

Brisbane barista paid \$10 an hour

17 June 2016

A Brisbane café which paid a young barista as little as \$10 an hour has been cautioned over its workplace practices.

The café underpaid the 19-year-old a total of \$6650 in just six months.

The barista was treated as a contractor and told he needed to acquire an Australian Business Number (ABN).

However, the worker should have been classified as a casual employee, not an independent contractor.

The teenager was paid flat rates of between \$10 and \$13 an hour while working at the café, in the CBD, between June and December last year.

Under the Restaurant Industry Award, he should have received casual hourly rates of \$23.09 for normal hours, \$27.71 at weekends and \$46.18 for public holidays.

Acting Fair Work Ombudsman Mark Scully says employers should be aware that simply calling a worker a “contractor” and requiring them to obtain an ABN does not automatically make them a contractor under workplace laws.

“Contracting arrangements can be appropriate, but not as a mechanism to reduce payments to workers who are performing specified duties at specified times under direction from an employer,” he said.

Employers with concerns about the classification of their workers can contact the Fair Work Ombudsman for advice and assistance at www.fairwork.gov.au/contractors

Mr Scully says the Brisbane café will be audited again in six months to ensure its ongoing compliance with workplace laws.

Other recent recoveries for employees across Brisbane include:

- \$9100 for a full-time adult automotive worker in Sandgate who was paid an apprentice rate of \$12.08 an hour, but was not contracted as an apprentice for eight months,
- \$5300 for a casual medical receptionist in Logan Central who was paid a flat rate of \$22.10 an hour for all hours worked for 12 months. She should have been paid \$28.32 at weekends, \$50.37 on public holidays and up to \$41.18 for overtime hours,
- \$6100 for a call centre operator in Paddington who was underpaid her minimum hourly rate for 20 months,
- \$6500 for a forklift driver in Rocklea who did not receive any weekend and night shift penalties or overtime for seven months,
- \$6400 shared between a first-year adult apprentice hairdresser who was paid junior apprentice rates and a third-year junior apprentice at Shailer Park who did not receive the correct Saturday penalties,
- \$6500 for a woman underpaid by a financial business in The Gap for 28 months,
- \$5500 for a casual warehouse storeman in Geebung who was underpaid his minimum hourly rate for almost three years,
- \$6000 for an adult kitchen hand at an Underwood café who was paid a flat rate of \$15 an hour and did not receive pay slips, and
- \$9000 for a full-time adult apprentice hairdresser in Grange who was paid a flat rate for all hours worked for 15 months, despite annual wage increases and apprenticeship upgrades.

Mr Scully says employers must undertake their own checks of Award provisions and periodically revise their compliance.

“Our online tools and resources can assist employers to determine their applicable Modern Award, as well as classification and pay rates, including base pay rates, allowances, overtime and penalty rates,” he said.

“Our focus is on educating employers about their obligations and assisting them to put processes in place to ensure that any errors we find don't occur again.”

Mr Scully says the overwhelming majority of employers want to do the right thing by their employees and get it right when it comes to workplace laws.

The Fair Work Ombudsman is working hard to build a culture of compliance with workplace laws in Australia by providing practical advice that is easy to access, understand and apply.

Employers and employees seeking assistance can visit www.fairwork.gov.au

or phone the Fair Work Infoline on 13 13 94.

A free interpreter service is available by calling 13 14 50.

Small businesses calling the Infoline can opt to receive priority service to assist with their inquiries.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (<http://twitter.com/NatJamesFWO>), the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au (<http://www.facebook.com/fairwork.gov.au>).

Sign up to receive the Fair Work Ombudsman's media releases direct to your email inbox at www.fairwork.gov.au/mediareleases (www.fairwork.gov.au/mediareleases).

Media inquiries:

Annie Lawson, Media Adviser

Mobile: 0466 522 004

annie.lawson@fwo.gov.au (<mailto:annie.lawson@fwo.gov.au>)

Page reference No: 6146

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.