

Albury takeaway business to face court for allegedly underpaying staff more than \$60,000

3 June 2013

The Fair Work Ombudsman has commenced legal action against an Albury fish and chip shop, alleging it underpaid three staff more than \$60,000.

Facing the Federal Circuit Court will be Barry Scott Distributors Pty Ltd, which operates the Thurgoona Takeaway, and the company's sole Director, Ian Andrews.

The Fair Work Ombudsman will allege three staff were employed at Thurgoona Takeaway on a flat-rate of pay which did not cover allowances such as penalty rates and overtime that should have been paid.

Fair Work Inspectors discovered the alleged breaches as a result of complaints lodged by the employees.

It will be alleged that between July 2011 and May 2012, the three workers were paid a flat weekly rate of pay, regardless of how many hours - or when - they worked.

As a consequence, the Fair Work Ombudsman alleges the three staff have been underpaid a total of \$62,514 as a result of not being paid overtime, weekend penalty rates and public holiday loadings.

It will also be alleged that the company and Mr Andrews failed to make superannuation payments of more than \$7,000 for the three staff and failed to keep records as required by the Fair Work Act.

Acting Fair Work Ombudsman, Michael Campbell, said the significant amount of money involved and the failure of the employer to rectify the alleged underpayments were key factors in the decision to take legal action.

As well as seeking orders requiring the company and Mr Andrews to rectify the underpayments to the staff, Mr Andrews faces penalties of up to \$6,600 per breach and the company faces penalties of up to \$33,000 per breach.

A directions hearing is listed in the Federal Circuit Court in Sydney on 7 June.

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

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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