

72 per cent compliance for NSW pubs, bars, taverns and accommodation businesses

11 December 2013

More than 70 per cent of pubs, bars, taverns and accommodation businesses in NSW are complying with workplace laws, the Fair Work Ombudsman has found.

Releasing the results of a national campaign, Fair Work Ombudsman Natalie James said it was encouraging that efforts to increase awareness of workplace laws among employers in the sector were having an impact.

“The Fair Work Ombudsman has developed an excellent range of free online tools and resources specifically tailored to business operators in this sector and they are really helping employers comply with their obligations,” Ms James said.

As part of the campaign, the Fair Work Ombudsman wrote to 24,000 pubs, bars, taverns and accommodation providers nationally last year to promote the range of free resources available at www.fairwork.gov.au/hospitality (www.fairwork.gov.au/how-we-will-help/helping-the-community/campaigns/national-campaigns/hospitality-campaign).

Earlier this year, the Fair Work Ombudsman checked the books of pubs, bars, taverns and accommodation businesses throughout the country to assess their compliance with workplace laws.

Of 264 audits completed in NSW, 191 businesses (72 per cent) were found to be compliant, while 74 (28 per cent) had non-compliance issues.

Of those with issues, 35 were found to have underpaid 194 employees a total of \$83,504, while others had record-keeping, pay slip and technical contraventions.

Of 750 audits completed nationally, 515 businesses (69 per cent) were found to be compliant, while 102 of those with non-compliance issues were found to have underpaid 629 employees a total of \$367,000.

Compliance rates varied across the country from 81 per cent in Queensland to 45 per cent in Victoria, and compliance rates also varied across regions in NSW:

- Central Coast: all seven businesses audited were fully compliant.
- Greater Murray: 16 of 21 businesses (76 per cent) were compliant, with a Wagga Wagga business having underpaid an employee \$1,025 and an Albury business having underpaid an employee \$350.
- Mid North Coast: 11 of 15 businesses (73 per cent) were compliant, with a business near Coffs Harbour having underpaid 18 employees \$9,198.
- Northern Rivers: eight of 11 businesses (73 per cent) were compliant, with a business near Byron Bay having underpaid six employees a total of \$2,297 and a Grafton business having underpaid three employees a total of \$1,196.
- Hunter: 16 of 22 businesses (72 per cent) were compliant, with one business in the region having underpaid two employees a total of \$845.
- Mid-Western: seven of 10 businesses (70 per cent) were compliant, with a business at Bathurst having underpaid one employee \$171.
- New England: 10 of 15 businesses (67 per cent) were compliant, with a business near Armidale having underpaid three employees a total of \$2,039.
- Illawarra: five of 13 businesses (38 per cent) were compliant. Most businesses in contravention had minor technical breaches, however one Wollongong business had underpaid two employees a total of \$139.

There were also significant recoveries in the metropolitan area, including \$9,516 for 39 employees at two Balmain businesses, \$12,141 for 14 employees at two Darlinghurst businesses, \$14,547 for 18 employees at two Glebe businesses and \$7,133 for 30 employees at two Surry Hills businesses.

Ms James said a failure to increase minimum base rates of pay in line with the annual wage review decision was a common non-compliance issue in NSW.

The compliance rate in the accommodation providers sector (78 per cent) was slightly higher than in the pubs, bars and taverns sector (70 per cent) in NSW.

Ms James says the underpayments indicate that some employers are not being diligent about meeting their lawful obligation to ensure they are aware of the pay rates that apply to their workplaces.

“However, it was pleasing that employers accepted assistance from Fair Work Inspectors to voluntarily back-pay workers and put processes in place to ensure ongoing compliance,” Ms James said.

Nationally, 278 (70 per cent) of the 397 pubs, bars and taverns audited were found to be compliant and 235 (67 per cent) of the 351 accommodation providers audited were found to be compliant.

Ms James said it was encouraging that compliance levels for both sectors was higher than a 2008 national campaign which found that 64 per cent of pubs, bars and taverns nationally were compliant and only 48 per cent of accommodation providers nationally were compliant.

“The improved compliance rates indicate that our sustained efforts in the hospitality industry to increase employers’ awareness of the free resources available to help them comply are really making a difference,” she said.

The focus on pubs, bars, taverns and accommodation providers over the past 18 months has been the first phase of a wider three-year campaign focusing on the hospitality industry.

As part of the campaign, the Fair Work Ombudsman is currently auditing more than 1000 restaurants and catering businesses around the country and will next year audit up to 300 fast food operators nationally. Educational activities have also been undertaken in the sectors.

Employers and employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au/hospitality (www.fairwork.gov.au/how-we-will-help/helping-the-community/campaigns/national-campaigns/hospitality-campaign) . A free interpreter service is available by calling 13 14 50.

Find out more:

- [National Hospitality Campaign Report \(PDF 1.1MB\) \(www.fairwork.gov.au/ArticleDocuments/714/National-hospitality-campaign-report.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/714/National-hospitality-campaign-report.pdf.aspx)
- [National Hospitality Campaign Report \(DOCX 6.8MB\) \(www.fairwork.gov.au/ArticleDocuments/714/National-hospitality-campaign-report.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/714/National-hospitality-campaign-report.docx.aspx)

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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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

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