

## Bondi venue in court

11 March 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operator of Upper East Side Bondi, a restaurant and bar in Sydney's east.

Upper East Side Bondi Pty Ltd and its Director, Ms Julia Gelonese, face court for allegedly failing to comply with two Compliance Notices requiring the business to correctly calculate and back-pay alleged underpayments and superannuation for a number of full-time and casual staff.

Fair Work Inspectors commenced an investigation into the business as a result of multiple requests for assistance from employees working in front of house and kitchen roles. A number of employees involved were on student or working holiday visas.

The Compliance Notices were issued after an inspector conducted an investigation and formed a belief that employees had not received their full wages and entitlements under the Restaurant Industry Award 2010 and the Fair Work Act 2009 (Cth), including penalties on weekends, evenings and public holidays, overtime rates and termination pay.

In fact, the inspector formed a belief that some employees were not paid at all for periods of work.

Fair Work Ombudsman Sandra Parker says Compliance Notices are an important tool to recover unpaid wages for workers.

"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 underpayments in the fast food, restaurant and café sector, particularly when it involves migrant workers. We will continue to utilise our full suite of enforcement tools to hold employers to account and any workers with concerns should contact us," Ms Parker said.

Upper East Side Bondi Pty Ltd faces penalties of up to \$31,500 per Compliance Notice, with Ms Gelonese also facing up to a maximum penalty of \$6,300 per Compliance Notice.

The regulator is also seeking a Court Order requiring the business to comply with its Compliance Notices, which includes rectifying the underpayments in full, plus superannuation and interest.

A directions hearing has been listed in the Federal Circuit Court in Sydney for 3 April 2020.

The fast food, restaurant and café sector has accounted for more disputes than any other industry during the last six years. It made up 56 per cent of the FWO's new litigations last financial year.

Targeted resources for fast food, restaurant and cafes are available at [www.fairwork.gov.au/frac](http://www.fairwork.gov.au/frac) ([www.fairwork.gov.au/frac](http://www.fairwork.gov.au/frac))

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

Employers and employees can visit [www.fairwork.gov.au](http://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.

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Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

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