

Southbank restaurant back-pays \$114,000 to five underpaid employees

8 June 2011

A restaurant on Melbourne's Southbank has back-paid five of its staff more than \$114,000 after intervention by the Fair Work Ombudsman.

Fair Work inspectors found that one employee - a supervisor - had been underpaid a total of \$40,000.

And four chefs were underpaid \$30,000, \$17,000, \$15,000 and \$12,600 respectively.

All of the staff have left the business.

Fair Work Ombudsman Executive Director Michael Campbell says the underpayments occurred because the restaurant paid an annual salary which did not take into account Award rates, weekend and overtime penalty rates.

"This case serves as a good example of the need for employers to check which Modern Award applies to their business, the classifications of their staff and the applicable pay rates," Mr Campbell said.

Because the business has put processes in place to ensure the mistake is not repeated in future, there will be no further action against the company.

Mr Campbell says that in most cases, the Fair Work Ombudsman does not prosecute employers for inadvertent breaches of workplace laws.

"Our preference is to work with employers to educate them and help them voluntarily rectify any non-compliance issues," he said.

The Fair Work Ombudsman has recently added a Hospitality section to its industry-specific pages Online at www.fairwork.gov.au.

Employers are also encouraged to access a series of Best Practice Guides to better understand the Fair Work Act and other aspects of workplace laws.

The guides cover work and family, consultation and co-operation, individual flexibility arrangements, employing young workers, gender pay equity, small business, workplace privacy, managing underperformance, effective dispute resolution and improving workplace productivity in bargaining.

Employers or employees seeking assistance or further information can contact the Fair Work Infoline on 13 13 94 from 8am-6pm weekdays. An interpreter service is available on 13 14 50.

Keep up to date with the Fair Work Ombudsman and updates on Australia's workplace relations laws through [Twitter @fairwork_gov_au](https://twitter.com/fairwork_gov_au) (https://twitter.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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