

Restaurant workers underpaid almost \$15,000

8 November 2016

A restaurant operator in north-west Tasmania has agreed to reimburse three employees almost \$15,000 after failing to pay them during a downturn in business.

The employer continued to request that two full-time food and beverage attendants and a casual chef turn up for work, but did not pay them anything for six weeks.

The Fair Work Ombudsman contacted the restaurant after receiving a request for assistance from one of the unpaid workers.

Fair Work inspectors advised the employer of its workplace obligations, explaining that minimum wages had to be paid on-time, even during a downturn.

The operator subsequently co-operated with Fair Work inspectors and devised a re-payment plan to ensure the workers received all outstanding entitlements.

“Financial difficulties or a downturn in business do not mean that an employer is exempt from meeting its lawful obligation to pay employees their full lawful minimum entitlements as they fall due,” Fair Work Ombudsman Natalie James says.

“When we find issues like this, our preference is to educate employers about their obligations and assist them to put processes in place to ensure the mistakes are not repeated.”

Ms James says the business has avoided enforcement action because it co-operated, agreed to back-pay all monies owed and committed to ongoing compliance with its obligations.

She says it is important that there be a level playing field in relation to business costs to ensure there is a fair, competitive environment for employers who are doing the right thing.

Ms James says the Agency 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.

The Agency's Pay and Conditions Tool (PACT) provides advice about pay, shift, leave and redundancy entitlements. Visit www.calculate.fairwork.gov.au (<http://www.calculate.fairwork.gov.au>) to learn more.

Employers seeking advice and assistance about their workplace obligations can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. An interpreter service is available by calling 13 14 50.

Small businesses calling the Infoline can opt to be put through to a priority service for assistance.

Ms James said her Agency is also committed to improving compliance in the hospitality industry.

The Fair Work Ombudsman's three-year National Hospitality Industry Campaign, finalised earlier this year, resulted in more than \$2 million being recovered for underpaid employees.

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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

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