

## 81 per cent compliance for Queensland pubs, bars, taverns and accommodation businesses

11 December 2013

More than 80 per cent of pubs, bars, taverns and accommodation businesses in Queensland 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](http://www.fairwork.gov.au/hospitality) ([www.fairwork.gov.au/how-we-will-help/helping-the-community/campaigns/national-campaigns/hospitality-campaign](http://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 196 audits completed in Queensland, 158 businesses (81 per cent) were found to be compliant, while 38 (19 per cent) had non-compliance issues.

Of those with issues, 21 were found to have underpaid 155 employees a total of \$120,386, 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 also varied across regions in Queensland:

- Rockhampton: 13 of 14 businesses (93 per cent) were compliant and no underpayments were found.
- Townsville: 17 of 19 businesses (89 per cent) were compliant and no underpayments were found.
- Mackay: eight of nine businesses (89 per cent) were compliant, with one business having underpaid two employees a total of \$620.
- Far North and North West: 24 of 29 businesses (83 per cent) were compliant, with non-compliant businesses having only minor monetary and record-keeping contraventions.
- Ipswich/Toowoomba: 14 of 17 businesses (82 per cent) were compliant, with one Ipswich businesses having underpaid three employees \$1,212.
- Gold Coast: 16 of 20 businesses (80 per cent) were compliant, with one business having underpaid 72 employees a total of \$77,261 and another business having underpaid two employees a total of \$4,335.
- Sunshine Coast: 11 of 14 businesses (79 per cent) were compliant, with one business having underpaid two employees a total of \$4,005.
- Wide Bay: only eight of 15 businesses (53 per cent) were compliant, however the non-compliant businesses had only minor monetary and record-keeping contraventions.

There were also recoveries in the metropolitan area, including \$4,681 for three employees at a Brisbane CBD business, \$4,878 for 18 employees at two West End businesses and \$2,491 for two employees at a Fortitude Valley business.

Ms James said misclassification of employees and the payment of flat hourly rates for all hours worked resulting in non-payment of penalty rates, particularly for night work, were common non-compliance issues in Queensland.

Compliance in the pubs, bars and taverns sector in Queensland (86 per cent) was higher than in the accommodation providers sector (77 per cent).

Ms James says the underpayments indicate some employers are not being diligent about meeting their lawful obligation to ensure

they are aware of the pay rates that apply to their workplace.

“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 was the first phase of a wider three-year national campaign focusing on the hospitality industry.

The Fair Work Ombudsman is currently auditing more than 1000 restaurants and catering businesses 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](http://www.fairwork.gov.au/hospitality) ([www.fairwork.gov.au/how-we-will-help/helping-the-community/campaigns/national-campaigns/hospitality-campaign](http://www.fairwork.gov.au/how-we-will-help/helping-the-community/campaigns/national-campaigns/hospitality-campaign)) .

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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