

## VICTORIA WAGE INSPECTORATE FACT SHEET

### Restaurant and Catering Australia

#### *Background:*

R&CA would like to inform Victorian members that from 1 July 2021, Premier Dan Andrews and the Victorian State Government legislated that “wage theft” is a criminal offence and introduced the “Wage Inspectorate” department with powers to investigate employers. Therefore, for an employer in Victoria, it is a criminal offence to:

- deliberately underpay employees;
- dishonestly withhold wages, superannuation or other employee entitlements such as allowances;
- falsify employee entitlement records to gain a financial advantage; or
- avoid keeping employee entitlement records to gain a financial advantage.

#### *What this means for you:*

Wage theft offences involve **deliberate** and **dishonest** conduct.

**Honest mistakes** made by employers who exercise due diligence in paying wages and entitlements **are not considered wage theft**.

Punishments for criminal offence include prosecution with **up to 10 years’ jail** or a fine of up to \$218,088 and a fine of up to \$1,090,440 for companies.

The Wage Inspectorate can only investigate matters that **occurred in Victoria or have a link to Victoria**.

The **Wage Inspectorate does not provide advice** about pay rates, entitlements, awards and workplace agreements.

#### *Wage Inspectorate Powers:*

The **Wage Inspectorate has powers they can use to investigate** potential wage theft offences, including the power to:

- enter premises;
- obtain information and documents;
- seize evidence;
- require a person to give evidence or answer questions under oath or affirmation; and
- apply for and execute search warrants.

Many of these powers are coercive, meaning **employers must cooperate with requests made, unless you have a reasonable excuse for not doing so**.