

Court hands down \$50,000 penalty for underpaying Deniliquin worker

5 March 2010

The former operators of the Deniliquin Golf Club Pro Shop have been fined \$50,000 for underpaying an employee.

Roach Golf Enterprises Pty Ltd, which formerly operated the shop, has been fined \$16,000 and the company's sole director, Bryan James Roach, of Forster, a further \$34,000.

The penalties were imposed in the NSW Chief Industrial Magistrate's Court in Sydney this week following a prosecution by the Fair Work Ombudsman.

The Court had previously instructed the company to back-pay the worker \$30,185 plus interest.

Magistrate Patricia O'Shane heard that a casual retail assistant at the Deniliquin shop was underpaid between 2006 and 2008.

The worker, in his 40s, was paid a flat rate of \$13 for all hours worked, including some public holidays on which he was entitled to receive up to \$45 per hour.

This resulted in underpayment of his minimum hourly rate, weekend and public holiday penalty rates, overtime and annual leave entitlements.

Inspectors from the Fair Work Ombudsman's Wagga office discovered the underpayments.

Fair Work Ombudsman NSW Director Mark Davidson says underpaying workers' minimum entitlements is a serious matter.

"Workers have the right to receive the minimum rates that apply to their positions and we will not hesitate to pursue employers who fail to comply with laws protecting that right," Mr Davidson said.

The Fair Work Ombudsman promotes harmonious, productive and co-operative workplaces. It also monitors compliance and investigates breaches of national workplace laws.

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

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