

Fast food operator allegedly underpaid Korean employees \$108,000, fabricated records

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The owner-operator of a chain of fast food outlets in Sydney is facing Court for allegedly underpaying 11 Korean employees more than \$108,000 and fabricating employment records.

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against Sydney man Jae Kwang Kim, who owns and operates six 'Little Vienna' outlets in the Sydney CBD.

Also facing Court is Mr Kim's company, Little Vienna Pty Ltd.

The Fair Work Ombudsman investigated after employees complained of underpayments.

The Fair Work Ombudsman alleges it discovered that 10 South Korean employees on 417 working holiday visas and one employee on a student visa were underpaid a total of \$108,931 for various periods of work between December, 2012 and April, 2015.

Most employees spoke little English and one was a junior, aged 19 at the time.

It is alleged the employees were paid \$10 an hour for their first two weeks of work, before being paid flat rates of \$11 to \$13 an hour.

As casual employees under the Fast Food Industry Award, the adult employees were allegedly entitled to \$21.21 to \$23.15 an hour, with the junior employee entitled to slightly lower rates.

One of the adult employees was allegedly underpaid more than \$29,000.

The Fair Work Ombudsman also alleges that during its investigation, Mr Kim and his company provided inspectors with fabricated records that purported to show staff had been paid much higher rates than was actually the case.

Laws relating to pay-slips and minimum engagement hours were allegedly also contravened.

The employees were back-paid in full late last year.

Acting Fair Work Ombudsman Mark Scully says legal action was commenced because of the seriousness of the alleged conduct and the involvement of vulnerable overseas workers.

Mr Kim faces penalties of up to \$10,200 per contravention, while Little Vienna Pty Ltd faces penalties of up to \$51,000 per contravention.

The Fair Work Ombudsman is also seeking Court Orders requiring Mr Kim and his company to commission a professional audit of compliance with workplace laws and undertake training on workplace laws.

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 by calling 13 14 50 and information on the website is translated into 27 different languages.

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Contact the Translating and Interpreting Service (TIS) on 13 14 50

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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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