

Sushi case confirms employer record-keeping requirements

An underpaying sushi business is the first to be charged by the Fair Work Ombudsman (FWO) utilising under a new reverse onus of proof law that puts the pressure back on employers to refute fishy conduct in court.

The law is part of a slew of changes to the *Fair Work Act 2009*, which were introduced in September 2017 in an effort to stamp out employee exploitation. Employers now face harsher penalties for breaching record-keeping and pay slip obligations, with investigative bodies handed more powers to collect evidence and enact new penalties for obstruction, hindrance and providing false or misleading information.

The main effect of the new laws is that the time-consuming calculation of potential underpayment will now rest on employers rather than their employees. This remedies a long-standing vulnerability in the law which allowed employers to benefit from their own poor record-keeping, making underpayment harder to prove.

The amendments mean that employers will need to get their books up to standard, keeping accurate records in order to avoid penalties and more easily disprove allegations of underpayment should they arise.

Any employers unsure of their expanded duties should contact CG Law's Workplace team for advice to avoid pecuniary and reputational harm to your business that might arise from failing to meet workplace obligations.

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