

Hobart takeaway food business in court

30 November 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against operators of an Indian takeaway-food business in Hobart for allegedly underpaying employees.

Facing court are married couple Satchithanantha N Chelliah and Mahesvery Toolseram, who operate the 'Little India' outlet on Harrington Street.

The FWO alleges Mr Chelliah and Ms Toolseram paid 17 casual fast food employees at Little India unlawfully low flat rates, resulting in a total of \$63,065 in underpayments.

The employees included an international student and two young workers, aged 18 and 20 at the time.

Fair Work Ombudsman Sandra Parker said that inspectors commenced their investigation into Little India after receiving a request for assistance from an employee.

"Employers need to be aware that improving compliance in the fast food, restaurant and café sector continues to be a priority for the Fair Work Ombudsman," Ms Parker said.

"Businesses are on notice that they must pay all workers according to Australia's lawful minimum pay rates or risk facing legal action from the regulator."

"We prioritise investigating matters involving young and migrant workers. Any workers with concerns about their rights should contact us for free advice and assistance," Ms Parker said.

It is alleged that inspectors discovered that the affected employees were paid flat rates that did not meet various entitlements owed under the Fast Food Industry Award 2010, including minimum wages, casual loading, and penalty rates for weekend and public holiday work.

Alleged individual underpayments range from \$270 to \$15,224. The alleged underpayments have been rectified in full.

It is alleged that the largest individual underpayment occurred between July 2017 and June 2019, with other employees underpaid between January and June 2019. Record-keeping and pay slip contraventions are also alleged.

Mr Chelliah and Ms Toolseram face maximum penalties of up to \$12,600 for each contravention.

The FWO is also seeking orders requiring Mr Chelliah and Ms Toolseram to commission an independent audit of wage payment practices and provide the results to the FWO, register with the My Account portal at www.fairwork.gov.au and complete the courses for employers, and obtain workplace training.

The matter is listed for a directions hearing in the Federal Circuit Court in Hobart on 3 December 2020.

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for free advice and assistance. A free interpreter service is available on 13 14 50.

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