

Restaurant fined for falsifying employment records

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The operators of a Gold Coast restaurant have been fined more than \$23,000 after falsifying records for workers to make it appear they had worked fewer hours and been paid less than was actually the case.

Yum Cha Robina Pty Ltd, which operates the Yum Cha Robina Chinese Restaurant, has been penalised \$20,700 and restaurant manager and part-owner Iki Ngai-Ki Wong a further \$2850.

The fines, imposed in the Federal Circuit Court in Brisbane, are the result of an investigation and litigation by the Fair Work Ombudsman.

After Fair Work inspectors requested staff records during an auditing campaign last year, they were given false rosters, time sheets and pay records for 45 employees.

The workers included international students and overseas workers on 457 skilled visa and 417 working holiday visas.

Fair Work inspectors discovered discrepancies when an employee provided records that were inconsistent with information provided by the employer.

Ms Wong later admitted the records she had provided were false and did not accurately reflect the hours worked and the wages paid.

The correct paperwork was later provided, including handwritten rosters showing actual hours worked and notebooks showing cash tips and cash payments made to employees.

The true records showed the employees had often worked significantly more hours and been paid significantly higher wages than was originally stated.

Fair Work Ombudsman Natalie James says legal action was initiated because of the deliberate and serious nature of the contraventions.

“The Court’s decision should make it clear that record-keeping is not optional, and providing false records to disguise underpayment of staff is serious misconduct,” she said.

The Fair Work Ombudsman was also successful in securing a Court order requiring Yum Cha Robina to commission an audit of its compliance with workplace laws, report the results to the Agency and rectify any issues discovered.

The Fair Work Ombudsman has also referred the matter to the Department of Immigration and Border Protection and to the Australian Tax Office.

Ms James says it was disappointing that the contraventions occurred despite Fair Work inspectors having put Ms Wong on notice of the need to comply with workplace laws in 2012 after finding she had been involved in record-keeping contraventions and employee underpayments at another restaurant.

Employers and employees seeking assistance can visit 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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