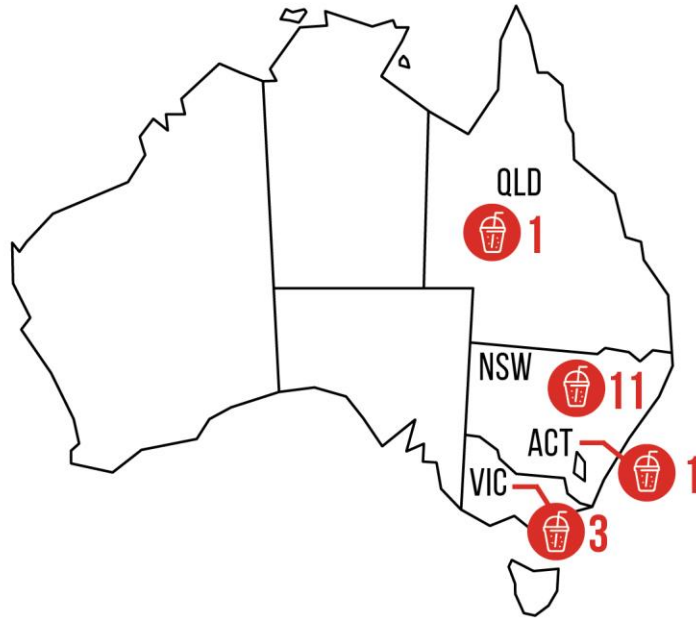


In November-December 2019 we investigated **16** Top Juice outlets
- **12** franchises and **4** franchisor-owned



44% (7) non-compliant



Of the businesses doing the wrong thing:

- 5 were not paying workers correctly
- 2 were non-compliant with pay slip requirements

Most common breaches:

- 65% penalty rates
- 30% minimum hourly rate

We recovered **\$32,435** from **5** businesses for **18** employees



1

Formal cautions



2

Infringement notices

\$420 penalties



5

Compliance notices

\$32,435 back-paid

Top Juice

What we did and why

Top Juice Pty Ltd is the franchisor at the head of a network of fresh juice and salad bars operating in New South Wales (NSW), Victoria (Vic), Queensland (Qld) and the Australian Capital Territory (ACT).

In November and December 2019, the Fair Work Ombudsman (FWO) investigated compliance with workplace laws within the Top Juice network.¹ We audited 16 Top Juice outlets and visited Top Juice head office in NSW. This was in response to multiple anonymous reports alleging non-compliance, including underpayment of wages and failure to provide pay slips.

A mix of franchisee (12) and franchisor-operated outlets (4) were included in the investigation. The majority of stores were in NSW (11). The remaining five outlets were in Vic (3), Qld (1) and the ACT (1).

Fair Work Inspectors assessed records against the *Fair Work Act 2009* (the Act), the *Fair Work Regulations 2009* (the Regulations) and the *Fast Food Industry Award 2010* (the Award).

Our findings

7 outlets (44%) were non-compliant with workplace laws (5 franchisee and 2 franchisor-operated):

- 5 were not paying workers correctly
- 2 were non-compliant with pay slip requirements.

The most common breaches related to:

- non-payment of weekend, public holiday and overtime penalty rates (65%)
- failure to pay correct casual, full-time or part-time minimum hourly rates of pay (30%).

Action taken and next steps

We recovered \$32,435.04 from 5 businesses for 18 employees. Two franchisee outlets accounted for the bulk of the back-payments.

Fair Work inspectors issued:

- 1 formal caution
- 2 infringement notices for pay slip breaches (\$420 in penalties)
- 5 compliance notices for the underpayments.

¹ FWO media release: <https://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/november-2019/20191112-media-release-fwo-audits-top-juice-outlets-final>

The Fair Work Ombudsman has written to Top Juice Pty Ltd recommending governance improvements to address non-compliance within its network. Specifically, ongoing and periodic audits and mandated electronic payroll systems. They are on notice about their responsibilities as franchisor under the Act.²

² <https://www.fairwork.gov.au/find-help-for/franchises/franchisors>