

North Parramatta pizza outlet faces court

Note: The Fair Work Ombudsman discontinued its proceedings against 1 TWO KA 4 CP Pty Ltd, Vipul Dasharathbhai Janisari and Dhruvin Jagdishbhai Patel on 13 March 2020.

17 January 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against a pizza outlet in western Sydney.

Facing Court is 1 TWO KA 4 CP Pty Ltd, which operates the Crust Pizza outlet located on Church Street in North Parramatta.

Also facing Court are company directors and shareholders Vipul Dasharathbhai Janisari and Dhruvin Jagdishbhai Patel.

The Fair Work Ombudsman alleges the company, Mr Janisari and Mr Patel 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 some employees.

Fair Work Inspectors commenced an investigation into Crust Pizza in North Parramatta after receiving requests for assistance from employees.

The Compliance Notice was issued after a Fair Work Inspector formed a belief that employees at the outlet had been underpaid minimum wages, casual loadings, a special clothing allowance, a transport allowance, overtime rates and penalty rates for public holiday and evening work under the Fast Food Industry Award (2010).

Inspectors issued 1 TWO KA 4 CP Pty Ltd with a Compliance Notice requiring the company 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.

“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 is cracking down on alleged non-compliance in the fast food, restaurant and café sector, and will continue to use all its enforcement tools to hold employers to account,” Ms Parker said.

The FWO is seeking penalties against 1 TWO KA 4 CP Pty Ltd, Mr Janisari and Mr Patel. The company faces a maximum penalty of \$31,500, while Mr Janisari and Mr Patel each face a maximum penalty of \$6,300.

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

A directions hearing is listed in the Federal Circuit Court in Sydney for 6 February 2020.

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