



We investigated **77 businesses** in
Brisbane's suburbs in December 2021



75% non-compliant with workplace laws



Of the **58 non-compliant businesses**:



55% (32) didn't pay staff correctly



8% (5) didn't meet pay slip and record-keeping requirements



36% (21) breached both monetary and non-monetary obligations



\$404,721
recovered for **623**
employees from
52 businesses



2 businesses remain
under investigation

Fair Work Inspectors issued:



49

Compliance
notices

\$383,983 recovered
for **609** employees



29

Infringement
notices

\$78,932 paid in fines

What we did and why

In December 2021, we investigated 77 businesses in Brisbane suburbs. This proactive investigation was part of a program examining non-compliance in popular food precincts that commenced in 2016.¹²³⁴⁵⁶

Businesses in the Fast Food, Restaurants and Cafés (FRAC) sector within the areas typically employ a high proportion of young and migrant (temporary visa holder) workers. These workers can be vulnerable to exploitation, due to a lack of awareness or understanding of their entitlements, and an unwillingness to raise concerns with their employer or the Fair Work Ombudsman.

Brisbane has a diverse mix of businesses, employers and employees. Anonymous tip offs from workers suggested non-compliance in restaurants and fast food outlets in the areas.

We targeted businesses deemed to be at risk of non-compliance, based on one or more of the following characteristics:

- a history of non-compliance with the FWO
- anonymous tip offs and/or customer enquiries received about the business
- employing vulnerable migrant workers (confirmed using Home Affairs data).

Fair Work Inspectors conducted unannounced site visits at 77 businesses over 4 days. They:

- requested employment and payroll records
- interviewed employers, managers and workers
- observed work practices
- noted staff numbers to validate business records.

Pay slips and record-keeping practises were assessed against the requirements of the *Fair Work Act 2009*, the *Fair Work Regulations 2009*, and applicable awards or registered agreements. Most businesses were covered by the *Restaurant Industry Award 2020* or *Fast Food Industry Award 2010*.

Our findings

58 (75%) of the 77 businesses investigated had breached workplace laws. Of those:

- 32 (55%) were not paying staff correctly

¹ [Over 1.2 million recovered for food and retail workers](#)

² [Over \\$300,000 returned to fast food, restaurant and café workers](#)

³ [Over \\$580,000 recovered for Hobart workers](#)

⁴ [More than \\$200,000 recovered for Gold Coast workers](#)

⁵ [Darwin workers back-paid nearly \\$400,000](#)

⁶ [Launceston workers back-paid more than \\$120,000](#)

- 5 (8%) were non-compliant with pay slip and record-keeping requirements
- 21 (36%) breached both their monetary and non-monetary obligations.

The most common breaches were:

- failure to pay penalty rates or casual loadings – 40 businesses (69%)
- underpayment of the minimum hourly rate – 37 businesses (64%)
- failure to pay correct overtime allowances – 10 businesses (17%)
- payslip breaches – 19 businesses (33%)
- record-keeping breaches– 13 businesses (22%).

More than a quarter (29%) of the 77 businesses investigated employed young workers, and 6% were found to employ visa holders.

Action taken and next steps

We recovered \$404,721 for 623 employees from 52 businesses.⁷ The largest recovery from a single business was \$80,258 for 68 employees.

Fair Work Inspectors issued:

- 49 compliance notices (to 49 businesses), recovering \$383,983 for 609 employees
- 29 infringement notices, with \$78,932 paid in fines.

2 businesses are still under investigation for alleged non-compliance with workplace laws.

⁷ 4 businesses rectified underpayments of \$20,737 for 14 employees at the time of our site visits, without Fair Work Inspectors needing to investigate further.