

## Hobart staff share \$80,000 back-pay

11 September 2014

Dozens of employees of a Hobart company have been back-paid almost \$80,000 following an investigation by the Fair Work Ombudsman.

Daci & Daci Bakers Pty Ltd underpaid the 94 employees a total of \$77,921 between December, 2011 and May, 2013.

The company and its directors, husband-and-wife team Cheryl and Naser Daci, operate a wholesale and retail bakery/restaurant in Murray Street, Hobart.

The underpaid former and current staff worked as food and beverage attendants, kitchen hands and cooks.

They were underpaid amounts ranging from under \$10 to \$19,000.

The Fair Work Ombudsman investigated Daci & Daci in March last year after receiving a number of complaints from former employees.

It found that the company had failed to pay the correct rates of pay under the Restaurant Industry Award 2010.

Employees were underpaid their minimum hourly rate of pay, casual loadings, penalty rates for weekends, evening and public holiday work and overtime rates.

Fair Work Ombudsman inspectors also identified contraventions relating to the issuing of pay-slips, staff rostering and record-keeping practices.

As an alternative to litigation, Daci & Daci has entered into an Enforceable Undertaking with the Fair Work Ombudsman.

The terms of the undertaking required the company to apologise to each of the affected staff and rectify all outstanding entitlements.

Daci & Daci also agreed to undertake specialist workplace relations training and engage independent auditors to review and report on the company's compliance with workplace laws once a year for the next three years.

Enforceable Undertakings were introduced by legislation in 2009 and the Fair Work Ombudsman has been using them to achieve strong outcomes against companies that breach workplace laws without civil court proceedings.

"We use Enforceable Undertakings where we have formed a view that a breach of the law has occurred, but where the employer has acknowledged this and accepted responsibility and agreed to co-operate with us and fix the problem," Fair Work Ombudsman Natalie James said today.

"Many of the initiatives included in EUs help to build a greater understanding of workplace responsibilities, motivate the company to do the right thing and help them avoid the same mistakes again.

"It also means we can resolve matters more speedily than if we proceed down a path towards litigation, often achieving outcomes, such as training sessions for senior managers, which are not possible through the Courts."

Copies of all Enforceable Undertakings are available on the Fair Work Ombudsman website at [www.fairwork.gov.au](http://www.fairwork.gov.au).

Employers and employees seeking assistance should visit the website or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

Ms James says the Fair Work Ombudsman is making compliance easier for businesses by continually building on the information available on its website.

"Small businesses often don't have the benefit of in-house human resources and payroll staff, so we place a high priority on assisting them," she said.

"Equipping people with the information they need helps to create fair and productive workplaces, as well as ensuring a level playing field for all."

The Fair Work Ombudsman has a dedicated webpage for small business owners.

And the Fair Work Ombudsman's small business helpline – which launched in December to provide tailored advice to small business

people – has now responded to more than 100,000 calls.

Small businesses can sign up to a regular E-newsletter from the Fair Work Ombudsman with helpful workplace tips and information.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (http://twitter.com/NatJamesFWO) , the Fair Work Ombudsman [@fairwork\\_gov\\_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork\_gov\_au) or find us on Facebook [www.facebook.com/fairwork.gov.au](https://www.facebook.com/fairwork.gov.au) (http://www.facebook.com/fairwork.gov.au) .

Download:

- [Daci & Daci Bakers Pty Ltd Enforceable Undertaking \(DOCX 112.1KB\) \(www.fairwork.gov.au/ArticleDocuments/837/final-eu-daci-and-daci-redacted.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/837/final-eu-daci-and-daci-redacted.docx.aspx) (PDF 2.2MB) ([www.fairwork.gov.au/ArticleDocuments/837/daci-and-daci-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/837/daci-and-daci-enforceable-undertaking.pdf.aspx))

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Fair Work Infoline: 13 13 94

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Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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