

Heavy price for ignoring back-pay request

28 January 2015

A restaurant on Queensland's Gold Coast has been penalised a total of \$15,300 for refusing to reimburse a teenage apprentice who had been underpaid.

Gold Coast man Meyjitte Boughenout, who owns and operates Absynthe Restaurant in Surfers Paradise, was fined \$2550.

His company, Absynthe Restaurant Pty Ltd, received a further \$12,750 penalty.

The Federal Circuit Court decision follows legal action by the Fair Work Ombudsman.

The Fair Work Ombudsman put the matter before the Court last year after making repeated requests to Boughenout and his company to respond to a Compliance Notice requiring them to back-pay an 18-year-old apprentice chef \$4195.

They have since done so.

Under the Fair Work Act, employers must comply with Compliance Notices issued by Fair Work inspectors unless they have a reasonable excuse, or make a Court application to challenge the Notice.

The apprentice had complained to the Fair Work Ombudsman after being underpaid wages and annual leave entitlements.

Judge Michael Jarrett found that the Fair Work Ombudsman had issued the Compliance Notice in an effort resolve the underpayment matter in a way that avoided the cost to the public purse associated with Court action.

However, Judge Jarrett said Boughenout and his company had "demonstrated a deliberate disregard" for workplace laws by failing to comply, and had shown no contrition or remorse.

"The respondents did nothing except engage in what might be described as obfuscation and avoidance," Judge Jarrett said.

Judge Jarrett said that the penalty "serves as a warning to others" that disregarding Compliance Notices "may come with a heavy price".

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

Fair Work Ombudsman Natalie James says the Agency is working hard to build a culture of compliance with workplace laws in Australia.

Employers and employees seeking advice or assistance can visit the website at 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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