

Court penalty for Port Fairy restaurateur over underpayment of casual waitresses

29 June 2010

The owner of a restaurant at Port Fairy in South-West Victoria has been fined for his involvement in the underpayment of wages to three former casual employees.

The Victorian Magistrates Court has imposed a \$3960 penalty against David Farnhill, who owns Wisharts at the Wharf.

Farnhill was the sole owner and director of Adamsleigh Pty Ltd, which went into liquidation last year.

The penalty follows a prosecution by the Fair Work Ombudsman, which alleged that Adamsleigh underpaid three casual waitresses almost \$8000 in 2008-09.

The staff were allegedly paid a flat hourly rate for all hours worked, including weekends, public holidays and night shifts.

Fair Work Ombudsman Executive Director Michael Campbell says a decision was made to proceed to litigation because of the seriousness of the breaches and Farnhill's involvement in the employer's refusal to rectify the matter.

The \$7975.63 owed to the former employees remains outstanding and the Fair Work Ombudsman has provided this information to the Adamsleigh liquidator.

Mr Campbell says it is important for employers in regional areas to ensure they have up-to-date information on wages and entitlements applicable to their staff.

The Fair Work Ombudsman has a number of tools on its website, www.fwo.gov.au, to assist employees and employers check minimum rates of pay, including PayCheck and Payroll Check.

Small to medium-size businesses without human resources staff can also ensure they are better equipped when hiring, managing and dismissing employees by using free template employment documentation with step-by-step instructions for accessing a series of Best Practice Guides.

For assistance or further information, contact the Fair Work Infoline on 13 13 94 from 8am-6pm weekdays. For translations, call 13 14 50.

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Fair Work Online: www.fairwork.gov.au

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Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

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