

Muffin Break stores to reimburse underpaid Chinese student \$20,000

10 October 2014

A 24-year-old Chinese student who worked at two Muffin Break stores in Melbourne was underpaid almost \$20,000, an investigation by the Fair Work Ombudsman has found.

The employee was in Australia on a 572 student visa and took a casual job at a Muffin Break store in the Doncaster shopping centre in January, 2012.

She later worked in a second store – owned by the same operator – in the Eastlands shopping centre at Ringwood until the end of September last year.

After receiving a request for assistance from the employee, Fair Work inspectors found she had been paid a flat hourly rate as low as \$10, which was below the minimum required under the Restaurant Industry Award 2010.

The two Muffin franchises are operated by Ausnutrie Pty Ltd (Doncaster) and Austrirocks Pty Ltd (Ringwood).

Ausnutrie is owned and operated jointly by Mr Jian Liu and Ms Qi Wang. Ms Wang is the sole director of Austrirocks.

Their franchises are among almost 200 Muffin Break stores in Australia operated by franchisor the Foodco Group Pty Ltd.

Both Ausnutrie and Austrirocks demonstrated a high degree of co-operation with the Fair Work Ombudsman and agreed to repay their former employee in full and provide a written apology.

As a result of the contraventions, the two companies have entered into an Enforceable Undertaking with the Fair Work Ombudsman.

The requirements include posting a workplace notice advising other employees of the contraventions, a public commitment that such behavior will not occur again, workplace relations training and self-auditing for the next two years.

Enforceable Undertakings were introduced by legislation in 2009 and the Fair Work Ombudsman has been using them to achieve strong outcomes against companies that breach workplace laws without civil court proceedings.

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

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- [Ausnutrie Pty Ltd and Austrirocks Pty Ltd Enforceable Undertaking \(PDF 1.1MB\) \(www.fairwork.gov.au/ArticleDocuments/837/ausnutrie-pty-ltd-and-austrirocks-pty-ltd-muffin-break.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/837/ausnutrie-pty-ltd-and-austrirocks-pty-ltd-muffin-break.pdf.aspx) ([DOCX 118.2KB\) \(www.fairwork.gov.au/ArticleDocuments/837/ausnutrie-pty-ltd-austrirocks-pty-ltd.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/837/ausnutrie-pty-ltd-austrirocks-pty-ltd.docx.aspx)

Media inquiries:

Tom McPherson, Media Adviser

Mobile: 0439 835 855

tom.mcpherson@fwo.gov.au (<mailto:tom.mcpherson@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

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