

Over \$430,000 recovered for Geelong workers

14 August 2020

The Fair Work Ombudsman has recovered \$431,875 in wages for 487 underpaid workers after conducting surprise audits in the Geelong area as part of its series of regional university cities proactive investigations.

The FWO commenced the audits as part of a program of intelligence-led activity targeting high risk sectors, such as the takeaway food, restaurant, cafe and retail sectors, which commonly rely on vulnerable young workers such as university students. In the Geelong area, businesses were selected in suburbs close to tertiary institutions because FWO's intelligence, such as anonymous reports, suggested they may have breached workplace laws.

Fair Work Inspectors investigated 132 businesses in the period prior to the COVID-19 pandemic and found 77 per cent of businesses (102) failed to comply with workplace laws. Of those businesses in breach, more than half (52 per cent) both underpaid staff and breached pay slip or record-keeping obligations.

The most common breaches identified were failures to correctly pay penalty rates, followed by underpayments of the minimum hourly wage.

The most common reason given for non-compliance was a lack of awareness of workplace obligations (55 per cent). Wage back-payments by businesses ranged from \$3 up to \$52,558.

Fair Work Ombudsman Sandra Parker said the low rate of compliance was disappointing.

"The level of breaches of workplace laws identified in these areas and sectors of Geelong is unacceptable, particularly the breaches involving young workers and students who we know are potentially vulnerable due to their age, visa status and reliance on local jobs," Ms Parker said.

"A lack of awareness is not a valid reason to breach workplace laws. The FWO expects all employers to comply with workplace obligations and to use our wealth of free tools and resources if they need help. Workers with concerns should contact us."

The FWO has prioritised compliance in the fast food, restaurant and cafe industry and has a suite of [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) to help employers and employees. This includes information on base rates and penalty rates.

"Employers should regularly use our free [pay calculator \(https://calculate.fairwork.gov.au/findyouraward\)](https://calculate.fairwork.gov.au/findyouraward) to check they're doing the right thing by their staff, and access other resources including the [Small Business Showcase \(www.fairwork.gov.au/small-business-showcase\)](http://www.fairwork.gov.au/small-business-showcase)," Ms Parker said.

In response to the breaches, the FWO issued seven contravention letters, 14 formal cautions, 61 infringement notices (with total penalties of \$110,460), and 65 compliance notices. These compliance notices led to \$398,818 being back-paid to 445 employees.

One business remains under investigation for serious non-compliance and may face legal proceedings. Other non-compliant businesses were advised that future breaches will likely lead to enforcement action. The FWO continues to enforce workplace laws in a proportionate manner during the pandemic.

The FWO has previously audited businesses in Albury/Wodonga, Wollongong and Ballarat as part of its rolling regional university cities proactive investigations.

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.

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Media inquiries:

Matthew Raggatt, Assistant Media Director (A/g)

Mobile: 0466 470 507

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