

## Chinese worker allegedly paid \$10 an hour

28 October 2015

A Queensland restaurant operator is facing Court for allegedly paying a young Chinese national just \$10 an hour and breaching sham contracting laws.

Facing Court is Jia Ning Wang, who owns and operates the Fire and Stone Restaurant at the Tangalooma Island Resort on Moreton Island.

Also facing court is Mr Wang's company Golden Vision Food and Beverage Services Pty Ltd.

It is alleged a 417 working holiday visa-holder, in her 20s, was underpaid after being recruited to wash dishes at the restaurant.

The worker, who spoke limited English, allegedly worked 19 days in July-August last year and was paid the equivalent of \$10 an hour.

It is alleged that during her employment, she was told she had to have an Australian Business Number (ABN) or she could not work at the restaurant.

The Fair Work Ombudsman claims the worker should have been classified as a casual employee, not an independent contractor.

The Agency says she should have been paid the minimum entitlements applicable to her position under the Hospitality Industry (General) Award 2010.

This includes minimum casual hourly rates of more than \$21 for normal hours and up to \$26 for weekend and night work.

As well as an alleged breach of sham contracting laws, it is also alleged that record-keeping and pay-slip obligations were not met and that a Notice to Produce employment records was ignored.

The Fair Work Ombudsman investigated after the employee lodged a request for assistance.

Fair Work Ombudsman Natalie James says it is pleasing that the backpacker has now received all outstanding wages and entitlements.

However, she says legal action has been initiated because Mr Wang had previously been placed on notice of the need to comply with workplace laws following requests for assistance from other employees at the restaurant and employees of another business he has operated.

"We treat alleged underpayment of visa-holders particularly seriously because they can be vulnerable if they are not fully aware of their workplace rights in Australia," Ms James said.

Golden Vision Food and Beverage Services Pty Ltd faces maximum penalties of up to \$51,000 per contravention and Mr Wang faces penalties of up to \$10,200 per contravention. The Fair Work Ombudsman is also seeking a Federal Circuit Court Order that Mr Wang commission an audit of his company's compliance with workplace laws and report the results to the Agency.

Employers and employees seeking assistance can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or contact the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

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