

Melbourne restaurant faces court

14 January 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operator of a restaurant in Melbourne's north.

Facing court is The Old Cop Shop Eatery Pty Ltd, which operates a restaurant on Bell Street in Coburg trading as The Old Cop Shop.

The Fair Work Ombudsman alleges the company breached the Fair Work Act by failing to comply with a Compliance Notice requiring it calculate and back-pay alleged underpayments of an employee.

A Fair Work Inspector issued the Compliance Notice in October last year after a former employee lodged a request for assistance.

The Compliance Notice was issued after a Fair Work Inspector conducted an investigation and formed a belief that the restaurant, between April and June last year, underpaid minimum wage rates for ordinary hours, casual loading, and Sunday and public holiday penalty rates 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 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 underpayments in the fast food, restaurant and café sector, and will continue to use all its enforcement tools to ensure employers meet their lawful obligations," Ms Parker said.

The FWO is seeking penalties against The Old Cop Shop Eatery Pty Ltd, with the company facing a maximum penalty of \$31,500.

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

A first court date has been listed in the Federal Circuit Court in Melbourne for 19 February 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 (www.fairwork.gov.au/frac).

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Fair Work Online: www.fairwork.gov.au

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