

## Melbourne cafe operator faces court

8 January 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operator of two 'French Baguette Café' outlets, located at Footscray and Richmond in Melbourne.

Facing Court is the company that operates the cafes, Saveway Store Pty Ltd, and the company's sole director, Mr Son Thanh Nguyen.

The Fair Work Ombudsman alleges that the company and Mr Nguyen 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 a number of cafe employees.

Fair Work Inspectors commenced an investigation into the French Baguette outlets in 2019 as part of an auditing campaign.

The Compliance Notice was issued after a Fair Work Inspector formed a belief that full-time and part-time café employees had been underpaid overtime rates and weekend and public holiday penalty rates under the Restaurant Industry Award.

Inspectors issued Saveway Store 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 for workers.

"Under the Fair Work Act, inspectors can issue a compliance notice if they have 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 is cracking down on alleged non-compliance in the fast food, restaurant and café sector. We will continue to utilise our full suite of enforcement tools to hold employers to account," Ms Parker said.

A breach of pay slip laws is also alleged against Saveway Store Pty Ltd.

The FWO is seeking penalties against Saveway Store Pty Ltd and Mr Nguyen. The company faces a maximum penalty of \$31,500 for the Compliance Notice matter and \$63,000 for the pay slip matter, while Mr Nguyen faces a maximum penalty of \$6,300 for the Compliance Notice matter.

The FWO is also seeking a Court Order requiring the company and Mr Nguyen 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 18 February 2020.

Employers and employees seeking assistance can visit [www.fairwork.gov.au](http://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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## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

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