

Court penalises Melbourne restaurant operator

10 July 2020

The operator of Coburg restaurant, The Old Cop Shop, has been penalised \$22,050 in Court for failing to comply with a Compliance Notice issued by the Fair Work Ombudsman.

The Court found that The Old Cop Shop Eatery Pty Ltd contravened the Fair Work Act by failing to comply with a Compliance Notice requiring it to calculate and back-pay alleged underpayments of a former employee, aged 21.

In addition to the penalty, the Federal Circuit Court ordered The Old Cop Shop Eatery Pty Ltd to rectify the underpayment of the food and beverage attendant plus interest.

Fair Work Ombudsman Sandra Parker said the outcome reinforced the importance of Compliance Notices in helping inspectors recover wages for underpaid workers.

“Compliance Notices are an important tool we use to get unpaid wages back into workers’ pockets in a timely manner. If employers do not comply with Compliance Notices, they can face court-imposed fines in addition to the initial wages back-payment bill.”

“We encourage any workers with concerns about their pay and entitlements to contact us for free assistance,” Ms Parker said.

Fair Work Inspectors conducted an investigation into The Old Cop Shop following a request for assistance from the employee.

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, had underpaid the employee’s minimum wage rate for ordinary hours, casual loading, and penalty rates for Sunday and public holiday work under the Restaurant Industry Award 2010.

Judge Heather Riley found that the contravention was deliberate, The Old Cop Shop had not displayed any co-operation, contrition nor taken any corrective action, and the affected worker was young and vulnerable.

Judge Riley said that general deterrence was “a significant factor in this case, given that the restaurant industry is notorious for underpayments to staff”.

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 \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/workplace-help-in-other-languages/report-a-workplace-issue-in-your-language\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/workplace-help-in-other-languages/report-a-workplace-issue-in-your-language) – in your language.

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Help for small business

Find tools, resources and information you might need in our [Small business showcase \(https://smallbusiness.fairwork.gov.au/\)](https://smallbusiness.fairwork.gov.au/) .

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.