

## Restaurant operators face Court over underpayment and dismissal by text message

9 March 2016

The operators of a Queensland island resort restaurant will face the Federal Circuit Court in Brisbane for allegedly underpaying an international student almost \$2000 and terminating her employment by text message after she asked her employer to pay her the minimum wage for her work as a waitress.

The Fair Work Ombudsman has commenced legal action against Golden Vision Food and Beverage Services Pty Ltd and former director Jia Ning Wang.

It is the second time the Fair Work Ombudsman has commenced proceedings against the company and Mr Wang arising from their Fire and Stone Restaurant on Moreton Island.

It is alleged the company failed to pay the then 21-year-old American student during her two weeks of work from December 1 to December 15, 2014, or on termination of her employment.

The waitress was entitled to be paid \$1963. The underpayment was rectified almost a year after the payments were due.

Further, Fair Work Ombudsman investigators allege Mr Wang terminated the waitress' employment by text message in response to the young worker making complaints and inquiries about her entitlement to be paid the minimum wage for the work she did.

The alleged contraventions include failing to pay for ordinary hours, failure to pay Saturday and Sunday penalty rates or evening shift penalty rates, overtime and leave loading.

It is also alleged there was adverse action from the company in response to the worker inquiring about her rights, those actions being a threat to terminate her employment and the actual termination of her employment.

The matter is listed for a directions hearing on April 4.

Fair Work Ombudsman Natalie James says young workers, particularly international students, are among the most vulnerable to exploitation.

"Employees should feel safe in the knowledge that they will not suffer a detriment or lose their job for asking to be paid in accordance with the law," she said.

"There are minimum pay rates, they apply to everyone and they are not negotiable."

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.

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