

## Hospitality workers at Wagga's Rules Club allegedly underpaid \$24,000 by caterer

6 May 2015

Workers at one of the biggest hospitality venues at Wagga, in regional NSW, were underpaid more than \$24,000, the Fair Work Ombudsman alleges.

The Fair Work Ombudsman today announced it has commenced legal action against contract catering company A to Z Catering Solution Pty Limited over alleged underpayments at the Rules Club.

Also facing Court is NSW Central Coast man Mohammed Moseem Yasin, the sole director and part-owner of A to Z Catering Solution.

Mr Yasin was allegedly involved in A to Z Catering Solution underpaying eight workers at the Rules Club a total of \$24,139 between July, 2013 and April last year.

A to Z Catering Solution supplied the employees to work as cooks and waiters at the Rules Club under a contract it held at the time with the Riverina Australian Football Club to run the venue's restaurant.

The employees included two teenagers, aged 17 and 18, and three aged in their early 20s.

It is alleged that most of the underpayments were the result of casual employees being paid flat rates ranging from \$10 to \$20 an hour.

The flat rates allegedly weren't sufficient to cover the minimum hourly rates, overtime rates and weekend penalty rates the casual employees were entitled to under the Registered and Licensed Clubs Award.

The casual employees were allegedly entitled to receive up to \$39 an hour for some hours worked.

A to Z Catering also allegedly breached the adverse action provisions of workplace laws by not offering further work to a casual waitress because she inquired about her pay by writing 'weekend rates???' on a time-and-pay sheet.

Two full-time staff were allegedly also underpaid as a result of being paid flat weekly rates that did not cover their minimum entitlements under the Award.

The Fair Work Ombudsman's Statement of Claim alleges that superannuation, termination and clothing entitlements were also underpaid, record-keeping laws were breached and there was a failure to provide some staff with Fair Work Information Statements and Written Notice of Termination.

It is alleged Mr Yasin and A to Z Catering Solution further contravened workplace laws by knowingly providing false records to Fair Work inspectors.

A to Z Catering back-paid the workers in full only after the Fair Work Ombudsman commenced legal proceedings.

Fair Work Ombudsman Natalie James says a decision was made to put the matter before the Court because of the seriousness of the alleged breaches and the lack of co-operation from Mr Yasin.

"Companies associated with Mr Yasin have been the subject of several previous underpayment allegations and we have previously put Mr Yasin on notice of the need comply with record-keeping and minimum pay laws," Ms James said.

"Given that context, the alleged underpayment and record-keeping breaches are aspects of this matter we view as being particularly serious."

Ms James said the involvement of young workers was also a concern.

"We treat allegations of underpayments from young workers very seriously because we are conscious they are often not fully aware of their workplace rights and can be vulnerable in the workplace," she said.

A to Z Catering faces maximum penalties of up to \$51,000 per contravention and Mr Yasin faces penalties of up to \$10,200 per contravention.

A hearing is scheduled for the Federal Circuit Court in Sydney on June 18.

The Fair Work Ombudsman can assist employers and employees alike with accurate, reliable information that is easy to access, understand and apply.

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

Small business employers calling the Fair Work Infoline can opt to be put through to the Small Business Helpline to receive priority service.

Online resources include templates for pay slips, time-and-wages sheets and letters for ending the employment relationship, as well as copies of the Fair Work Information Statement for download.

Tools for determining the minimum lawful pay rates applicable to staff are available and the 'My Account' tool allows users to save tailored information such as pay rates and conditions of employment specific to their circumstances.

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