

Former Sydney restaurant operators in court

30 June 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the former operators of Sandringham-based restaurant, Sails Waterfront Bar & Grill.

Fair Work Inspectors commenced an investigation after receiving a request for assistance from a food and beverage attendant who worked at the restaurant for two years before his employment ended when the restaurant closed late last year.

A Fair Work inspector issued a Compliance Notice after forming a belief that Sails Waterfront Bar & Grill Pty Ltd failed to pay the employee, a visa holder from Bangladesh, his accrued but untaken annual leave owing under the Restaurant Industry Award 2010 on termination of his employment.

The regulator alleges the company failed to comply with the Compliance Notice which required it to calculate and back-pay the outstanding annual leave entitlements owing to the employee, and the superannuation and annual leave loading in respect of those amounts.

Sails Waterfront Bar and Grill Pty Ltd's sole director Robert Sunna was allegedly involved in the company's failure to comply with the Compliance Notice.

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 a Compliance Notice, we will take appropriate action to protect employees. A court can then order them to pay penalties in addition to back-paying workers. Any employees with concerns about their pay should contact us for assistance."

Sails Waterfront Bar & Grill faces a penalty of up to \$31,500 from the Court, while Mr Sunna faces a penalty of up to \$6,300.

The Fair Work Ombudsman is also seeking a Court Order requiring Sails Waterfront Bar & Grill to comply with the Compliance Notice, which includes rectifying underpayments in full, plus superannuation and interest.

A directions hearing has been listed in the Federal Circuit Court in Sydney on 24 July 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 \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff) it to us anonymously – in your language.

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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

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