

Han's Cafe Mandurah to back-pay 16 workers

15 August 2019

A Han's Café franchisee south of Perth will back-pay 16 workers \$27,086 and overhaul its workplace practices, following an investigation by the Fair Work Ombudsman.

Theo Jose Dominic Sayoco, Grace Bela-Ong Sayoco, and the company T J D Sayoco Pty Ltd, trading as Han's Café Mandurah, have entered into a Court-Enforceable Undertaking with the workplace regulator.

Fair Work Inspectors investigated the restaurant as part of the National Compliance Monitoring campaign, after identifying workplace compliance issues at other restaurants in the Han's Café franchise network.

Inspectors found that waiters were receiving hourly rates between \$16.39 and \$19, despite being entitled to ordinary hourly rates including casual loading of \$24.41 on weekdays, \$29.30 on weekends and \$48.83 on public holidays under the Restaurant Industry Award.

Affected employees were engaged between September 2017 and March 2018, most as casual waiters or kitchen attendants, and included young workers and two student visa holders. Individual underpayments ranged from \$30 to \$3,290.

Fair Work Ombudsman Sandra Parker said a Court-Enforceable Undertaking was appropriate as the company cooperated with the investigation and committed to back-pay staff.

"Under the Court-Enforceable Undertaking, the company will improve its payroll process and undertake external audits to ensure that staff are receiving their correct entitlements, which will particularly benefit young or migrant workers who are unaware of their rights at work."

"The Fair Work Ombudsman is cracking down on underpayments in the fast food, restaurant and café sector, which is over-represented in our disputes. We will continue to take enforcement action to ensure that hospitality workers receive all of their lawful entitlements," Ms Parker said.

Under the EU, the company must engage independent auditors to check that all employees receive their correct entitlements, and rectify any errors, in 2019 and 2020. Mr Sayoco will also issue a letter of apology to each underpaid worker.

The company has admitted that it breached workplace laws. In addition to back-paying staff by 7 October 2019, it will make a gesture of contrition through a \$2,000 payment to the Commonwealth Government's Consolidated Revenue Fund.

Last year, the Fair Work Ombudsman secured a total of \$80,000 in penalties [against franchisees of two Han's Café outlets in Perth \(www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/march-2018/20180320-hans-cafe-penalties\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/march-2018/20180320-hans-cafe-penalties) for staff underpayments.

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for free workplace assistance. A free interpreter service is available on 13 14 50.

New FWO interactive tools (www.fairwork.gov.au/frac) for the hospitality sector make it easy to access key information.

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Download the T J D Sayoco Pty Ltd Enforceable Undertaking (DOCX 166.1KB) (www.fairwork.gov.au/ArticleDocuments/1505/tjd-sayoco-pty-ltd-enforceable-undertaking.docx.aspx) (PDF 3.2MB) (www.fairwork.gov.au/ArticleDocuments/1505/tjd-sayoco-pty-ltd-enforceable-undertaking.pdf.aspx)

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