

\$21,000 back-paid to Bathurst and Orange workers

10 September 2013

Three foreign cooks working at restaurants in Orange and Bathurst have been back-paid a total of \$21,300, following recent investigations by the Fair Work Ombudsman.

The cooks - two at an Orange restaurant and one at Bathurst - were all Indian men who spoke limited English and were in Australia on working visas.

They were underpaid their minimum hourly rates, overtime rates and weekend penalty rates in 2011 and 2012, as well as annual leave entitlements upon termination of employment.

The underpayments were identified after Fair Work Inspectors from the Fair Work Ombudsman's Overseas Workers Team investigated complaints made by the workers.

After Inspectors issued the operators of the restaurants with Compliance Notices requiring them to rectify the underpayments, each worker was back-paid just over \$7,000.

Under the Fair Work Act, employers must comply with Compliance Notices issued by Fair Work Inspectors or make a court application for a review if they are seeking to challenge the Notice.

Fair Work Ombudsman, Natalie James, said the underpayments were the result of the business operators not being fully aware of their obligations under the Restaurant Industry Award 2010.

"Employers must ensure they're aware of the minimum pay rates and entitlements that apply to their employees and that their business is fully compliant with workplace laws," Ms James said.

"While it was disappointing to find these contraventions, it was pleasing to see the restaurant operators comply with the Compliance Notices without the need for further action."

Ms James said the Fair Work Ombudsman has a strong focus on ensuring that vulnerable workers receive their full lawful entitlements.

"Foreign workers can be vulnerable because they can be reluctant to complain and may not be fully aware of their workplace rights, so we place a high priority on taking action to protect them," Ms James said.

The Fair Work Ombudsman's website - www.fairwork.gov.au - contains a range of tools and resources designed to help employers and employees understand national workplace laws.

Information on the website is translated into 27 languages and tools such as PayCheck Plus can help to establish the correct hourly rates, overtime and penalty rates for employees.

An 'Industries' section on the website also provides extra, specialised information for employers and employees in a range of industries, including the restaurant and café industry.

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

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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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