

Sydney restaurants targeted for underpayment of wages

19 February 2013

16 Sydney restaurants are facing further investigation for potential underpayment of wages after spot-audits conducted by the Fair Work Ombudsman over the past week.

A total of 21 city and inner-suburban restaurants, which employ about 150 mostly migrant workers, were visited by Fair Work Ombudsman Inspectors as a direct result of information received from the community about the possible underpayment of wages to staff.

The 16 restaurants facing further investigation have been ordered to supply the Fair Work Ombudsman with their staff records by 1 March 2013 after failing to have them available on-site.

Four restaurants were handed on the spot fines of \$550 for breaches including failing to provide staff with payslips within one working day of payment.

Fair Work Ombudsman, Nicholas Wilson, said detailed investigations would follow once the restaurants provided their records.

"It's a legal requirement that employers maintain appropriate records of staff, hours worked and payments made and that they provide those records to Fair Work Ombudsman Inspectors when requested," Mr Wilson said.

"The fact that in these visits, 16 restaurants could not provide these records gives rise to concern about possible breaches of workplace laws, such as underpayment of base wages, penalty and public holiday rates and casual loadings.

"In one case, we identified a waitress being paid \$10 an hour. This is well below the national minimum of \$15.96 per hour and when penalty rates and casual loadings are taken into account, represents a potentially very significant underpayment of wages."

The predominantly Japanese and Korean restaurants were located in the CBD, Crows Nest, The Rocks, Potts Point, Newtown, Haymarket, Randwick, Chatswood, Maroubra, Castle Hill and Surry Hills.

"These unannounced visits reflect the particular concern of the Fair Work Ombudsman about the exploitation of migrant workers," Mr Wilson said.

"Recently arrived migrants may not always be fully aware of their legal entitlements in the workplace and can often be reluctant to complain.

"Anyone who believes they are being underpaid should call the Fair Work Ombudsman on 13 13 94 or, if an interpreter is required, by calling 13 14 50."

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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

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