

Court action over alleged underpayment of young, foreign workers in Brisbane

1 March 2012

Note: Reference to prosecution in this media release is a general reference to the FWO commencing proceedings for the imposition of civil penalties and should not be taken to be a reference to criminal proceedings.

The Fair Work Ombudsman is prosecuting the operator of a Brisbane restaurant for allegedly underpaying two young, foreign workers more than \$7000.

Facing court is Go Yo Trading Pty Ltd, which operates the Ajisen Raman Noodle Restaurant on George Street, in the Brisbane CBD.

Also facing court is the restaurant's part-owner and manager, Yojiro Nakauchi, of Tallebudgera.

It is alleged two casual food and beverage attendants at the restaurant were underpaid a total of \$7779 between October, 2010 and February, 2011.

The employees – aged 20 and 23 at the time – are South Korean nationals who speak little English. They were in Australia on working holiday visas at the time.

They were allegedly underpaid their minimum hourly rate, casual loading and penalty rates for weekend and public holiday work.

It is alleged they were paid between \$9 and \$12 an hour but were entitled to receive more than \$18 an hour for normal work and more than \$20 for some weekend and public holiday shifts.

Fair Work inspectors discovered the alleged underpayments when they investigated complaints lodged by the employees.

Fair Work Ombudsman Nicholas Wilson says the decision to prosecute was made because of the significant amount involved for vulnerable workers.

The Fair Work Ombudsman alleges Mr Nakauchi was involved in Go Yo Trading committing three breaches of workplace laws. The maximum penalty per breach is \$6600 for Mr Nakauchi and \$33,000 for the company.

The Fair Work Ombudsman is also seeking a Court Order for Go Yo Trading to rectify the alleged underpayment of the employees.

The will be heard in the Federal Magistrates Court in Brisbane.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au A free interpreter service is available on 13 14 50.

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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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