

Penalty for underpayment of overseas worker at Brisbane restaurant

31 October 2016

A former Brisbane restaurant operator has been penalised in Court for underpaying an overseas worker more than \$5000.

Jasbir Kaur Ghag, who was a part-owner and manager of the Rue de Paris restaurant in Milton until it closed last year, has been penalised \$2640 in the Federal Circuit Court.

Ghag was involved in underpaying a casual cook at the restaurant a total of \$5355 between October, 2007 and April, 2008.

The employee, then in her mid-30s, was a Japanese national who was in Australia on a bridging visa at the time. She is now a permanent resident of Australia.

The employee was paid rates of between \$9.25 and \$11.70 an hour but was entitled to receive \$18.43 an hour under the Agreement that applied to workers at the restaurant.

After the worker lodged a request for assistance, the Fair Work Ombudsman investigated and the worker was subsequently back-paid.

However, the Fair Work Ombudsman commenced legal action because it had previously put Ghag on notice to pay workers correctly when investigating requests for assistance from other workers.

The Court found that Ghag knew that she was paying the worker less than she was entitled to and that her conduct was deliberate.

Fair Work Ombudsman Natalie James says the Court's decision sends a message that underpaying overseas workers is a serious matter.

Ms James says she is increasingly concerned about the number of matters where visa-holders are underpaid by culturally and linguistically diverse business owners.

"While I understand there are cultural challenges and different laws in other parts of the world, it is incumbent on all businesses operating in Australia to understand and apply Australian laws. To that end, the Fair Work Ombudsman is here to help with free advice and resources in a range of languages," Ms James said.

In the 2015-16 financial year, the Fair Work Ombudsman recovered just over \$3 million for all visa-holders and 38 of the 50 litigations (76 per cent) filed involved a visa-holder.

Employers and employees seeking assistance can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94.

An interpreter service on 13 14 50 and the website contains materials translated into 27 different 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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Contact us

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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