

Over \$300,000 returned to fast food, restaurant and café workers

6 December 2019

Fast food restaurant and café workers in New South Wales, Victoria, South Australia and Western Australia have received \$316,674 in back payments for unpaid wages, following Fair Work Ombudsman audits of popular ‘cheap eat’ food districts.

Inspectors audited 156 businesses in Adelaide (<https://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/march-2018/20180329-perth-and-adelaide-food-precinct-campaign>) (Gouger Street, Grote Street, Rundle Street and The Parade), Melbourne (www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/august-2017/20170824-melbourne-food-precincts-campaign) (Swanston St, Lygon Street, Sydney Road and St Georges Road), Sydney (www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/october-2018/20181010-newton-audits-media-release) (King Street in Newtown) and Perth (<https://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/march-2018/20180329-perth-and-adelaide-food-precinct-campaign>) (James Street and Francis Street in Northbridge).

Inspectors found that 75 per cent of the audited businesses in Adelaide, Melbourne, Sydney and Perth breached their obligations to workers under workplace laws, leading to 608 workers requiring back payments.

Overall compliance rates varied across the precincts, with 85 per cent of Melbourne businesses found to be non-compliant with workplace laws; 62 per cent of Adelaide and Northbridge businesses; and 54 per cent of Newtown businesses.

The most common breaches related to the underpayment of minimum hourly rates (34 per cent); failure to provide payslips in the prescribed form (15 per cent); and underpayment or non-payment of weekend penalty rates (11 per cent).

Last week, inspectors commenced the next phase of its food districts campaign, auditing 50 eateries in Hobart’s Elizabeth Street, Battery Point, and Constitution Dock.

Fair Work Ombudsman Sandra Parker said that the regulator targeted precincts after anonymous tip offs and requests for assistance from employees.

“It is disappointing that we uncovered such large amounts of underpayments in popular food districts across Australia, with some of the community’s most vulnerable workers underpaid, but unfortunately it’s not surprising,” Ms Parker said.

“Many of the breaches we saw resulted from businesses not understanding their lawful obligations to their workers. This is no excuse for underpaying employees so I’d suggest that employers invest in workplace law compliance before we come knocking,” Ms Parker said.

“Reducing worker exploitation in the fast food, restaurant and cafe sectors is a priority for the Fair Work Ombudsman. We’re working hard to change the culture of underpayment across this sector and businesses are firmly on notice. Any workers with concerns should contact us.”

In response to the breaches, the FWO issued 46 contravention letters, 38 formal cautions, 34 infringement notices (\$32,430 in fines for payslip and record-keeping breaches), and 13 compliance notices (requiring \$83,058 to be reimbursed to 108 employees).

A report on the Adelaide, Melbourne, Sydney and Perth audits is available at www.fairwork.gov.au. The FWO will report on the Hobart activity in due course.

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 \(https://www.fairwork.gov.au/find-help-for/fast-food-restaurants-cafes\)](https://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 [Food Precincts Activity Report \(PDF 295.2KB\)](https://www.fairwork.gov.au/ArticleDocuments/1151/food-precincts-activity-sica-report-2.pdf.aspx) (<https://www.fairwork.gov.au/ArticleDocuments/1151/food-precincts-activity-sica-report-2.pdf.aspx>) ([DOCX 169.7KB](https://www.fairwork.gov.au/ArticleDocuments/1151/food-precincts-activity-sica-report-2.docx.aspx)) (<https://www.fairwork.gov.au/ArticleDocuments/1151/food-precincts-activity-sica-report-2.docx.aspx>)

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Media inquiries:

Michael Anderson, Assistant Media Director

Mobile: 0409 120 830

michael.anderson@fwo.gov.au (<mailto:michael.anderson@fwo.gov.au>)

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Contact us

Fair Work Online: www.fairwork.gov.au

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