

Brisbane restaurant owner faces court over alleged underpayment of workers

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The Fair Work Ombudsman has launched a prosecution against the former owner of a Brisbane restaurant, alleging he was involved in the underpayment of two workers.

Facing court is Erick Berges, who was the sole owner and a manager of the Picasso Pizza and Pasta restaurant on Albert Street before it closed last year.

Documents lodged in the Federal Magistrates Court in Brisbane allege Mr Berges was involved in underpaying two employees at the restaurant a total of \$15,322 between September, 2006 and January, 2008.

It is alleged that a kitchen hand employed on a casual basis was paid a flat rate of just \$10 an hour, resulting in underpayment of his minimum hourly rate, night rates and public holiday rates.

The man, aged in his 40s, was allegedly underpaid a total of \$12,161.

It is also alleged a cook employed on a casual basis at the restaurant was underpaid a total of \$3161 as a result of his minimum hourly rate and overtime being underpaid.

Fair Work Ombudsman Queensland Director Julie Wade says the decision to prosecute Mr Berges was made because the alleged underpayments had not been rectified and because low-paid, vulnerable workers were involved.

"Individual hand-shake agreements to pay workers below Award rates are not legal," Ms Wade said.

The Fair Work Ombudsman alleges Mr Berges was involved in multiple breaches of workplace laws. He faces a maximum potential penalty of \$6600 per breach.

The Fair Work Ombudsman is seeking an order for any penalty imposed on Mr Berges to be paid to the allegedly underpaid workers. The case is listed for mention on April 14.

The Fair Work Ombudsman promotes harmonious, productive and co-operative workplaces. It also monitors compliance and investigates breaches of national workplace laws.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fwo.gov.au. For translations call 13 14 50.

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Contact us

Fair Work Online: www.fairwork.gov.au

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Call through the National Relay Service (NRS):

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

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