

Melbourne clothing retailer faces court

12 March 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operator of a clothing retail store in Melbourne.

Facing Court is Zurel Pty Ltd, the operator of a clothing store trading as '316 Melbourne', and the company's director, Mr Ban Teik Chee.

The regulator alleges the company and Mr Chee breached the Fair Work Act by failing to comply with a Compliance Notice requiring the company to calculate and back-pay any outstanding amounts owing to a casual retail employee.

The regulator also alleges Zurel breached record-keeping and pay slip laws and that Mr Chee was involved in these breaches.

Fair Work Inspectors commenced an investigation into Zurel last year, following a request for assistance. The employee, aged in her early 20s, was a visa holder.

The Compliance Notice was issued after a Fair Work Inspector formed a belief that the employee had been underpaid her minimum hourly wage, casual loading and penalty rates for weekend, public holiday and evening work under the General Retail Industry Award 2010.

An inspector issued Zurel Pty Ltd with a Compliance Notice requiring the company to calculate and rectify the alleged underpayments and produce reasonable evidence of its compliance.

Fair Work Ombudsman Sandra Parker says Compliance Notices are an important tool to recover unpaid wages, and they will be enforced where they are not followed.

"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 will continue to use all its enforcement tools to ensure employers meet their lawful obligations. Any employees with concerns about their pay or entitlements should contact us for assistance," Ms Parker said.

The FWO is seeking penalties against Zurel Pty Ltd and Mr Chee. In relation to the alleged Compliance Notice breach, the company faces a maximum penalty of \$31,500, while Mr Chee faces a maximum penalty of \$6,300. In relation to the alleged record-keeping and pay slip breaches, the company faces maximum penalties of \$63,000 per breach, while Mr Chee faces a maximum penalty of \$12,600 per breach.

The FWO is also seeking a Court Order requiring the company to take the action required by the Compliance Notice, including calculating any underpayments and rectifying them in full, plus interest.

Employers and employees seeking assistance can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

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Fair Work Online: www.fairwork.gov.au

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

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