

Adelaide restaurants and massage shops fined

4 January 2013

The Fair Work Ombudsman has fined 18 Adelaide restaurants and massage shops for serious record-keeping and pay slip breaches - and investigations are ongoing over possible underpayments of wages to foreign workers at many businesses.

Fair Work inspectors over the past month conducted surprise audits of 22 restaurants in Grote St, Gouger St and the central market food halls, as well as eight massage shops in the CBD, Unley, Eastwood, Oaklands Park, West Lakes and Norwood.

Inspectors visited the businesses after the local Chinese Students United Association raised concerns with the Fair Work Ombudsman that international students were being underpaid.

More than 90 per cent of the businesses were found to be in breach of workplace laws relating to issuing pay slips and keeping employment records.

Acting Fair Work Ombudsman Bill Loizides says some breaches were so blatant that inspectors took the rare measure of issuing on-the-spot Penalty Infringement Notices.

Thirteen restaurants and five massage shops were penalised between \$150 and \$650 for fundamental breaches such as not keeping any time-and-wages records or issuing any pay slips.

"Inspectors usually prefer to assist businesses to voluntarily rectify pay slip and record-keeping issues and take no further action, but the breaches in this case were very serious," Mr Loizides said.

"The penalties imposed will hopefully send a message that blatantly disregarding pay slip and record-keeping obligations is not acceptable.

"Fair Work Inspectors will be re-visiting all these businesses and some others in the same areas over the next six months to ensure compliance with basic workplace obligations."

Mr Loizides says the Fair Work Ombudsman's Overseas Workers Team is also continuing to investigate possible underpayments of foreign workers, including many international students, at several of the restaurants and massage shops.

Matters being investigated include a waitress being paid as little as \$8 an hour and massage shop workers being incorrectly classified as contractors instead of employees.

Mr Loizides says the Fair Work Ombudsman treats breaches of foreign workers' rights particularly seriously because they can be vulnerable if they are not fully aware of their workplace rights or are reluctant to complain.

"All employees in Australia have basic entitlements, including the right to minimum pay and conditions," Mr Loizides said.

"The Fair Work Ombudsman's role is to raise awareness among employers and employees of their rights and obligations under workplace laws and to protect employees' rights."

Information is available at the Fair Work Ombudsman's website - www.fairwork.gov.au - in up to 27 languages to help both employers and employees from culturally diverse backgrounds understand and comply with workplace laws.

Free tools and resources available on the website include time sheet and pay slip templates, as well as PayCheck Plus and an Award Finder to assist business-owners to calculate the correct pay for their employees.

An 'Industries' section on the website provides extra, specialised information for employers and employees in the hospitality, hair and beauty, retail, cleaning, clerical, social and community services, security, vehicle, horticulture, building and construction, joinery, electrical, metal manufacturing, plumbing, fast food and road transport industries.

Employers and employees seeking assistance can also call the Fair Work Infoline on 13 13 94. A free interpreter service is available by calling 13 14 50.

Media contact: 08 8225 8263 (all hours)

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.