

More than \$24,000 back-pay for 32 staff at Cairns restaurant after random audit finds underpayments

30 April 2015

Thirty-two staff at a Cairns restaurant have shared in \$24,300 back-pay after the Fair Work Ombudsman found the business was inadvertently short-changing its workers.

The restaurant's chefs and waiting staff were underpaid their minimum hourly rates, overtime, weekend and late-night penalty rates over 12 months.

The employer was mistakenly paying the workers under an enterprise agreement that did not apply to the restaurant.

The Fair Work Ombudsman identified the problem during a random audit of the restaurant as part of a national campaign focussed on the hospitality sector.

Acting Fair Work Ombudsman Michael Campbell says the restaurant owners have co-operated with the Agency and voluntarily reimbursed all outstanding entitlements.

"When we find mistakes, our preference is to educate employers about their obligations and assist them to put processes in place to ensure the errors are not repeated," he said.

Mr Campbell says the case highlights the importance of Cairns employers taking the time to ensure they understand their obligations to their employees under workplace laws.

"A small mistake left over time can easily result in a hefty bill for back-payment of wages – so it is important employers get it right in the first place," he said.

Other recent recoveries include:

- \$7000 for a worker on Thursday Island who failed to receive her outstanding wages, annual leave entitlements, redundancy pay, unpaid travel expenses, training cost reimbursements and wages in lieu of notice when she was made redundant,
- \$5800 for a young worker employed as a barista at a Cairns café underpaid the minimum hourly rate and weekend penalty rates over six months, and
- \$5400 for a Cairns accountant who had not received reimbursements she was entitled to for work expenses and was not paid her contractual bonus and annual leave entitlements on termination of employment.

Mr Campbell says the Fair Work Ombudsman is making compliance easier for businesses by continually building on the information available on its website – and encouraged employers in the Tropical North to go to www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 if they were unsure of their responsibilities.

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Media inquiries:

Nicci de Ryk, Senior Media Adviser

Mobile: 0466 522 004

nicci.deryk@fwo.gov.au (<mailto:nicci.deryk@fwo.gov.au>)

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