

Restaurant faces pregnancy discrimination allegations

18 October 2018

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against Jewel Bay 2015 Pty Ltd, which operates Coco's Restaurant in South Perth, and company director Abdel Wahid Tajeddine.

The legal action relates to a waitress aged in her late 20s who started work at Coco's Restaurant on a casual basis in February 2016. The waitress informed Mr Tajeddine, who is involved in the day-to-day management of the restaurant, that she was pregnant in April 2017.

The FWO alleges that Jewel Bay and Mr Tajeddine breached the discrimination provision of the Fair Work Act by reducing and cancelling some of the employee's shifts between July and September 2017 because she was pregnant.

It is alleged that on one occasion in July 2017, by which time the waitress was visibly pregnant, Mr Tajeddine directed a supervisor to send the waitress home because she "looks disgusting".

On another occasion in July, it is alleged Mr Tajeddine directed the supervisor to cancel the shift the waitress was rostered to work that evening, making references to the effect of her pregnancy on her appearance and ability to perform her duties.

In the days after the shift was cancelled, the waitress allegedly informed Jewel Bay management in writing about her concern that the cancellations of her rostered shifts were because she was pregnant. She allegedly did not receive a response.

Fair Work Ombudsman Sandra Parker says the alleged conduct is particularly serious.

"It is the responsibility of employers to ensure that they are aware of their obligations under workplace laws, and that they treat workers fairly," Ms Parker said.

"Under the Fair Work Act, it is unlawful for employers to discriminate against employees on the grounds of pregnancy, race, colour, sex, sexual preference, age, physical or mental disability, marital status, carer responsibilities, religion, political opinion, nationality or social origin."

"Any employees with concerns about workplace discrimination should contact the Fair Work Ombudsman," Ms Parker said.

The FWO is seeking a penalty against Jewel Bay and Mr Tajeddine for alleged breaches of workplace laws, as well as a Court order requiring them to pay compensation to the employee for lost earnings and non-economic loss suffered, including stress and humiliation.

Jewel Bay face penalties of up to \$63,000 for each contravention and Mr Tajeddine faces penalties of up to \$12,600 for each contravention. A Court order requiring Jewel Bay to commission workplace relations training for management personnel is also being sought by the FWO.

The matter is scheduled for a directions hearing in the Federal Circuit Court in Perth on 13 November 2018.

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