

## Pizza shop operator fined \$15,000 for underpaying employees

10 May 2013

The former operator of a Gold Coast pizza shop has been fined \$15,180 for underpaying 27 employees.

Scot Stuart Murphy, who formerly owned and operated Mondo Pizza at Surfers Paradise, received the fine in the Federal Circuit Court in Brisbane.

Murphy was responsible for 27 employees at the pizza shop being underpaid a total of \$18,201 between December 2009 and October 2010.

Part of the fine imposed on Murphy will go towards fully rectifying the outstanding wages owed to the employees, who have been back-paid only \$4,750 to date.

The fine and rectification are the result of litigation by the Fair Work Ombudsman.

The employees were aged between 20 and 35 when they were underpaid and several were from non-English-speaking backgrounds. They were employed as cooks, kitchen-hands, customer service attendants and delivery drivers.

The employees had been underpaid minimum hourly rates, overtime or penalty rates and weekend penalty rates.

Judge Michael Jarrett said Murphy had displayed "at least a reckless disregard" for statutory obligations.

"The purpose of the legislation is to provide a safety net which ensures adequate minimum entitlements to employees, particularly those who are vulnerable or in low income roles," Judge Jarrett said. "The need for general deterrence is plain."

A total of \$3,300 of the fine imposed on Murphy related to a failure to comply with a Notice to Produce issued by Fair Work Inspectors seeking documents during their investigation – a contravention Judge Jarrett described as "serious".

"Recipients of such notices should be left under no misapprehension about their obligations to comply with those notices," Judge Jarrett said.

Acting Fair Work Ombudsman, Michael Campbell, said the Court's decision sends a strong message that underpaying a worker's minimum entitlements is a serious matter and will not be tolerated.

"We will not hesitate to take action against employer's who show disregard for their employees' workplace rights," Mr Campbell said.

Employers or employees seeking information can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or contact the Fair Work Infoline on 13 13 94.

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