

Hairdressing salon operator in court

23 September 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operator of a Melbourne hairdressing salon.

Facing court is Jorge Guillermo Viota, who operates the 'Jorge Viota Hairdressers and Barbers' salon on Lygon Street in Brunswick East.

The regulator investigated after receiving a request for assistance from a worker who had been employed on a casual basis as a hairdressing assistant at the salon.

A Fair Work Inspector issued a Compliance Notice in March this year after forming a belief that Mr Viota had failed to pay the employee her full wages and entitlements for work performed between December 2015 and December 2017.

The inspector believed that the employee, who was aged 18 to 20 at the time, had been underpaid her weekday casual rate, Saturday casual rate and public holiday penalty rate under the Hair and Beauty Industry Award 2010.

The FWO alleges that Mr Viota, without reasonable excuse, failed to comply with the Compliance Notice. The notice required him 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 several 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 a penalty against Mr Viota and court orders requiring him to comply with the Compliance Notice (which includes rectifying any underpayments in full), plus interest.

Mr Viota faces a maximum penalty of \$6,300. A directions hearing is listed in the Federal Circuit Court in Melbourne on 27 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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