

Melbourne burger bar operator faces court for allegedly exploiting young, overseas workers

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The operator of a Melbourne burger bar is facing the Federal Circuit Court after allegedly exploiting a number of young and overseas workers.

The Fair Work Ombudsman has commenced legal action against Todd Patrick Buzza, who owns and runs the Burger Buzz outlet on Sydney Road, Brunswick - and formerly operated a Burger Buzz outlet on Peel Street, West Melbourne.

Also facing Court is Mr Buzza's company Rum Runner Trading Pty Ltd.

Mr Buzza and his company allegedly breached workplace laws by failing to back-pay seven former employees who were short-changed a total of \$7113 for work performed between January and April last year.

Four were overseas workers from France, the US, Britain and the Netherlands who were in Australia on working holiday visas at the time and three were Australian, including two aged just 19.

They were allegedly underpaid for short periods of work - between five days and two weeks – across the two Burger Buzz outlets.

Three of the workers were allegedly paid nothing for work performed, while four were allegedly paid only a fraction of their lawful entitlements.

The Fair Work Ombudsman investigated after workers lodged requests for assistance.

The Fair Work Ombudsman alleges Mr Buzza and his company have breached workplace laws by failing to comply with seven Compliance Notices requesting they back-pay the seven workers amounts ranging from \$452 to \$1522.

Under the Fair Work Act, business operators must adhere to Compliance Notices or make a Court application for a review if they are seeking to challenge a Notice.

It is alleged that Mr Buzza and his company also breached workplace laws by failing to comply with three Notices to Produce employment records.

Workplace laws relating to pay-slips and providing new employees with a copy of the Fair Work Information Statement were allegedly also breached.

Fair Work Ombudsman Natalie James says the lack of co-operation from Mr Buzza left her Agency with no option but to commence legal proceedings.

Ms James says it is also of concern that Mr Buzza's business has been the subject of a number of previous underpayment allegations from employees, and inspectors had formally advised him of minimum pay obligations on at least two occasions in 2014.

The Fair Work Ombudsman has also commenced a new investigation after receiving requests for assistance in May this year from two young workers who claim they were underpaid at the Brunswick Burger Buzz outlet.

"We are concerned that the allegations made by a series of workers suggest a pattern of non-compliant behaviour," Ms James said.

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

Mr Buzza faces maximum penalties ranging from \$5400 to \$10,800 per contravention and Rum Runner Trading Pty Ltd faces penalties of up to \$27,000 to \$54,000 per contravention.

The Fair Work Ombudsman is also seeking Court Orders for Mr Buzza and his company to back-pay the employees in full and for them to comply with the Notices to Produce so inspectors can complete the investigation.

A directions hearing is scheduled for the Federal Circuit Court in Melbourne on July 19.

The Fair Work Ombudsman is conducting a national review of the wages and conditions of overseas workers in Australia on the 417 working holiday visa after receiving allegations that some unscrupulous operators are exploiting backpackers.

The Fair Work Ombudsman recovered more than \$2.2 million in underpaid wages and entitlements for 513 visa-holders from disputes completed by the Agency last calendar year – an average of \$4317 each.

The Agency received a total 1916 requests for assistance from visa-holders in 2015, or 12.6 percent of the total number lodged by all workers.

Workers on the 417 backpacker working holiday visa accounted for 807 requests for assistance last year. Almost \$1 million of all money recovered for overseas workers last year was for 250 employees on 417 working holiday visas.

Ms James says the Fair Work Ombudsman is also committed to improving compliance in the hospitality industry.

The Fair Work Ombudsman's three-year National Hospitality Industry Campaign, finalised earlier this year, resulted in more than \$1.2 million being recovered for underpaid employees at restaurants, cafés and catering companies throughout Australia.

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 and information on the website is translated into 27 different languages.

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>).

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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

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