

## Gold Coast café and director penalised

4 February 2021

The Fair Work Ombudsman has secured \$19,000 in penalties in court against the operators of a Gold Coast café.

The Federal Circuit Court has imposed a \$16,000 penalty against Sun Sea Equity Pty Ltd, which traded as '3 Beans' in the Broadbeach area, and an additional \$3,000 penalty against the company's sole director, Natasha Doumani.

The penalties were imposed in response to the company breaching the Fair Work Act by failing to comply with a Compliance Notice requiring the company to correctly calculate and back-pay entitlements owing to two casual café workers, aged in their 20s. Ms Doumani was involved in the breach.

The company fully back-paid the workers only after the Fair Work Ombudsman commenced legal action. One of the workers was back-paid more than \$30,000 and the other just over \$1,500 in total.

Fair Work Ombudsman Sandra Parker said businesses 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 their lawful entitlements," Ms Parker said.

"Employers also need to be aware that improving compliance in the fast food, restaurant and café sector continues to be a priority for the Fair Work Ombudsman. 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 company after receiving requests for assistance from the two underpaid café workers.

The Compliance Notice was issued after a Fair Work Inspector formed a belief that the company underpaid the workers minimum wage rates for ordinary hours, casual loading, overtime, weekend and public holiday penalty rates, and late night and early morning shift payments under the Restaurant Industry Award 2010.

Judge Michael Jarrett found it was important to impose a penalty to deter others from similar conduct.

"Fixing a penalty in this case requires the Court to ensure that the relevant compliance notice regime established by the Fair Work Act is met and that the regime is an effective means of ensuring compliance with the Act. Employers and others who receive such notices should be under no misapprehension about what is required of them," Judge Jarrett said.

Employers and employees seeking assistance can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

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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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