

Fair Work Ombudsman seeks to wind up employer who underpaid staff

10 May 2012

The Fair Work Ombudsman is taking action in the Federal Court in an effort to enforce back-payment and penalty Orders against a Melbourne company.

In the Melbourne Magistrates' Court in 2010, Kew man Giuseppe De Simone - who owned Cape Café on Brunswick Street - was fined \$19,800 and his private company Compumark Pty Ltd, which employed the workers, was fined a further \$99,000.

Magistrate Kate Hawkins imposed the penalties after finding De Simone was involved in Compumark underpaying two casual kitchen hands amounts of \$7061 and \$1575 in wages and superannuation in 2006-07.

Magistrate Hawkins also instructed Compumark to back-pay the workers the money owed.

However, the workers have still not been back-paid and Compumark and De Simone have not paid the penalties imposed on them.

The Fair Work Ombudsman is now taking action in the Federal Court as a supporting creditor in proceedings aimed at securing a Court Order for Compumark to be wound up if the company is insolvent by not complying with the back-payment and penalty Orders.

The matter is due to be heard today.

Fair Work Ombudsman Nicholas Wilson says that if Compumark is wound up, a liquidator will examine the company to determine whether it has any assets that can be liquidated to meet the back-payment and penalty Orders.

"The Fair Work Ombudsman is committed to taking proactive action to ensure that Court Orders made in response to our litigations are complied with," Mr Wilson said.

Employers or employees seeking assistance can visit www.fairwork.gov.au.

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