

Melbourne restaurant allegedly underpaid Indian cook \$24,000

19 January 2011

The Fair Work Ombudsman has launched a prosecution against the operator of a suburban Melbourne restaurant for allegedly underpaying a cook recruited from India more than \$24,000.

Facing court is the Taj Palace Tandoori Indian Restaurant Pty Ltd, which operates a restaurant of the same name on Nicholson Street, Footscray.

Also facing court is restaurant manager and part-owner Nathi Singh Rawat, of Sydenham.

Documents lodged in the Federal Magistrates Court in Melbourne allege the cook was underpaid a total of \$24,217 over a 10-month period in 2008-2009. The money was back-paid last September.

The restaurant sponsored the Indian national to Australia on a 457 work visa.

It is alleged the cook, a man in his 30s, was paid a flat rate of \$752 per week despite often working 60-70 hours a week, including nights and weekends.

It is alleged the situation resulted in underpayment of the employee's minimum hourly rate, shift allowances, annual leave entitlements and penalty rates for overtime, night, weekend and public holiday work.

Fair Work Ombudsman Executive Director Michael Campbell says the significant amount involved was a key factor in the Agency's decision to litigate.

The Agency also claims the restaurant failed to keep proper employment records and issue pay slips.

Mr Rawat was allegedly involved in 10 of 11 underpayment-related breaches of workplace laws committed by Taj Palace Tandoori Indian Restaurant Pty Ltd and two of the company's six record-keeping/pay slip breaches.

The company faces maximum penalties of \$33,000 per breach for the underpayment matters, \$5500 per breach for five record-keeping/pay slip matters and \$16,500 for one of the record-keeping matters.

Mr Rawat faces maximum penalties of \$6600 per breach for the underpayment matters and \$1100 per breach for the record-keeping/pay slip matters. The case is listed for a directions hearing on February 14.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au For translations call 13 14 50.

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Contact us

Fair Work Online: www.fairwork.gov.au

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