

Restaurant owner faces court over \$78,000 underpayment of employees

8 February 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 is prosecuting the owner of a Perth restaurant for allegedly underpaying two staff members a total of \$78,000.

Facing Court is Vincenzo Salvatore Todaro, the owner-manager of Venezia restaurant on Pier Street in the CBD.

The Fair Work Ombudsman alleges Mr Todaro was personally involved in underpaying a cook \$53,635 and a kitchen-hand \$24,419 between March, 2006 and December, 2007.

The two employees, an immigrant husband-and-wife from China who speak little English, were employed at the restaurant through VST Pty Ltd, a company operated by Mr Todaro.

The employees successfully sued VST in 2010, securing Orders in the Western Australian Industrial Magistrates Court for outstanding entitlements to be back-paid, including the \$78,054.

The Court found that the two employees had regularly been paid less than \$10 an hour, leading to them each being underpaid hundreds of dollars per week.

However, soon after the Court ruling, VST ceased trading and ownership of Venezia restaurant was transferred to a new company, also owned by Mr Todaro - VCR Pty Ltd - leaving the two employees unable to secure back-payment from VST.

The Fair Work Ombudsman is now asking the WA Industrial Magistrates Court to find that Mr Todaro was personally involved in the underpayments.

If successful, the Fair Work Ombudsman will ask the Court to impose penalties against Mr Todaro and to Order that the penalties be paid to the two employees to assist rectify their underpayment.

Fair Work Ombudsman Nicholas Wilson says a decision to prosecute was made because the workers are vulnerable and the significant amount involved.

The Fair Work Ombudsman alleges Mr Todaro was involved in 10 contraventions of workplace laws. The maximum potential penalty per contravention is \$6600.

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

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Contact us

Fair Work Online: www.fairwork.gov.au

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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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