

Coffs Harbour workers back-paid after Fair Work Ombudsman intervention

12 July 2013

Ten restaurant and fast food workers in Coffs Harbour, many of whom are foreign workers, have been back-paid a total of \$5,600 after recent investigations by the Fair Work Ombudsman.

In one case, a Chinese national at a fast food business was back-paid \$1,340 after being paid just \$9 per hour over the last six months instead of the \$21 he was entitled to. Back-payments for the remaining nine workers ranged from \$90 to more than \$800.

The Fair Work Ombudsman's Overseas Workers Team identified the underpayments after auditing restaurants and fast food outlets in Coffs Harbour and surrounding areas in March. Those audits led to detailed investigations of 10 businesses for possible underpayments of wages to staff.

Chinese and Indian restaurants and fast food businesses were a particular focus of the audits based on information provided by the community. The audits resulted in three workers being reimbursed about \$530 prior to the investigations and only six of the businesses audited were found to be meeting their obligations under workplace law.

Of the 10 businesses investigated, three were meeting their obligations under workplace laws, four had both underpayment and record-keeping or pay slip breaches and three had record-keeping or pay slip breaches only.

One of the businesses was issued with a \$350 fine for failing to include required information on pay slips and another was issued with a contravention letter requiring them to comply with workplace laws after multiple breaches were identified.

A further two employers were issued with letters of caution warning them over record-keeping issues and one will face continued monitoring to ensure it complies in the future.

Acting Fair Work Ombudsman, Michael Campbell, said in cases where contraventions were found Fair Work Inspectors worked with employers to rectify issues and put processes in place to ensure the errors do not occur again.

"While it was disappointing to find contraventions, it was pleasing to see how willing most employers were to correct the errors without the need for further action," Mr Campbell said.

The Fair Work Ombudsman's website - www.fairwork.gov.au - has a range of tools and resources, including templates for time-and-wages sheets and pay slips, to help employers comply with their record-keeping and pay slip obligations.

Other online tools include an Award Finder and PayCheck Plus to help business owners locate the applicable award and determine the correct pay rates and allowances for their employees.

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

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