

# SEE YOUR NAME IN LIGHTS

**THIS MONTH, RESIDENT LEGAL EXPERT JONATHAN KAPLAN EXPLAINS HOW TO GET YOUR BUSINESS COMPLIANT AND STAYING WELL AND TRULY OFF THE NAME AND SHAME LISTS.**

**WHILE** having coffee with a few colleagues recently, the topic turned to skyrocketing food prices and rising wages. One said that he had observed a considerable decline in the quality of food in many of the city lunch time cafes that he had been frequenting. We spoke of the rising trend of many upmarket establishments now using cheaper cuts and marketing the dishes as part of a clever inspired menu. Also, smaller portions, "sharing" plates and in some of the middle of the road operations, the use of camouflaged substandard vegetables – all in the quest to maintain sustainable margins.

Restaurants are free to decide the quality and quantity of the plates on offer and their target market. But what is being compromised to maintain those margins?

A high quality operator might scrutinise the daily roster and re-jig it to cater for more staff over the busy periods and less staff in "dead" time. Others might seek out cheaper junior staff or, may the thought perish, pay "cash in hand" to avoid statutory payments but risk the consequences of a visit by the ATO.

A costly potential consequence of reducing staff time is a compromise in the behind-the-scenes tasks, resulting in slipping standards when it comes to maintaining a clean and safe operation. Undoubtedly the fewer employees in quieter times, the less likelihood there is of maintaining a high level of food hygiene. As the industry saying goes: "If there's time to lean, there's time to clean". Well, if there's no time to lean the consequence is obvious.

If you have any doubt about the importance of what I am saying, examine the register of convictions on your local council's website, otherwise known as the "name and shame file". The trouble is that the names you see are just the tip of the iceberg. Even your local council has limited resources and is unlikely to pick up all significant health risks in every food operation, since they mostly respond to complaints.

I had a conversation recently with a couple who had been regular customers at a well known local restaurant. On their last visit they noticed when they walked in that their shoes "stuck" to the carpeted floor. The table they sat at had a cloth that was "recycled" and soiled. They vowed not to return, and I am sure I had not been the first to hear the story. Their rationale was that if these two front of house matters were being neglected, how could they be sure that the kitchen was safe? They were literally voting with (or due to) their feet. It is also easily forgotten that many customers will use the toilet facilities. The state of those facilities will more often than not indicate the importance of cleanliness to a host.



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Apart from superficial appearances, how do you know whether you are compliant? Most local authorities have a grading or star system. They will inspect your operation and should you meet their standard you will earn the right to display a compliance certificate. You might also arrange for an independent private audit by one of the many commercial food consultants, who will conduct a thorough due diligence of all facilities and will also provide you with a certificate of compliance. They will also provide you with customised daily schedules to ensure that all

necessary tasks are carried out diligently and recorded. Bear in mind that a compliance certificate is simply a standard at a moment in time, and unless good practices are maintained it will be meaningless.

Adopting these suggestions will not only give you peace of mind but could also minimise the risk of facing a Magistrates Court complaint and the prospect of a fine of many thousands of dollars – and of your name in light for all the wrong reasons. ■■■

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