

Operators of two Hello Juice outlets face court

NOTE: On 31 August 2020, the following wording was amended: "Workers at the Geelong store were allegedly underpaid \$23,902.47 and workers at the Werribee store were allegedly underpaid \$14,555.64." The sentence was corrected to read: "Workers at the Werribee store were allegedly underpaid \$23,902.47 and workers at the Geelong store were allegedly underpaid \$14,555.64."

29 August 2019

The Fair Work Ombudsman has commenced legal action against the operators of two Hello Juice outlets in Victoria, alleging they underpaid 27 workers a total of almost \$40,000.

Facing the Federal Circuit Court are Skypac Group Pty Ltd and Skypic Group Pty Ltd - which operate Hello Juice outlets in shopping centres at Werribee and Geelong, respectively - and Victorian woman Hua Gong, who was the general manager of both stores.

It is alleged that some employees were paid flat rates as low as \$10 per hour, which resulted in underpayment of the ordinary hourly rates, casual loadings and penalty rates for weekend and public holiday work they were entitled to under the Fast Food Industry Award 2010.

Fair Work Ombudsman Sandra Parker said inspectors discovered the alleged underpayments during self-initiated audits.

"Enforcing compliance with workplace laws in the fast food, restaurant and cafe sector continues to be a priority for the Fair Work Ombudsman. Employers in this sector are on notice that they must pay all employees according to Australia's lawful minimum pay rates," Ms Parker said.

It is alleged that Ms Gong and Skypac Group Pty Ltd also breached laws relating to cash-back arrangements on two separate occasions by requiring a worker aged in her 30s at the Werribee store to pay amounts totalling \$1,300 to cover part of a rectification payment and a tax refund payment made to her.

"Employers should be aware that the Fair Work Ombudsman takes allegations of cash-back breaches extremely seriously. Any employees with concerns should contact us," Ms Parker said.

In total, it is alleged that 27 employees were underpaid a total of \$38,458 over a period of several months in 2017, including juniors under the age of 18. Workers at the Werribee store were allegedly underpaid \$23,902.47 and workers at the Geelong store were allegedly underpaid \$14,555.64.

The FWO is seeking court orders requiring the companies and Ms Gong to back-pay the employees in full, who have been only been partially back-paid to date.

The FWO further alleges that Ms Gong and Skypac Group breached workplace laws by providing inspectors with false or misleading records, and allegedly breached laws relating to pay slips, record-keeping and (by Skypic Group and Ms Gong only) and complying with a Notice to Produce documents.

Ms Gong faces penalties of up to \$10,800 per contravention for the Geelong store and \$12,600 for the Werribee store, Skypic Group Pty Ltd up to \$54,000 per contravention and Skypac Group Pty Ltd up to \$63,000 per contravention.

The FWO is also seeking court orders requiring the companies to commission independent audits of their wage payment practices and provide the results to the FWO, and requiring Ms Gong to register with the My Account portal at www.fairwork.gov.au and complete workplace relations training.

A directions hearing is listed in the Federal Circuit Court in Melbourne on 15 November 2019.

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