in your language.

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Media inquiries:

Matthew Raggatt, Senior Media Adviser

Mobile: 0466 470 507

matthew.raggatt@fwo.gov.au (<mailto:matthew.raggatt@fwo.gov.au>)