

Court action secures \$17,000 back-pay for underpaid workers

19 November 2014

The Fair Work Ombudsman has secured more than \$17,000 back-pay for three workers through its successful legal action against the former operators of two food retail outlets in Albury, regional NSW.

The Fair Work Ombudsman commenced legal action earlier this year against Barry Scott Distributors Pty Ltd, which formerly operated the Thurgoona Takeaway fish and chip shop and The Rim and Wheel Diner, and the company's sole director and owner, Ian Andrews.

The Agency alleged Andrews and his company breached workplace laws by failing to comply with Compliance Notices requiring them to reimburse three employees found to have been underpaid \$17,460.

As a result of the legal action, the company has now back-paid the three workers in full.

The Fair Work Ombudsman has also secured Federal Circuit Court Orders, by consent, requiring the company to make written apologies to the workers and requiring Andrews to undertake formal training on employer obligations under the Fair Work Act.

It is the Fair Work Ombudsman's second successful legal action against Barry Scott Distributors Pty Ltd and Andrews.

Earlier this month, the company and Andrews were fined a total of \$94,990 for underpaying three staff members – and in addition, the company was ordered to back-pay the workers \$69,932 in unpaid wages and superannuation (see [95,000 penalty and order to back-pay staff media release \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/november-2014/20141107-barry-scott-penalty-presser\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2014-media-releases/november-2014/20141107-barry-scott-penalty-presser)).

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available by calling 13 14 50.

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Media inquiries:

Ryan Pedler, Assistant Media Director

Mobile: 0411 430 902

ryan.pedler@fwo.gov.au (<mailto:ryan.pedler@fwo.gov.au>)

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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