

## Café operators allegedly underpaid staff

30 September 2015

The operators of a café and delicatessen in South-West Western Australia have allegedly underpaid their employees more than \$20,000.

They are facing legal action initiated by the Fair Work Ombudsman.

The Agency announced today it had commenced proceedings against Gelorup couple Mark and Gemma Gumley, who operate the Dalicious Delicatessen at Dalyellup and the Hidden Gem café at Bunbury.

Also facing Court is Mr Gumley's company Koojedda Carpentry Pty Ltd, as trustee for the Gumley Trust.

Eight employees at the two cafes were allegedly underpaid a total of \$20,036 between June, 2013 and September, 2014.

It is alleged that three staff were each underpaid more than \$4000, including a chef from India who was in Australia on a 475 skilled regional sponsored work visa.

The employees were allegedly underpaid minimum hourly rates and annual leave entitlements, as well as penalty rates for weekend, public holiday and overtime work.

According to documents lodged with the Court, several employees were not paid at all for some work performed and one was not paid wages in lieu of notice.

Fair Work inspectors investigated after employees contacted the Fair Work Ombudsman for assistance.

A Notice served on the employer to produce records was allegedly not complied with and pay slip and frequency-of-pay obligations were also allegedly contravened.

Mr and Mrs Gumley each face maximum penalties of up to \$10,200 per contravention, while Koojedda Carpentry faces maximum penalties of up to \$51,000 per contravention.

The Fair Work Ombudsman is also seeking Court Orders for the company to rectify the alleged underpayments, which remain outstanding.

A four-day liability hearing is listed in the Federal Circuit Court in Perth from December 12, 2016.

Fair Work Ombudsman Natalie James says efforts were made to resolve the matter by agreement without the need for legal action, but the Agency could not get sufficient co-operation.

Ms James says the Gumleys had previously been put "on notice" of the need to comply with workplace laws after complaints had been received from other staff about allegedly underpaid wages.

The previous matters resulted in employees being back-paid more than \$4000.

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.

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