

Overseas workers allegedly underpaid almost \$150k

10 May 2016

The operators of three Japanese-style food outlets in Queensland are facing Court for allegedly short-changing five overseas workers almost \$150,000.

The Fair Work Ombudsman has commenced legal proceedings against Lee Wee Song and Siew Lay Yeoh, who operated Tsuyoetsu Pty Ltd and Taikuken Pty Ltd.

They operate food outlets trading as Teppanyaki Lovers Nigi and Ku-O in Brisbane and Mount Gravatt.

The Fair Work Ombudsman claims five overseas workers in Australia on student, bridging and partner visas, were collectively underpaid \$148,710 whilst working at the three outlets between November, 2011 and October, 2014.

The three male and two female workers, who had limited English, were aged between 25 and 29. Four were from Taiwan and one from Malaysia. They were allegedly short-changed amounts of \$45,182, \$37,039, \$30,770, \$21,837 and \$13,880.

They were allegedly underpaid their minimum hourly rates, casual loadings, shift allowances, annual leave entitlements and penalty rates for weekends, nights and public holidays.

Fair Work Ombudsman Natalie James says that while the employers have agreed to a back-payment plan to ensure the five employees receive all their outstanding entitlements, legal action was initiated because of the significance of the underpayment and the involvement of vulnerable visa-holders.

Mr Song and Ms Yeoh each face maximum penalties of up to \$10,200 per contravention and the companies they operated face penalties of up to \$51,000 per contravention.

Workers in take-away food outlets across Australia have been underpaid hundreds of thousands of dollars, recent spot checks by the Fair Work Ombudsman have revealed.

In March, the Fair Work Ombudsman revealed that auditing of 223 take-away food businesses had identified 929 employees who had been underpaid a total of \$582,410.

The Fair Work Ombudsman called for leadership from the take-away food industry to dramatically improve its compliance with workplace laws.

Ms James said the results highlighted the need for behavioural change and has signalled that the hospitality sector will remain a "priority" industry earmarked for ongoing education and support.

"The Fair Work Ombudsman is striving to build a culture of compliance where businesses understand and comply with their lawful obligations and do not inadvertently or deliberately undercut their competitors by paying black market wage rates," she said at the time.

"It is important that major players in the hospitality sector, industry groups and intermediaries such as accountants and lawyers, all play their part to help lift the levels of compliance above what we are seeing now."

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 and helpful materials on the website are translated into 27 different languages.

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