

Former La Porchetta franchisee in court

16 April 2021

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the former operator of a La Porchetta pizza outlet in Wagga Wagga, NSW.

Facing court is Little Italy Wagga Wagga Pty Ltd, which was the franchisee for the outlet located on Baylis Street until the franchise agreement ended and the outlet ceased operation last year.

The regulator investigated after an employee lodged a request for assistance.

A Fair Work Inspector issued a Compliance Notice to Little Italy Wagga Wagga Pty Ltd in December 2020 after forming a belief the employee had been underpaid her annual leave entitlements under the Fair Work Act on termination of her employment in 2020.

The employee was a young worker, aged 20 at the time.

The FWO alleges the company, without reasonable excuse, failed to comply with the Compliance Notice, which required it to calculate and back-pay the worker's outstanding 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 the regulator would continue to enforce workplace laws and take businesses to court where lawful requests are not complied with.

"Compliance Notices are important tools used by inspectors to deal with apparent contraventions of the Fair Work Act or industrial instruments, most typically Modern Awards," Ms Parker said.

"Where employers do not respond to or comply with these Notices, we will take appropriate enforcement action to protect employees. A court can order a business to pay penalties for not complying with such a Notice, in addition to back-paying workers as appropriate."

"Any employees with concerns about their pay or entitlements should contact the Fair Work Ombudsman for free assistance."

The FWO is seeking a penalty against Little Italy Wagga Wagga Pty Ltd. The company faces a potential penalty of up to \$33,300.

The regulator is also seeking a court order for the company to take the action required to comply with the Compliance Notice, which includes rectifying the alleged underpayment for the employee plus interest.

A directions hearing is listed in the Federal Circuit Court in Melbourne on 17 May 2021.

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. The website includes information specifically tailored for [franchisees and franchisors \(www.fairwork.gov.au/find-help-for/franchises\)](http://www.fairwork.gov.au/find-help-for/franchises).

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Media inquiries:

Ryan Pedler, Assistant Director - Media

Mobile: 0411 430 902

ryan.pedler@fwo.gov.au (<mailto:ryan.pedler@fwo.gov.au>)

Contact us

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