

Burger chain back-pays \$1.1 million to workers

6 December 2019

The Australian arm of a Japanese burger chain has back-paid \$1.12 million to 285 former and current Queensland workers and will face ongoing scrutiny of its workplace practices.

MOS Burger Australia Pty Ltd has entered into a Court-Enforceable Undertaking after a Fair Work Ombudsman investigation found contraventions of the Fast Food Industry Award 2010.

The 285 workers were underpaid across the company's six stores in Brisbane, Surfers Paradise, Southport, Broadbeach, Mt Gravatt and Sunnybank between 2011 and 2018.

Fair Work Inspectors found that the company had paid unlawfully low flat rates to workers, and misclassified some employees as part-time when they were in fact casuals.

Breaches of workplace laws included failures to pay ordinary hourly rates, casual loadings, and penalty rates for night, weekend and public holiday hours.

Affected workers were employed by MOS Burger to make food, serve customers, and as store supervisors and managers. Many of them were visa holders and young workers.

Individual underpayments ranged from \$18 to \$31,975. The company has rectified all unpaid wages and superannuation, and paid an additional seven per cent compensation to workers.

Fair Work Ombudsman Sandra Parker highlighted the company's prompt action to resolve this matter.

"We considered that a Court-Enforceable Undertaking was an appropriate enforcement tool as the company conducted a comprehensive audit of its pay records from when it commenced trading in Australia, fully back-paid workers and overhauled its processes to comply with workplace laws."

"Court-Enforceable Undertakings are serious instruments with extensive commitments from companies. We will monitor compliance with each commitment and won't hesitate to take court action if they are not upheld. This matter is a warning to all employers that if they don't get workplace compliance right from the beginning they can be left with extensive and expensive consequences."

"The Fair Work Ombudsman is cracking down on underpayments in the Fast Food, Restaurant and Café sector, and any employees with concerns about their pay should contact us," Ms Parker said.

Under the Enforceable Undertaking, MOS Burgers Australia must fund external auditors to check pay and conditions for workers employed in 2019 and 2020, and rectify any underpayments.

The company must also register with the My Account portal and ensure all senior managers and human resources, recruitment and payroll staff complete training on workplace laws.

Know a workplace that isn't doing the right thing but don't want to get involved? [Report it \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff) to us anonymously – in your language.

The FWO has developed [new interactive tools \(www.fairwork.gov.au/find-help-for/fast-food-restaurants-cafes\)](http://www.fairwork.gov.au/find-help-for/fast-food-restaurants-cafes) for the fast food, restaurant and café sector to make it easier to access information about key workplace entitlements.

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. A free interpreter service is available on 13 14 50.

Download the [MOS Burger Australia Pty Ltd Enforceable-Undertaking \(PDF 470.5KB\) \(https://www.fairwork.gov.au/ArticleDocuments/545/mos-burger-australia-enforceable-undertaking.pdf.aspx\)](https://www.fairwork.gov.au/ArticleDocuments/545/mos-burger-australia-enforceable-undertaking.pdf.aspx) (DOCX 134.6KB) (<https://www.fairwork.gov.au/ArticleDocuments/545/mos-burger-australia-enforceable-undertaking.docx.aspx>)

Follow 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>) .

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at www.fairwork.gov.au/mediareleases (www.fairwork.gov.au/mediareleases) .

Media inquiries:

Matthew Raggatt, Senior Media Adviser

Mobile: 0466 470 507

matthew.raggatt@fwo.gov.au (<mailto:matthew.raggatt@fwo.gov.au>)

Page reference No: 9337

Contact us

Fair Work Online: 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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.