

Brisbane bakery in court

29 July 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operator of a retail bakery business in the Brisbane suburb of Mount Ommaney.

Facing court is T & Sons Pty Ltd, trading as Mount Ommaney Bakehouse, and its manager Ms Rosa Vo.

The regulator investigated after a 16-year-old junior employee working as a casual shop assistant lodged a request for assistance.

A Fair Work inspector issued a Compliance Notice in January after forming a belief the company underpaid the employee for work in February until March 2019, including by not paying her for all hours worked. The inspector believed that failed to meet payment of wages, casual loading, and evening and weekend penalty rate obligations under the General Retail Industry Award 2010.

The regulator alleges that the company, without reasonable excuse, failed to comply with the Compliance Notice. The notice required the company to calculate and back-pay the worker's entitlements.

Fair Work Ombudsman Sandra Parker said that the regulator would continue to enforce workplace laws in a proportionate manner during the COVID-19 pandemic, and that includes taking 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."

"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," Ms Parker said.

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

The regulator is seeking penalties against T & Sons and Ms Vo. It also seeks orders for the company to comply with the Compliance Notice, which includes rectifying any underpayments in full, plus superannuation and interest.

T & Sons is facing a maximum penalty of \$31,500, while Ms Vo is facing a maximum penalty of \$6,300.

A directions hearing is listed in the Federal Circuit Court in Brisbane on 9 September 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.

Know a workplace that isn't doing the right thing but don't want to get involved? [Report it \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff) to us anonymously – in your language.

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:

Claire Low, Senior Media Adviser

Mobile: 0418 825 074

claire.low@fwo.gov.au (mailto:claire.low@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.