

Gippsland store faces court over alleged \$30,000 underpayment

12 July 2011

The Fair Work Ombudsman has launched a prosecution against the operators of a Gippsland retail store for allegedly underpaying an employee more than \$30,000.

Facing court is Garfield Berry Farm Pty Ltd, which operates a store selling fresh produce and groceries at 2895 Princes Highway, Garfield.

Also facing court is the store's manager and part-owner, Maria Doherty.

Documents lodged in the Federal Magistrates Court in Melbourne allege Ms Doherty was centrally involved in underpaying a casual shop assistant at the store a total of \$31,040 between December, 2006 and June, 2009.

It is alleged the employee, a man in his 20s, was paid flat hourly rates of \$10.79 to \$12.78 but was entitled to receive more than \$20 an hour under the pay scale that applied to his position.

Fair Work inspectors discovered the alleged underpayment when they investigated a complaint lodged by the employee.

It is alleged Ms Doherty and Garfield Berry Farm were also involved in further breaches by failing to comply with Notices to Produce employment documents.

Fair Work Ombudsman Nicholas Wilson says the decision to prosecute was made because of the significant amount involved and the employer's failure to rectify the matter.

Ms Doherty and Garfield Berry Farm allegedly committed several breaches of workplace laws.

Ms Doherty faces maximum potential penalties of \$6600 per breach and Garfield Berry Farm faces maximum potential penalties of \$33,000 per breach.

The Fair Work Ombudsman is also seeking a Court Order for Garfield Berry Farm to rectify the alleged underpayment.

The case is listed for a directions hearing on July 27.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au. A free interpreter service is available on 13 14 50.

Keep up to date with the Fair Work Ombudsman and updates on Australia's workplace relations laws through [Twitter - @fair-work_gov_au](https://twitter.com/fair-work_gov_au)  (http://twitter.com/fairwork_gov_au).

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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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