

Young workers, visa holders back-paid more than \$70,000 by Brisbane businesses

13 October 2017

The Fair Work Ombudsman has assisted 22 workers employed by businesses in Brisbane to recover \$73,279 in unpaid wages and entitlements.

Fair Work Ombudsman Natalie James said the businesses are on notice that future breaches of workplace laws will not be tolerated.

In one matter, an open cut mine supervisor employed by a Kangaroo Point business was back-paid \$40,000 in entitlements following termination of his employment.

The employee was entitled to receive redundancy payments, payment in lieu of notice and annual leave entitlements as prescribed by the Black Coal Mining Industry Award 2010.

The worker was back-paid after the Fair Work Ombudsman intervened and informed the business of its obligations under the law.

In another matter, a dozen workers employed at a Fortitude Valley restaurant, including a number of visa holders from Colombia, received a total of \$24,032 after they were underpaid their minimum hourly rates.

The casual waiters and cooks received flat rates of \$20 per hour for all hours worked.

Under the Restaurant Industry Award 2010 at the time, they were entitled to receive hourly rates of up to \$23.09 for ordinary hours, up to \$27.71 on weekends and up to \$46.18 on public holidays.

Fair Work Inspectors issued the employer with a formal caution and two infringement notices (on-the-spot fines). Future breaches could result in serious enforcement action.

The business has since engaged an accounting and payroll specialist to rectify the errors and put processes in place to ensure future compliance.

In a third matter, nine young waiters in Graceville were reimbursed \$9247 after they were paid flat rates as low as \$12 per hour.

The workers – some as young as 15 years old – received flat rates of between \$12 and \$20 per hour for all hours worked.

Under the Restaurant Industry Award 2010, depending on their age, the employees were entitled to receive between \$11.83 and \$23.64 for ordinary hours and between \$14.19 and \$28.37 for weekend work.

Fair Work Inspectors informed the business that although the flat rates of pay exceeded the rate for ordinary hours, they were not high enough to satisfy all entitlements prescribed by the award. The business was also issued with a formal caution.

Fair Work Ombudsman Natalie James said in each of the three cases it was the first time the employer had come to the agency's attention and the errors were quickly rectified.

"In these cases we decided the best outcome was to make sure the workers were repaid quickly and lengthy court proceedings were not necessary as these were our first interactions with these businesses," Ms James said.

"However, with the wealth of free advice and educational material on our website and the availability of our small business helpline, there is no excuse for businesses to make these mistakes.

"We conduct follow-up audits of businesses previously found to be non-compliant to make sure they have changed their ways. Repeat offenders can expect to face enforcement action including potential litigation and significant court penalties," Ms James said.

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for free advice and assistance about their rights and obligations in the workplace. An interpreter service is available on 13 14 50. Small business owners can opt for priority service when calling the Fair Work Infoline by following the prompts.

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 us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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