

## Court action over alleged \$50,000 underpayment of Canberra restaurant staff

14 August 2012

Note: Reference to prosecution in this media release is a general reference to the FWO commencing proceedings for the imposition of civil penalties and should not be taken to be a reference to criminal proceedings.

The Fair Work Ombudsman has launched a prosecution against the former operator of a Canberra restaurant, alleging he was involved in underpaying 26 employees a total of more than \$50,000.

Facing court is Damien Micah Trytell, who formerly operated the Mecca Bah restaurant at Manuka, in Canberra.

Mr Trytell was allegedly centrally involved in underpaying 26 restaurant employees a total of \$50,996 between May and December, 2009.

The employees, including eleven aged as young as 18 to 21 at the time, variously worked as kitchen staff and waiters on a full-time, part-time or casual basis.

The employees were allegedly paid flat hourly rates ranging from \$15.93 to \$19.23.

This allegedly resulted in underpayment of their penalty rates for night, overtime, weekend and public holiday work, for which they were entitled to receive up to \$38 an hour.

Some employees were allegedly also underpaid casual loadings and annual leave pay. Alleged underpayments of individual employees range from \$65 to \$6848.

Fair Work inspectors discovered the alleged underpayments when they investigated complaints lodged by employees.

Acting Fair Work Ombudsman Mark Scully says the decision to prosecute was made because of the significant amount involved for many young employees.

The Fair Work Ombudsman alleges Mr Trytell was involved in several breaches of workplace laws. He faces maximum penalties of \$6600 per breach.

The Fair Work Ombudsman is also seeking a Court Order for any penalty imposed on Mr Trytell to go towards rectifying the alleged underpayments. A directions hearing is listed for the Federal Magistrates Court in Canberra on August 27.

The company through which the restaurant was operated, Manuka Food Pty Ltd, went into liquidation last year, preventing court action against it.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit [www.fairwork.gov.au](http://www.fairwork.gov.au). A free interpreter service is available on 13 14 50.

Media inquiries:

Ryan Pedler, Assistant Director, Media & Stakeholder Relations  
(03) 9954 2561, 0411 430 902  
[ryan.pedler@fwo.gov.au](mailto:ryan.pedler@fwo.gov.au)

## Contact us

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

---

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.