

Pizza store operator fined for short-changing delivery drivers and sales employee almost \$26,000

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The former owner-operator of a Sydney pizza outlet has been fined for refusing to reimburse eight employees who were underpaid almost \$26,000.

The Federal Circuit Court has imposed a penalty of \$3825 against Sotirios Theocharidis, who formerly owned and ran the Crust Gourmet Pizza outlet at Maroubra.

Eight delivery drivers and sales employees who worked for Theocharidis, including five aged under 25, were short-changed a total of \$25,995 in 2013.

Judge Nick Nicholls requested the penalty be paid to the workers to partially rectify the underpayments, which remain outstanding.

The Fair Work Ombudsman discovered the underpayments when it audited the business as part of a proactive campaign focused on the fast food sector.

In 2013, the Fair Work Ombudsman issued a Compliance Notice to Theocharidis and his private company that required the underpayments to be rectified - but they failed to meet the requirements of the Notice and no application for a review of the Notice was made.

Under the Fair Work Act, business operators must comply with Compliance Notices issued by Fair Work Inspectors or make a court application for a review if they are seeking to challenge a Notice.

Judge Nicholls found that Theocharidis failed to back-pay the workers despite the Fair Work Ombudsman having earlier put him on notice of the need to comply with workplace laws.

Judge Nicholls found that Theocharidis' contravention of workplace laws was deliberate and that he had been unco-operative with the Fair Work Ombudsman.

The penalty imposed should "serve as a general deterrent to others in the fast food industry, which is said to be 'notorious' for non-compliance with the standards required by the Fair Work Act," Judge Nicholls said.

Fair Work Ombudsman Natalie James says the Court's decision demonstrates that failing to promptly back-pay workers who have been short-changed will not be tolerated and will be punished.

"We prefer to assist employers to rectify inadvertent non-compliance issues but we are prepared to take legal action against employers who refuse to co-operate," she said.

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

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