

## Court fines cafe operators for underpayments

22 June 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 former operators of an Adelaide cafe have been fined a total of \$56,100 for underpaying more than 30 employees – and ordered to back the employees more than \$50,000.

True Blue (SA) Pty Ltd, which formerly operated the Jamaica Blue cafe at the West Lakes Mall, has been fined \$51,975.

The company's director Filomeno Rillotta, of Mount Barker, who was formerly a manager and part-owner of the cafe, has been fined a further \$4125.

The fines and back-payment order, imposed in the Federal Magistrates Court in Adelaide, are the result of an investigation and prosecution by the Fair Work Ombudsman.

The fines were imposed after Rillotta admitted he was centrally involved in underpaying 39 casual cafe staff a total of \$50,843 between December, 2006 and October, 2010 and failing to keep proper employment records.

Federal Magistrate Denys Simpson also ordered True Blue (SA) to rectify the underpayments in full.

The employees, including many juniors aged under-21, were paid below the minimum casual hourly rate they were entitled to.

The biggest underpayment of an individual worker was \$7287.



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

True Blue (SA) also breached workplace laws by failing to comply with a Notice to Produce employment documents.

Fair Work Ombudsman Nicholas Wilson says the Court's decision sends a message that underpayment of young workers is a serious matter and will not be tolerated.

“Successful prosecutions such as this also benefit employers who are complying with workplace laws because it helps them to compete on a level playing field,” Mr Wilson says.

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