

Malaysian restaurant faces court for allegedly underpaying staff more than \$87,000

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The operators of an inner Sydney restaurant are facing Court for allegedly short-changing six employees tens of thousands of dollars and using false records to try to disguise the underpayments.

The six casual staff, all from non-English speaking backgrounds, worked at the Mamak Malaysian restaurant on Goulburn Street at Haymarket.

They were allegedly paid flat rates as low as \$11 an hour.

Five of the six were visa-holders when they commenced work at Mamak – four international students and one employee on a bridging visa.

They were allegedly collectively underpaid a total of \$87,349 between February, 2012 and April, 2015. All outstanding entitlements have since been reimbursed.

The Fair Work Ombudsman has commenced legal action against restaurant owner-operators Joon Hoe Lee, Julian Lee and Alan Wing-Keung Au and their company Mamak Pty Ltd.

One employee was allegedly underpaid a total of \$26,793 and another \$21,538.

Under the Restaurant Industry Award, five adult employees should have been paid more than \$22 for normal hours and a junior employee more than \$13.

Fair Work inspectors were allegedly provided with false records that made it appear that higher rates had been paid to one employee than was actually the case.

Laws relating to pay-slips and providing employees with workplace access to information about minimum lawful entitlements were also allegedly contravened.

Restaurant owners Joon Hoe Lee, Julian Lee and Alan Wing-Keung Au all face maximum penalties of up to \$10,200 per contravention and Mamak Pty Ltd faces penalties of up to \$51,000 per contravention.

The Fair Work Ombudsman is seeking an injunction restraining the owners - who also operate Mamak Malaysian restaurants at Chatswood, in Sydney, and in the Melbourne CBD – from contravening workplace laws in future.

In addition, the Agency has requested Court Orders for them to undertake training on workplace relations laws and to commission an audit of their compliance.

A directions hearing is listed for February 5 in the Federal Circuit Court in Sydney.

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