

Brisbane bakery penalised in court

24 December 2020

The Fair Work Ombudsman has secured a total of \$26,460 in penalties in court against the operator of a retail bakery business in the Brisbane suburb of Mount Ommaney.

T & Sons Pty Ltd, trading as Mount Ommaney Bakehouse, has been penalised \$22,050 and its manager Ms Rosa Vo has been penalised a further \$4,410 in the Federal Circuit Court.

The penalties were imposed in response to the company failing to comply with a Compliance Notice requiring it to calculate and back-pay entitlements owing to a 15-year-old employee who had worked as a casual shop assistant at the Bakehouse. Ms Vo was involved in the breach.

Fair Work Ombudsman Sandra Parker said businesses that fail to act on Compliance Notices face court-imposed penalties in addition to having to back-pay any underpaid staff.

“Compliance Notices are important tools used by inspectors to ensure workers receive their lawful entitlements, and we will not tolerate them being ignored. We make every effort to secure voluntary compliance with Compliance Notices but where they are not followed, we are prepared to take legal action,” Ms Parker said.

“The Fair Work Ombudsman will continue to take action through both enforcement and education to improve workplace compliance in 2021. Any employees with concerns about their pay or entitlements should contact us for free advice and assistance.”

The regulator investigated after the junior employee lodged a request for assistance.

A Fair Work inspector issued the Compliance Notice in January after forming a belief the company underpaid the employee for work in February and March 2019, including not paying the employee for all hours worked. The inspector believed the company breached minimum wages, casual loading, and evening and weekend penalty rate obligations under the General Retail Industry Award 2010.

The worker was back-paid only after the Fair Work Ombudsman commenced court action.

Judge Michael Jarrett said the company and Ms Vo demonstrated a deliberate disregard for obligations under the Fair Work Act.

“The failure to comply with a statutory notice is serious and in this case it required the Fair Work Ombudsman to commence proceedings in circumstances where litigation could have easily been avoided,” Judge Jarrett said.

“A penalty needs to reflect the seriousness of the respondent’s conduct and it needs to send a message to both the respondents in this case and other like-minded organisations and individuals that ignoring the obligations cast upon employers and those that control them by the Fair Work Act will not be tolerated.”

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. Know a workplace that isn’t doing the right thing but don’t want to get involved? [Report it to us anonymously \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/anonymous-report/anonymous-tipoff\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/anonymous-report/anonymous-tipoff) - in your language.

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