

Hungry Jack's operator at Bendigo faces court for allegedly underpaying staff \$105,000

24 August 2011

The operator of a Hungry Jack's fast food outlet at Bendigo in Victoria's Goldfields region will face court for allegedly underpaying staff more than \$105,000.

The Fair Work Ombudsman has launched a prosecution against Chamdale Pty Ltd, which operates a Hungry Jack's outlet on the corner of High and Thistle streets in Bendigo.

Chamdale allegedly underpaid 181 of its employees a total of \$105,148 between July, 2005 and December, 2009.

Most of the allegedly underpaid employees were juniors, some as young as 14.

They generally worked in customer service and food preparation roles and were variously employed on a full-time, part-time or casual basis.

Some are still employed by Chamdale.

The Fair Work Ombudsman claims the company underpaid its staff the minimum hourly rate, overtime and public holiday penalty rates, annual leave entitlements and a laundry allowance.

The largest amount allegedly owed to an individual employee is \$8384.

Chamdale allegedly failed to provide the classification and pay-rate upgrades the employees were entitled to based on the length of time they had been employed.

Fair Work inspectors discovered the alleged underpayments when they investigated complaints from some employees.

Fair Work Ombudsman Nicholas Wilson says the Agency decided to take the matter to court because of the large amount involved and the employer's failure to rectify the alleged underpayments.

Mr Wilson says another key factor was the large number of young and vulnerable employees who had allegedly been short-changed.

"Teenagers are often not fully aware of their workplace rights and can be reluctant to complain, so we treat very seriously any alleged underpayment of this vulnerable group in our society," he said.

"We expect those companies which employ significant numbers of young people to diligently exercise their workplace obligations and ensure their staff receive their full and proper entitlements."

Chamdale allegedly committed several contraventions of workplace laws and faces maximum penalties of \$33,000 per breach.

As well as penalties, the Fair Work Ombudsman is also seeking a Court Order for Chamdale to rectify the alleged underpayments.

The matter is listed for hearing in the Federal Magistrates Court in Melbourne on November 16.

The Chamdale matter is unrelated to an earlier Fair Work Ombudsman investigation and prosecution of Hungry Jack's Pty Ltd for underpaying 693 of its Tasmanian staff more than \$665,000.

That case resulted in Hungry Jack's Pty Ltd being fined \$100,500 earlier this year (see [previous media release \(www.fair-work.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/april-2011/20110413-hungry-jacks-court-court-penalty\)](http://www.fair-work.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/april-2011/20110413-hungry-jacks-court-court-penalty)).

The Fair Work Ombudsman has a range of educational resources available to assist employers and workers in the fast food industry to understand and comply with workplace laws.

A section of the Fair Work Ombudsman's website - www.fairwork.gov.au/fastfood - provides direct access to detailed information on workplace laws for businesses covered by the Fast Food Award 2010, including those selling meals, snacks and/or drinks primarily for take-away or in food courts.

Free documentation available includes industry-specific information about pay rates, allowances, classifications, leave entitlements, apprenticeships and traineeships, uniforms and clothing, when to pay staff and a range of other topics.

The Fair Work Ombudsman's website also has sections dedicated to the cleaning, clerical, hospitality, hair and beauty, horticulture, retail and security industries.

Young workers can access information relating to their workplace rights at www.fairwork.gov.au/youngworkers (www.fairwork.gov.au/find-help-for/young-workers-and-students/default) .

Employers or employees seeking assistance can also contact the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

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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

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