

Court action over alleged failure to provide employment records

5 May 2010

The Fair Work Ombudsman has launched a prosecution against the former operator of a Mildura restaurant for allegedly failing to provide employment records for an employee who claimed he had been underpaid.

Facing court is Grenpro Pty Ltd, which formerly operated the Chaffey Restaurant on Deakin Avenue, Mildura.

The Fair Work Ombudsman is also taking legal action against the company's sole director and part-owner Aaron Michael Grennan, of Mildura, who formerly managed the restaurant.

Documents lodged in the Melbourne Magistrates' Court allege Mr Grennan was responsible for Grenpro breaching national workplace laws by failing to comply with requests to provide employment records.

Under the Fair Work Act, employers must comply with requests from the Fair Work Ombudsman to provide employment records relating to employees and former employees.

The Fair Work Ombudsman requested employment records from Grenpro in November, 2009 during its investigation of an underpayment complaint lodged by a man the company had employed as a cook in 2008-09.

Grenpro and Mr Grennan face maximum penalties of \$33,000 and \$6600 respectively.

Fair Work Ombudsman Executive Director Michael Campbell says before the Fair Work Act, record-keeping breaches attracted lesser fines of \$5500 for companies and \$1100 for individuals.

Mr Campbell says failing to comply with a request to provide records is a serious matter as it shows a disregard for workplace laws and the important work of Fair Work inspectors.

It is also alleged that Mr Grennan was responsible for Grenpro breaching national workplace laws by failing to issue pay slips to the employee. The maximum potential penalty is \$5500 for the company and \$1100 for Mr Grennan.

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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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

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

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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