

Former Brisbane fast food operator penalised

28 May 2021

The Fair Work Ombudsman has secured a court-ordered penalty against the former operator of a fast food outlet in Brisbane.

The Federal Circuit Court has imposed a \$14,175 penalty against SMC Food Truck Pty Ltd, which formerly operated a business trading as 'Salts Meats Cheese' at the Garden Pantry precinct in West End.

The penalty was imposed in response to SMC Food Truck failing to comply with a Compliance Notice requiring it to calculate and back-pay entitlements owing to 24 former employees.

The Fair Work Ombudsman made attempts to secure voluntary compliance prior to commencing legal action, however the company back-paid the employees in full only after the FWO commenced the action.

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

"Employers 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," Ms Parker said.

The Fair Work Ombudsman investigated SMC Food Truck as part of [audits of 44 fast food, café and restaurant businesses \(www.fairwork.gov.au/about-us/news-and-media-releases/2020-media-releases/september-2020/20200904-food-precincts-melbourne-brisbane-and-food-retail-report-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2020-media-releases/september-2020/20200904-food-precincts-melbourne-brisbane-and-food-retail-report-media-release) in the West End food precinct between December 2018 and March 2020.

A Fair Work Inspector issued a Compliance Notice to SMC Food Truck in February 2020 after forming a belief the company had underpaid casual employees between October 2018 and February 2020.

The inspector believed casual employees had been underpaid their casual, overtime, weekend and public holiday entitlements under the Fast Food Industry Award 2010.

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.

Know a workplace not doing the right thing but don't want to get involved? Report it [anonymously \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/anonymous-report/anonymous-tipoff\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/anonymous-report/anonymous-tipoff) – in your language.

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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