

Barossa Valley pizza outlet in court

9 November 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operators of a pizza outlet in the Barossa Valley region in South Australia.

Facing court are Ziad Andary & Fida Ghamwari, who operate 'The Valley Pizza' outlet in Nuriootpa.

The regulator investigated after receiving a request for assistance from an employee who had worked as a casual fast food employee at the outlet.

A Fair Work Inspector issued a Compliance Notice in May this year after forming a belief that Mr Andary and Mrs Ghamwari had underpaid the employee his entitlements under the Fast Food Industry Award 2010.

The inspector believed the employee had been underpaid his minimum wage rate applicable to casual employees and was also not paid weekend penalty rates and evening penalty rates under the award between June 2019 and February 2020.

The FWO alleges that Mr Andary and Mrs Ghamwari, without reasonable excuse, failed to comply with the Compliance Notice. The notice required them to calculate and back-pay the worker's entitlements.

In line with the FWO's proportionate approach to regulation during the COVID-19 pandemic, the FWO made several attempts to secure voluntary compliance before commencing proceedings.

Fair Work Ombudsman Sandra Parker said that the regulator would continue to enforce workplace laws and take business operators 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," Ms Parker said.

The Fair Work Ombudsman is seeking penalties against Mr Andary and Mrs Ghamwari. They each face a penalty of up to \$6,600.

The regulator is also seeking orders for the company to comply with the Compliance Notice, which includes rectifying any underpayments in full, plus superannuation and interest.

A directions hearing is listed in the Federal Circuit Court in Adelaide on 10 December 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.

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