

Perth restaurant signs workplace pact after short-changing overseas workers \$14,000

10 June 2016

Two overseas workers at a Japanese restaurant in Perth have been back-paid almost \$14,000 after a Fair Work Ombudsman investigation revealed they had been underpaid.

The employees, from Malaysia and Japan, were underpaid at the Senoji Japanese Restaurant in Victoria Park between July, 2014 and August, 2015.

Fair Work inspectors found that the two overseas workers, who were aged in their 20s and employed as kitchen-hands, were being paid a flat rate of about \$16 for all hours worked.

Under the Restaurant Industry Award, the employees were entitled to receive rates of up to \$18 for ordinary hours, \$22 on Saturdays, \$27 on Sundays, \$36 for overtime work and \$44 on public holidays.

A split shift allowance, late-night penalty rates and minimum engagement entitlements were also underpaid.

The male Malaysian worker, in Australia on a student visa, was underpaid \$8095.

The female Japanese worker, who is on a spousal visa, was underpaid \$5727.

The company operating the restaurant, Apple Holdings Pty Ltd, claimed it was not aware of the minimum Award rates that applied to its employees.

Apple Holdings co-operated with the Fair Work Ombudsman's investigation, back-paying the employees in full and paying an \$850 Infringement Notice for failing to issue pay-slips.

The company has also signed an Enforceable Undertaking with the Fair Work Ombudsman, requiring it to display a workplace notice detailing its contraventions, apologise to employees and commission an independent professional audit of its compliance with workplace laws.

The company must also provide evidence that it is using a range of educative resources for employers available on the Fair Work Ombudsman's website and develop systems for ensuring future compliance with workplace laws.

Fair Work Ombudsman Natalie James says the undertaking aims to encourage behavioural change and future compliance with federal workplace laws.

Ms James says employers must ensure they are aware of the minimum hourly rates and penalty rates that apply to their staff, and pay them accordingly.

"Minimum rates apply to everyone – including visa-holders – and they are not negotiable," she says.

Ms James encouraged employers who had any uncertainty to visit the Fair Work Ombudsman website at www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for advice.

An interpreter service is available by calling 13 14 50, and information on the website is translated into 27 languages.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (<http://twitter.com/NatJamesFWO>), the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au (<http://www.facebook.com/fairwork.gov.au>).

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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

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