

Bakery operators face court

24 July 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operators of the Bakers Boutique & Patisserie retail bakery outlets.

Facing Court is Gothic Downs Pty Ltd, which operates Bakers Boutique & Patisserie outlets in various shopping centres in Melbourne, and the company's sole director Giuseppe Conforto.

Fair Work Inspectors commenced an investigation after receiving a request for assistance from two former employees who worked at Bakers Boutique & Patisserie outlets at Meadow Heights and Caroline Springs from 2016 to 2018. One of the employees was a visa holder from India.

A Fair Work inspector issued two Compliance Notices after forming a belief that Gothic Downs Pty Ltd had underpaid the employees their minimum wages, early morning shift rates, weekend and public holiday penalty rates and overtime rates under the General Retail Industry Award 2010 and leave entitlements under the Fair Work Act 2009.

The regulator alleges that the company, without reasonable excuse, failed to comply with the Compliance Notices. The notices required the employer to calculate and back-pay the outstanding wages and entitlements owing to the employees, including the applicable superannuation.

Mr Conforto was allegedly involved in the failure to comply with the Compliance Notices.

Fair Work Ombudsman Sandra Parker said that the regulator will enforce workplace laws in a proportionate manner during the COVID-19 pandemic, and that includes continuing to take businesses to court where lawful requests are not complied with.

"Under the Fair Work Act, Compliance Notices are important tools used by inspectors if they form a belief that an employer has breached workplace laws," Ms Parker said.

"Where employers do not comply with our requests, we will take appropriate action to protect employees. A court can order the business to pay penalties in addition to back-paying workers."

"Any employees with concerns about their pay or entitlements should contact the Fair Work Ombudsman for free assistance."

The Fair Work Ombudsman alleges Gothic Downs Pty Ltd committed two contraventions of the Fair Work Act. The company faces penalties of up to \$31,500 per contravention from the Court, while Mr Conforto faces penalties of up to \$6,300 per contravention for his alleged involvement.

The Fair Work Ombudsman is also seeking a Court Order requiring Gothic Downs to comply with the Compliance Notices, which includes rectifying underpayments in full, plus superannuation and interest.

A directions hearing has been listed in the Federal Circuit Court in Melbourne on 6 August 2020.

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.

Follow the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au (http://www.facebook.com/fairwork.gov.au).

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at www.fairwork.gov.au/mediareleases (www.fairwork.gov.au/mediareleases).

Media inquiries:

Ryan Pedler, Assistant Director - Media

Mobile: 0411 430 902

ryan.pedler@fwo.gov.au (mailto:ryan.pedler@fwo.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.