

## Former hotel operator penalised

21 April 2021

The Fair Work Ombudsman (FWO) has secured \$3,500 in penalties in court against the former operator of the Farmers Arms Hotel in Newry in Victoria.

The Federal Circuit Court has imposed the penalty against Mr Gary Robert Williams, whose now-liquidated company Yorktor Pty Ltd used to run the hotel about 200 kilometres east of Melbourne.

The penalties were imposed in response to Mr Williams and his company Yorktor breaching the Fair Work Act by failing to comply with a Compliance Notice. The Notice required the company to calculate and back-pay any outstanding amounts owing to an employee who had been a casual bar attendant and kitchen hand at the hotel.

Acting Fair Work Ombudsman Michael Campbell said companies that fail to act on Compliance Notices face court-imposed penalties in addition to having to back-pay underpaid staff.

“We make every effort to secure voluntary compliance with Compliance Notices but where they are not followed, we are prepared to take legal action to ensure workers receive all their lawful entitlements,” Mr Campbell said.

“Any employees with concerns about their pay or entitlements should contact us for free advice and assistance.”

Fair Work Inspectors commenced an investigation into the hotel in 2019 after receiving several requests for assistance from the employee.

The Compliance Notice was issued after a Fair Work Inspector formed a belief that the employee had been underpaid minimum wages and penalty rates for weekend, public holiday and evening work under the Hospitality Industry (General) Award 2010.

Judge Alistair McNab, in his decision, referred to general deterrence being of particular importance due to the compliance record of the accommodation and food services industry. Judge McNab ordered that the \$3,500 penalties against Mr Williams be paid to the former employee.

The FWO has targeted [interactive tools \(www.fairwork.gov.au/find-help-for/fast-food-restaurants-cafes\)](http://www.fairwork.gov.au/find-help-for/fast-food-restaurants-cafes) to help employers and employees in the fast food, restaurant and café industry, as well as for any franchisees ([www.fairwork.gov.au/find-help-for/franchises](http://www.fairwork.gov.au/find-help-for/franchises)). Employers can also use FWO’s [pay calculator \(https://calculate.fairwork.gov.au/findyouraward\)](https://calculate.fairwork.gov.au/findyouraward) and [Small Business Showcase \(www.fairwork.gov.au/small-business-showcase\)](http://www.fairwork.gov.au/small-business-showcase).

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NOTE: Yorktor Pty Ltd and Mr Gary Williams no longer operate the Farmers Arms Hotel Newry. The Fair Work Ombudsman makes no allegations against the current operator.

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## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

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