

Former Victorian hotel operator faces court

4 February 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the former operator of the Farmers Arms Hotel Newry in Victoria.

Facing Court is the company that formerly operated the hotel, Yorktor Pty Ltd, and the company's sole director, Mr Gary Williams.

The Fair Work Ombudsman alleges the company and Mr Williams breached the Fair Work Act by failing to comply with a Compliance Notice requiring the company to calculate and back-pay any outstanding amounts owing to an employee.

The employee worked as a casual bar attendant and kitchen hand at the hotel, which is located about 200km east of Melbourne, between 2015 and 2018.

Fair Work Inspectors commenced an investigation into the Farmers Arms Hotel Newry last year after receiving several requests for assistance from the employee.

The Compliance Notice was issued after a Fair Work Inspector formed a belief that the employee had been underpaid minimum wages and penalty rates for weekend, public holiday and evening work under the Hospitality Industry (General) Award (2010).

Inspectors issued Yorktor Pty Ltd with a Compliance Notice requiring the business to calculate and rectify the alleged underpayments and produce reasonable evidence of its compliance.

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 form a belief that an employer has breached certain workplace laws. Where employers do not comply with our notices, a Court can order them to pay penalties in addition to back-paying any affected employees."

"The Fair Work Ombudsman will continue to use all its enforcement tools to ensure employers meet their lawful obligations. Any employees with concerns about their pay should contact us," Ms Parker said.

The FWO is seeking penalties against Yorktor Pty Ltd and Mr Williams. The company faces a maximum penalty of \$31,500, while Mr Williams faces a maximum penalty of \$6,300.

The FWO is also seeking a Court Order requiring the company and Mr Williams to take the action required by the Compliance Notice, including calculating any underpayments and rectifying them in full, plus superannuation and interest.

A directions hearing has been listed in the Federal Circuit Court in Melbourne for 24 February 2020.

NOTE: Yorktor Pty Ltd and Mr Gary Williams no longer operate the Farmers Arms Hotel Newry. The Fair Work Ombudsman makes no allegations against the current operator.

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

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