

## Western Sydney campaign reveals high rates of unlawful workplaces

16 March 2018

High rates of non-compliance uncovered by the Fair Work Ombudsman in Western Sydney have reinforced the importance of ensuring that Australia's culturally and linguistically diverse communities have ready access to workplace information and advice.

The Fair Work Ombudsman today released the results of its proactive education and compliance campaign in the region, covering suburbs including Cabramatta, Guildford, Mt Druitt, Fairfield and Merrylands.

Almost two-thirds (64 per cent) of the 197 businesses audited by the Fair Work Ombudsman during the campaign were found to be non-compliant with workplace laws.

The campaign led to a total of \$369,324 in unpaid wages and entitlements being recovered for 199 workers.

Sixty-four per cent of businesses were compliant with record-keeping and payslip requirements, while just 58 per cent were paying their employees correctly.

The campaign was initiated following an increase in the number of requests for assistance received from some parts of the region in previous years, despite an overall decrease across New South Wales in the same period.

As part of the campaign, Fair Work inspectors conducted site visits with a particular focus on Harris Park and Parramatta in response to intelligence received by the agency indicating potential non-compliance amongst restaurants in the area.

The suburbs are also home to a higher than average proportion of migrants, with both Harris Park (85 per cent) and Parramatta (74 per cent) at more than twice the national average of 30.2 per cent.

Acknowledging that new arrivals to Australia may have a limited awareness of Australian workplace laws, it was considered that businesses in the region would benefit from tailored support and education from the Fair Work Ombudsman.

Only two of the 23 businesses visited in these suburbs were found to be fully compliant – a non-compliance rate of 91 per cent.

Fair Work Ombudsman Natalie James says the non-compliance rates uncovered by the campaign are highly concerning and cannot be tolerated.

"Where possible, we seek to educate employers and employees about their workplace rights and obligations and equip them with the tools and information they need to ensure they are complying with the law," Ms James said.

"This area has a large proportion of people from culturally and linguistically diverse backgrounds, who can find it more challenging to navigate that information or even know where to find it in the first place.

"When combined with a lack of familiarity with workplace laws, language barriers can present significant difficulties to employers seeking to understand and comply with their obligations.

"The results of this campaign reaffirm the importance of my agency's work in reaching out to culturally and linguistically diverse communities to raise awareness of the help we can provide.

"We are also making more and more of our tools and resources available in multiple languages, including our [Anonymous Report](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/july-2017/20170731-migrant-worker-anon-report-tool) function and the Record My Hours ([www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/march-2017/20170317-record-my-hours](http://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/march-2017/20170317-record-my-hours)) app," Ms James said.

"Our website can also be viewed in 40 languages other than English with a simple click of the mouse with our [new website translator](http://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/february-2018/20180219-website-plug-in-mr) .

"With the wealth of free information and resources available to help businesses understand their obligations, there are no excuses for breaching workplace laws."

Overall, Fair Work inspectors issued 26 formal cautions, 20 infringement notices (on-the-spot fines) and 11 compliance notices to non-compliant businesses during the course of the campaign.

In one matter, a restaurant business was found to be paying its casual employees under an old award, resulting in a total underpayment of \$10,444 to three employees. Fair Work inspectors issued the employer with a compliance notice, and the employees were fully back-paid in accordance with the notice.

Ms James said that non-compliant businesses were now on notice that future breaches could result in serious enforcement action.

“We are happy to work with businesses who require advice and support to meet their workplace obligations, and we will continue our work to ensure our materials are easily accessible to those that need them,” Ms James said.

“Indeed, we were pleased that the employers that we dealt with over the course of this campaign were cooperative and willing to engage with our inspectors, and that all contraventions were willingly rectified.

“We will continue to pursue new initiatives aimed at engaging with businesses in the region to ensure they have access to the help and information they need.”

Ms James reaffirmed however that her agency will not hesitate to take action where deliberate or repeated breaches of the law were identified.

“Employers who fail to put in place processes to ensure compliance expose themselves to enforcement action, including litigation in the most serious cases,” Ms James said.

Employers and employees seeking assistance can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

Potential workplace breaches can be anonymously reported in 16 languages other than English using the Fair Work Ombudsman's Anonymous Report function at <https://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/workplace-help-in-other-languages/report-a-workplace-issue-in-your-language> ([www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/workplace-help-in-other-languages/report-a-workplace-issue-in-your-language](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/workplace-help-in-other-languages/report-a-workplace-issue-in-your-language)) .

The Fair Work Ombudsman recently developed six videos in 16 languages other than English to help visa holders to understand their workplace rights. These and other in-language resources are available at [www.fairwork.gov.au/languages](http://www.fairwork.gov.au/languages) (<http://www.fairwork.gov.au/languages>) .

The Fair Work Ombudsman's [Record My Hours app](http://www.fairwork.gov.au/tools-and-resources/record-my-hours-app) ([www.fairwork.gov.au/tools-and-resources/record-my-hours-app](http://www.fairwork.gov.au/tools-and-resources/record-my-hours-app)) is aimed at tackling the persistent problem of underpayment of vulnerable workers by using geo-fencing technology to provide workers with a record of the time they spend at their workplace. The app is available in a number of different languages and can be downloaded from the App Store and Google Play.

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](http://twitter.com/fairwork_gov_au)) or find us on Facebook [www.facebook.com/fairwork.gov.au](http://www.facebook.com/fairwork.gov.au) (<http://www.facebook.com/fairwork.gov.au>) .

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[Read the Western Sydney Campaign report \(PDF 445.5KB\) \(www.fairwork.gov.au/ArticleDocuments/1285/western-sydney-campaign-report.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/1285/western-sydney-campaign-report.pdf.aspx)

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## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

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

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

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