

Melbourne restaurant faces Court over failure to respond to backpayment of Indian visa-holders

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The former operator of an Indian restaurant at Richmond, in suburban Melbourne, is facing Court for allegedly failing to respond to a request to back-pay thousands of dollars to two former employees.

The Fair Work Ombudsman has commenced legal action against RS & JS Pty Ltd, which previously owned and operated Konna Indian Cuisine, later renamed Punjabi Tandoori Corner.

Also facing Court is former company director Hari Pal.

The Fair Work Ombudsman alleges that two Indian national visa-holders studying in Australia were short-changed a total of more than \$8000 for work they performed at the restaurant between October, 2014 and January last year.

It is alleged the two females were paid a flat rate of \$12 an hour for waiting on tables and did not receive penalties when working on weekends, nights and public holidays.

They were allegedly short-changed \$5395 and \$2687.

The Fair Work Ombudsman issued a Compliance Notice to RS & JS Pty Ltd in October last year requiring the underpayment to be rectified, but it was not.

Fair Work Ombudsman Natalie James says the alleged underpayment was significant given it accumulated over such a short timeframe.

She says the employer's failure to respond to the Compliance Notice and the involvement of vulnerable overseas workers were factors in the Agency's decision to litigate.

"We will always look to work with employers to resolve issues co-operatively and voluntarily where we can, but we take a dim view of employers who do not engage with us and deliberately ignore us and their workplace obligations," she said.

RS & JS Pty Ltd faces a penalty up to \$27,000, while Mr Pal faces a penalty of up to \$5400.

Employers and employees seeking assistance can visit the www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. An interpreter service is also available by calling 13 14 50. Small businesses calling the Infoline can opt to receive priority service to assist with their inquiries.

Online tools include calculators to determine the correct wages for employees, templates for time-and-wages records, an Online learning centre and My Account, which enables employers and employees to save information on pay and conditions for their workplace.

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

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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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