

Frankston business operators fined for breaching young workers' rights

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The owner-operators of two Frankston tiling businesses who underpaid 11 employees and dismissed an apprentice after he queried his pay have been fined \$18,480.

The Federal Magistrates Court in Melbourne has imposed the penalties against Gisela Bottcher, owner-operator of GB Studio Enterprises, and her husband Wolfgang Bottcher, owner-operator of Cardock Pty Ltd.

The fines are the result of a prosecution by the Fair Work Ombudsman.

Federal Magistrate John O'Sullivan found Mr and Mrs Bottcher were responsible for underpaying 11 of their staff a total of \$46,163 in wages, allowances and overtime between 2006 and 2008.

The employees included tilers, labourers and young apprentices.

Mr and Mrs Bottcher also unlawfully threatened to remove or vary the employment conditions of four apprentice employees, telling them that if they were to receive Award wages, some of their conditions, such as having tools supplied, would be removed.

The couple admitted further contravening workplace law in January, 2008, when they dismissed a 21-year-old apprentice after he queried his pay.

Federal Magistrate O'Sullivan ordered Mr and Mrs Bottcher to pay the apprentice \$714 compensation, representing lost wages following his dismissal. All other employees were reimbursed in October this year. The largest back-payment to an individual worker was \$15,280.

Federal Magistrate O'Sullivan said the breaches were serious and that "there is the need to deter the sort of conduct involved in this case".

"Whilst the respondents may not have deliberately sought to deprive employees of their lawful entitlements, the contraventions evidence a reckless disregard for their statutory obligations," he said.

"An employer's obligation to adhere to industrial instruments and pay minimum entitlements arises regardless of their size and financial position."

Fair Work Ombudsman Executive Director Michael Campbell says the circumstances of the underpayments, dismissal and threats to remove conditions amounted to serious behaviour.

"This case serves a reminder that we will not hesitate to pursue individuals who breach their employees' rights," Mr Campbell said.

"Successful prosecutions such as this also benefit employers who are complying with workplace laws because it helps them to compete on a level playing field."

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au. For translations call 13 14 50.

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