

## Fines imposed over underpayment of Melbourne school canteen workers

14 June 2013

The former operators of a Melbourne school canteen have been fined a total of \$24,288 for underpaying four employees.

Unger Catering Services (Aust) Pty Ltd - a specialist Kosher cuisine catering company which previously operated the school canteen at Mount Scopus College at Burwood - has been fined \$21,120.

Company director and part-owner Sharon Unger has been fined a further \$3,168.

The penalties, imposed in the Federal Circuit Court in Melbourne, are the result of legal action by the Fair Work Ombudsman.

The penalties were imposed after Ms Unger admitted she was involved in Unger Catering Services (Aust) Pty Ltd underpaying four employees at the Mount Scopus College canteen a total of \$13,768 between 2007 and 2011.

The casual employees, women aged 38 to 58 at the time, were underpaid amounts ranging from \$1257 to \$7526 as result of being underpaid minimum wages and hourly rates, casual loadings and superannuation. The employees have since been back-paid.

The history of underpayment complaints against Unger Catering Services (Aust) Pty Ltd dating back to 1998 - which it rectified by back-paying 13 employees - was a key factor in the Fair Work Ombudsman's decision to launch legal action.

In her judgment on the case, Judge Norah Hartnett said the previous underpayments should have impressed upon Ms Unger and Unger Catering Services (Aust) Pty Ltd the need to ensure employees were properly paid.

"It did not have that effect," Judge Hartnett said. "The Respondents had not taken the necessary steps to prevent further contraventions as highlighted by these proceedings.

"The employees were deprived of wages at various times during their employment and suffered hardship as a consequence."

Acting Fair Work Ombudsman, Michael Campbell, said the Court's decision sends a message that repeatedly underpaying employee entitlements is a very serious matter.

"We prefer to take a co-operative approach with employers to rectifying non-compliance issues but we will not tolerate employers repeatedly underpaying their employees," Mr Campbell said.

Employers and workers seeking assistance should visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

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