

Beauty salon operators in court

9 September 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operators of the Bestie House Salon in the Adelaide CBD.

Facing court are Ms Yi Yang and Ms Xurui Zhang.

The regulator investigated after receiving requests for assistance from two visa holders from China, who were employed on a casual basis as beauticians at Bestie House Salon.

A Fair Work Inspector issued a Compliance Notice in April this year after forming a belief that Ms Yang and Ms Zhang had failed to pay the two employees their full wages and entitlements for work performed between September 2018 and June 2019.

The inspector believed that the employees had been underpaid their minimum wages, casual loadings and penalty rates for weekend and public holiday work under the Hair and Beauty Industry Award 2010.

The FWO alleges that the Ms Yang and Ms Zhang, without reasonable excuse, failed to comply with the Compliance Notice. The notice required them to calculate and back-pay the workers' entitlements.

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

Fair Work Ombudsman Sandra Parker said that the regulator would continue to enforce workplace laws and take matters 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 our requests are not complied with, we will take appropriate action to protect employees. A court can order business operators 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 Fair Work Ombudsman is seeking penalties against Ms Yang and Ms Zhang and a court order requiring them to comply with the Compliance Notice, which includes rectifying any underpayments in full, plus interest.

Ms Yang and Ms Zhang each face a maximum penalty of \$6,300. A directions hearing is listed in the Federal Circuit Court in Adelaide on 16 October 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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Contact us

Fair Work Online: www.fairwork.gov.au

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