

Young restaurant workers allegedly underpaid more than \$250,000

3 July 2013

The Fair Work Ombudsman has launched legal action against the owner-operator of two La Porchetta restaurants in the outer south eastern suburbs of Melbourne, alleging 111 mostly teenaged employees were underpaid more than \$250,000.

Fair Work Inspectors discovered the alleged underpayments across two franchise restaurants after investigating a single complaint from a parent of one young employee.

Facing Court are Zillion Zenith International Pty Ltd, which operates the La Porchetta Pakenham franchise on the Princes Highway, and Bound for Glory Enterprises Pty Ltd, which operates the La Porchetta Berwick franchise on Verdun Drive.

Also facing court is Tecoma man, Ruby Chand, proprietor of both the franchise restaurants.

It is alleged that Mr Chand, through his companies, was involved in underpaying 59 employees at La Porchetta Pakenham \$130,195 and 52 employees at La Porchetta Berwick \$127,824.

It is alleged the underpayments, totaling \$258,019, occurred between July 2009 and February 2012.

Most of the allegedly underpaid employees were teenagers, the youngest just 14 at the time, employed on a part time or casual basis.

The employees were employed as cooks, kitchen attendants and food and beverage service employees.

It is alleged the underpayments were largely the result of the employees being paid flat hourly rates that were below the minimum they were entitled to, and apprentices and trainees not being paid for the minimum number of hours they were employed to work.

Alleged underpayments of individual employees range from \$3 to \$25,358.

Breaches of laws relating to leave entitlements and record keeping are also alleged.

Acting Fair Work Ombudsman, Michael Campbell, said the significant amount of the alleged underpayments and the number of vulnerable young workers were significant factors in the decision to commence legal action.

Mr Chand was allegedly involved in his companies committing multiple breaches of workplace laws. Mr Chand faces penalties of up to \$6,600 per breach and his companies face penalties of up to \$33,000 per breach.

The Fair Work Ombudsman is also seeking Court orders for back-payments to be made to the employees for the outstanding amounts owed. A directions hearing is listed in the Federal Circuit Court in Melbourne on September 18.

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

Media inquiries:

Ryan Pedler, Assistant Director, Media & Stakeholder Relations,
(03) 9954 2561, 0411 430 902
media@fwo.gov.au

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

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.