

1500 cafes, restaurants and caterers across Australia facing workplace audits

20 August 2013

The Fair Work Ombudsman is auditing up to 1500 cafes, restaurants and catering businesses across Australia as part of a national education and compliance campaign.

Fair Work Inspectors will check businesses are paying employees their minimum entitlements, including hourly rates, shift loadings and penalty rates, maintaining appropriate records and providing pay slips.

Fair Work Ombudsman, Natalie James, said cafes, restaurants and caterers generate a large number of complaints and, as part of the broader accommodation and food services sector is consistently in the top three industries that generates complaints.

"This sector employs many young and foreign workers who can be vulnerable if they are not fully aware of their workplace rights. They can often be reluctant to complain or how to approach the issue if there's a concern about their entitlements," Ms James said.

"While it's important we ensure workers are receiving their full entitlements, we'll also work with industry bodies and individual businesses to ensure employers are aware of their obligations and meet them."

As part of the campaign, the Fair Work Ombudsman has written to more than 36,000 employers in the sector to highlight the free resources at www.fairwork.gov.au/hospitality to help them understand and comply with workplace laws.

Audits will be conducted right across Australia, with a focus on locations including:

NSW/ACT: Sydney, Canberra, Albury, Broken Hill, Byron Bay, Dubbo, Forster, Gosford, Goulburn, Leeton, Mudgee, Murwillumbah, Newcastle, Nimbin, Nowra, Singleton, Tamworth, Taree, Wollongong and Wyong.

VIC: Melbourne including Brunswick, Camberwell, Carlton, Fitzroy, Footscray, Glen Waverley, Noble Park, North Melbourne and Springvale, and regional areas including Ballarat, Bendigo, Geelong, Gippsland, Shepparton and Warrnambool.

QLD: Brisbane, Airlie Beach, Ayr, Bowen, Bundaberg, Caboolture, Gold Coast, Emerald, Gympie, Hamilton Island, Hervey Bay, Ipswich, Mackay, Port Douglas, Stanthorpe, Sunshine Coast and Townsville.

WA: Perth and Fremantle, as well as Albany, Broome, Bunbury, Busselton, Collie, Denmark, Dunsborough, Geraldton, Kalgoorlie, Mandurah and Margaret River.

SA: Adelaide, Hahndorf and Mount Barker.

NT: Alice Springs and Darwin.

TAS: Hobart and Launceston.

This is the second phase of a wider three-year Fair Work Ombudsman campaign focusing on the hospitality industry.

Fair Work Inspectors audited hundreds of accommodation providers, pubs, taverns and bars earlier this year and plan to focus on take-away food operators in early 2014.

The Fair Work Ombudsman conducted a similar campaign in the hospitality industry in 2008, auditing 664 employers nationally.

That campaign found that more than one-third (36%) of employers weren't meeting their obligations under workplace law and recovered \$1.6 million in back-pay for 4,679 underpaid employees nationally.

Ms James says these campaigns provide an opportunity for employers to improve their understanding of, and compliance with, workplace laws.

"We have excellent resources available to help businesses in the hospitality industry, along with tools that employees can use to check they're receiving everything they should," Ms James said.

"If inspectors find minor or inadvertent contraventions, we will work with them to voluntarily rectify the issues and put systems in place to ensure they're getting it right in the future."

"In cases where a contravention is blatant, repeated, or employers are not willing to promptly resolve an issue, we may escalate the audit to a full investigation and call on powers to compel compliance.

"This can go right up to legal action in the Federal Circuit Court, where hefty penalties apply. Only recently we saw a business in Tasmania fined almost \$180,000 for underpaying 50 mostly foreign workers, demonstrating the seriousness with which the courts view breaches of workplace law."

Employers or employees seeking assistance should visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

The website has a number of tools and resources, including PayCheck Plus and an Award Finder, to help business-owners calculate the correct pay for their employees.

Free documentation is also available online for employers to use when hiring, managing and dismissing staff, including letters of engagement and probation, timesheet and pay slip templates, leave application forms and a self-audit check list.

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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.