

## More exploitation allegations against Melbourne burger bar operator

19 January 2017

The Fair Work Ombudsman has commenced a second litigation against the operator of a Melbourne burger bar for allegedly exploiting more young and overseas workers.

Facing the Federal Circuit Court is Todd Patrick Buzzza, who owns and runs the Burger Buzz outlet on Sydney Road, Brunswick, and his company Rum Runner Trading Pty Ltd.

The Fair Work Ombudsman commenced legal action against Mr Buzzza and his company last year in relation to \$7113 allegedly owing to seven former employees - including two teenagers and four overseas workers on working holiday visas - who worked across the Brunswick outlet and Mr Buzzza's former Burger Buzz outlet in West Melbourne.

The Fair Work Ombudsman has now commenced a second legal action against Mr Buzzza and his company, alleging they short-changed a further five employees who worked at the Brunswick outlet a total of \$7513 between December, 2015 and July, 2016.

Two of the workers were aged just 19 and one was an overseas worker from France who was in Australia on a 417 working holiday visa at the time.

As with the first legal action, the workers were allegedly underpaid for short periods of work ranging from two to six weeks.

It is alleged that one of the workers was paid nothing for work performed, while the other four were paid only a fraction of their lawful entitlements.

This allegedly resulted in underpayment of the workers' minimum hourly rates, late night allowances and penalty rates for weekend and public holiday work.

Fair Work Ombudsman inspectors investigated after workers lodged requests for assistance.

The Fair Work Ombudsman alleges Mr Buzzza and his company also contravened workplace laws by knowingly providing inspectors with false and misleading records and failing to comply with a Notice to Produce employment records.

Workplace laws relating to pay slips, frequency of pay and meal breaks were allegedly also breached.

Acting Fair Work Ombudsman Michael Campbell says it is of concern that Mr Buzzza's business has been the subject of a number of previous underpayment allegations from employees, and inspectors had formally advised him of minimum pay obligations on at least two occasions in 2014.

The Fair Work Ombudsman also has ongoing investigations into further requests for assistance from workers who claim they were underpaid at the Burger Buzz outlet in Brunswick.

"We are concerned that the allegations made by a series of workers suggest a pattern of non-compliant behaviour and a business model based on the exploitation of vulnerable workers," Mr Campbell said.

Mr Buzzza faces maximum penalties ranging from \$3600 to \$10,800 per contravention and Rum Runner Trading Pty Ltd faces penalties of up to \$18,000 to \$54,000 per contravention.

The Fair Work Ombudsman is also seeking Court Orders for Mr Buzzza and his company to back-pay the employees in full and an injunction restraining Mr Buzzza and his company from underpaying workers in future.

If the injunction is granted, Mr Buzzza and his company could face contempt of court proceedings for any further underpayment contraventions that are proven in court.

A directions hearing is scheduled for the Federal Circuit Court in Melbourne on February 15.

Mr Campbell says employers need to be aware that exploitation of vulnerable workers is serious conduct that will not be tolerated.

"We treat underpayment of young and overseas workers particularly seriously because they can be vulnerable if they are not fully aware of their entitlements or reluctant to complain," he said.

In the 2015-16 financial year, 38 of the Fair Work Ombudsman's 50 litigations (76 per cent) involved a visa holder. Sixteen of those litigations involved a 417 visa holder.

In 2015-16, the Fair Work Ombudsman recovered just over \$3 million for all visa-holders, with \$1.37 million of this for 417 visa-holders.

Mr Campbell says the Fair Work Ombudsman is also committed to improving compliance in the hospitality industry.

The Fair Work Ombudsman's three-year National Hospitality Industry Campaign, finalised last year, resulted in more than \$1.2 million being recovered for underpaid employees at restaurants, cafés and catering companies throughout Australia.

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.

An interpreter service is available on 13 14 50 and information on the website is 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](http://twitter.com/fairwork_gov_au)) or find us on Facebook [www.facebook.com/fairwork.gov.au](http://www.facebook.com/fairwork.gov.au) (<http://www.facebook.com/fairwork.gov.au>).

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at [www.fairwork.gov.au/mediareleases](http://www.fairwork.gov.au/mediareleases) ([www.fairwork.gov.au/mediareleases](http://www.fairwork.gov.au/mediareleases)).

Media inquiries:

Bryan Littlely, Assistant Director, Media

Mobile: 0447 692 007

[bryan.littlely@fwo.gov.au](mailto:bryan.littlely@fwo.gov.au) (<mailto:bryan.littlely@fwo.gov.au>)

**Page reference No: 6877**

## Contact us

Fair Work Online: [www.fairwork.gov.au](http://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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.