

Gold Coast café and director face court

3 December 2019

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operators of a café at Broadbeach on the Gold Coast.

Facing Court are Sun Sea Equity Pty Ltd, which traded as '3 Beans', and its sole director Natasha Doumani.

The Fair Work Ombudsman alleges that the company breached the Fair Work Act by failing to comply with a Compliance Notice requiring the company to correctly calculate and back-pay alleged underpayments of two casual cafe workers, and that Ms Doumani was involved in this breach.

A Fair Work Inspector issued the Compliance Notice earlier this year in response to requests for assistance from the two employees, both aged in their 20s.

The Compliance Notice was issued after a Fair Work Inspector conducted an investigation and formed a reasonable belief that the company allegedly underpaid minimum wage rates for ordinary hours, casual loading, overtime, weekend and public holiday penalty rates, and late night and early morning shift payments under the Restaurant Industry Award 2010.

Fair Work Ombudsman Sandra Parker says compliance notices are an important tool to recover unpaid wages, and they will be enforced where they are not followed.

"Under the Fair Work Act, inspectors can issue a compliance notice if they have a reasonable belief that an employer has breached workplace laws. Employers must comply with Compliance Notices unless they decide to challenge a notice in court."

"The Fair Work Ombudsman is cracking down on the alleged underpayment of workers in the fast food, restaurant and café sector, and will continue to use all its enforcement tools to ensure employers meet their lawful obligations."

The FWO is seeking penalties, with Sun Sea Equity facing a maximum penalty per breach of \$31,500 and Ms Doumani a maximum penalty of \$6,300 per breach.

The FWO is also seeking a Court Order requiring the company to comply with the Compliance Notice, which includes rectifying the underpayments in full, plus superannuation and interest.

A directions hearing has been listed in the Federal Circuit Court in Brisbane for 27 March 2020.

The fast food, restaurant and café sector has accounted for more disputes than any other industry during the last six years. It made up 56 per cent of the FWO's new litigations last financial year.

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for free advice and assistance about their rights and obligations in the workplace. A free interpreter service is available on 13 14 50. Targeted resources are at www.fairwork.gov.au/frac (<http://www.fairwork.gov.au/frac>)

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Fair Work Online: www.fairwork.gov.au

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