

Former Lockyer Valley store operators fined for underpaying worker

12 November 2010

A company and a manager involved in operating a former store in the Lockyer Valley in Queensland have been fined \$67,650 for underpaying a worker and failing to issue pay slips.

Aussie Little Auction Houses Pty Ltd, which formerly operated a store selling fruit and vegetables and auctioning second-hand goods at the corner of Warrego Highway and Crane Road in Plainland, has been fined \$49,500.

The store's former manager and part-owner Francis Eamon Weston, of Marburg, has been fined a further \$18,150.

The fines, imposed in the Federal Magistrates Court in Brisbane, are the result of a prosecution by the Fair Work Ombudsman.

Federal Magistrate Michael Burnett imposed the fines after finding Weston was centrally involved in Aussie Little Auction Houses underpaying a casual shop assistant at the Plainland store \$17,218 between November, 2007 and January, 2009 and failing to issue her pay slips.

The shop assistant was paid a flat rate of \$12 an hour but was entitled to receive more than \$18 an hour.

Federal Magistrate Burnett ordered that Weston's fine be paid to the shop assistant to rectify her underpayment.

Federal Magistrate Burnett said it was important that individuals involved in the management of employees recognised their lawful obligations to employees.

"Those who are involved in the management of employees need to recognise that they cannot hide behind the corporate veil," he said.

"Legislation is designed to capture them and in many instances, irrespective of contrived attempts to deny knowledge of facts, evidence of the circumstances will always defeat such contrivance.

"The penalty ought to reflect the need for specific deterrence of those who seek particularly to assume that approach."

Fair Work Ombudsman Executive Director Michael Campbell says the penalty sends a message that companies and individual managers who breach workers' rights and then refuse to promptly rectify the matter will be held to account.

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

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Fair Work Online: www.fairwork.gov.au

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