

## Melbourne eateries investigated

**8 April 2022**

The Fair Work Ombudsman is making surprise inspections of ‘cheap eats’ food outlets in inner south Melbourne this week to check workers are getting the right pay and entitlements.

About 50 businesses face investigations across suburbs including Albert Park, Balaclava, Brighton, Elwood, Port Melbourne, Prahran, South Yarra, St Kilda and Windsor. Fair Work Inspectors are speaking with business owners, managers and employees on the ground, and requesting records.

The regulator is acting after receiving intelligence from a range of sources, including anonymous reports, indicating potential underpayments of employees in the area.

Businesses were targeted for investigation based on indicators of non-compliance, such as tip-offs to the FWO, or if they employed vulnerable workers such as visa holders and students.

Fair Work Ombudsman Sandra Parker said protecting vulnerable workers and improving compliance in the fast food, restaurant and café sector were ongoing [priorities](#) for the agency.

“Visa workers and students can be especially at risk of exploitation as they’re often unfamiliar with Australian workplace laws. We know they can be reluctant to ask questions about their pay or entitlements or raise concerns with their employer,” Ms Parker said.

“Inspectors in inner south Melbourne are checking employment records for compliance with workplace laws. We will hold employers to account if they are not meeting their obligations and take enforcement action where appropriate. We will also educate employers on their legal responsibilities and workers about their rights.”

Inspectors are on alert for unlawfully low flat rates, unpaid hours of work, unpaid penalty rates, late payments, false or inaccurate records and failures to provide pay slips, among other breaches.

The audits are part of a national program that has previously targeted eateries in [Melbourne’s Degraves Street and Hardware Lane](#); [Brisbane’s West End](#), [Sydney](#), [Adelaide](#), [Perth](#), [Hobart](#), [Darwin](#), the [Gold Coast](#), [Launceston](#) and most recently [Brisbane](#) again.

“Our targeted audits have uncovered high levels of non-compliance nationwide. Any workers with concerns should contact the FWO directly for free advice and assistance,” Ms Parker said.

A company can face a court-ordered penalty of up to \$33,300 for a Compliance Notice breach and up to \$66,600 for a record-keeping breach. Individuals can be penalised up to \$6,660 for a Compliance Notice breach and up to \$13,320 for a record-keeping breach.

Fast food, restaurant and café matters accounted for 36 per cent of the Fair Work Ombudsman’s new litigations in 2020-21. The FWO secured court-ordered penalties of \$1,841,347 from litigation decisions in this sector. Visa holder workers were involved in 32 per cent of all litigations that year.

The FWO has targeted [interactive tools](#) to help employers and employees in the fast food, restaurant and café sector, and for any [franchisees](#). Employers can also use [FWO’s pay calculator](#)

and [Small Business Showcase](#). We also have resources for [visa holder workers](#). Know a workplace not doing the right thing but don't want to get involved? [Report it anonymously](#) – in your language.

Employers and employees can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on **13 13 94** for free advice and assistance about their rights and obligations in the workplace. An interpreter service is available on **13 14 50**.

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