

## **Funtea, Gouger Street Assault on Workers -Statement from Workers**

**3 February 2021**

The Working Women's Centre SA Inc are representing the two workers who were the victims of wage theft and the violent assault, captured with a mobile phone, on Friday, 29 January 2021 at Funtea, Gouger Street Adelaide South Australia ("Funtea").

**We are representing both women with respect to their industrial rights and all media enquiries relating to the assault.**

At this stage, both women do not wish for their names to be made public.

Our clients have read Funtea's statement (as taped to the restaurant's door) and they have instructed us to provide the following response:

### **Wage Theft**

Our clients are two women aged 20 and 22. They are international students and were both employees of Funtea with service of 5 months and 3 weeks respectively. During their employment at Funtea they earned between \$10 and \$12 an hour as casual employees.

The minimum legal rate of pay for casual workers in a restaurant is \$25.51. Our clients are the victims of wage theft and in this respect, they are considering their legal position.

### **The Assault**

We are instructed that on Friday, 29 January 2021 at approximately 8.20pm Jiachen Duan (Jason Duan), their manager and the proprietor of Funtea, telephoned our client and advised her that Mr Lei Guo (Gavin Guo) was his close friend and directed our clients to provide free drinks and desserts to Mr Guo, his wife Gina and their children. Mr Guo and his family were already in attendance in the restaurant.

The video shows Mr Guo hitting one of our clients in the face. We understand that Mr Guo has been arrested and bailed.

Our client(s) strongly reject Funtea's statement that Mr Guo was not related to Funtea. Mr Guo is a close friend of Mr Duan, the owner and manager of Funtea. The Funtea statement is misleading.

Our client entirely rejects any assertion that the assault was not in relation to a complaint about her pay. Our client was asking to be paid her wages for that night and the two weeks prior. This is clear from the video.

Mr Duan failed to provide a safe workplace for our clients by facilitating and participating in the workplace violence. Mr Duan did not immediately check on the welfare of our clients. He did not alert the police or call paramedics on the night. That night, Mr Duan did not apologise to our clients. That night Mr Duan did not say goodbye to our clients. Our client believes that her phone was stolen from the scene.

Our clients were assaulted by Mr Guo and Mr Duan. Our clients, along with others at the restaurant, have made statements to the police in this respect. Our clients will continue to work with SA Police to ensure that Mr Guo, Mr Duan and all other perpetrators of violence are brought to justice.

Our clients have not had any contact with Mr Guo and Mr Duan and they wish to make it clear that all matters relating to the assault, wage theft and mistreatment will be done through formal legal avenues.

### **The Video**

Our clients did not publish the video online. Our clients were shocked to see that the video was uploaded and that it went viral.



International Students are often the victims of wage theft, deportation intimidation, violence and threats of violence in the workplace. Our clients stood up for themselves and their right to a wage and as a result they were violently attacked.

### **Media Enquires**

All media enquiries should be directed to:

Working Women's Centre SA Inc

T: 08 8410 6499

E: [reception@wwc.org.au](mailto:reception@wwc.org.au)

Authorised by

Abbey Kendall

Director of the Working Women's Centre SA Inc