

School canteen mums short-changed

15 July 2015

Six mums working at school canteens in western Sydney will get more in their pay packets from now on after an investigation by the Fair Work Ombudsman found they were being short-changed.

They were collectively underpaid more than \$1700 between February and May this year because their employer, CAB Catering Pty Ltd, was failing to meet the terms and conditions of the Fast Food Industry Award 2010.

The six were underpaid their minimum hourly rates and overtime – and unlawfully required to take paid accrued annual leave during school holidays.

The Fair Work Ombudsman discovered the workplace contraventions when it commenced an audit of another company, JAD Food Holdings Pty Ltd, which has three contracts with the NSW Department of Education and Communities to provide school canteen services.

JAD in turn sub-contracts some of its work to CAB Catering, which provides employees to prepare food, take orders and serve meals.

CAB director/secretary Jeremy Mickle has signed a pact with the Fair Work Ombudsman aimed at ensuring behavioural change and future workplace relations compliance.

As part of the formal Enforceable Undertaking (EU), Mr Mickle will reimburse all outstanding entitlements and apologise to his employees.

He will also ensure CAB managers with responsibility for human resources, recruitment and payroll functions receive appropriate training on workplace obligations and engage an independent specialist to audit the company's wage rates for the next two financial years.

Further, CAB Catering will register with the Fair Work Ombudsman's online tool My Account, and subscribe to the agency's regular newsletters and pay rate alerts.

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 the need for 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 and fix the problem," says Fair Work Ombudsman Natalie James.

"Many of the initiatives included in EU's 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."

Ms James encouraged employers who had any uncertainty about their workplace practices to visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for advice.

The Fair Work Ombudsman is working hard to build a culture of compliance with workplace laws to ensure an even playing field for all businesses.

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 (<http://www.facebook.com/fairwork.gov.au>).

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at www.fairwork.gov.au/mediareleases (www.fairwork.gov.au/mediareleases).

Download:

- CAB Catering Pty Ltd Enforceable Undertaking (DOCX 104.8KB) (www.fairwork.gov.au/ArticleDocuments/884/enforceable-undertaking-cab-catering-pty-ltd-redacted.docx.aspx) (PDF 444.4KB) (www.fairwork.gov.au/ArticleDocuments/884/enforceable-undertaking-cab-catering-pty-ltd-redacted.pdf.aspx)

Media inquiries:

Nicci de Ryk, Senior Media Adviser

Mobile: 0466 522 004

nicci.deryk@fwo.gov.au (<mailto:nicci.deryk@fwo.gov.au>)

Page reference No: 5410

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.