

Millicent's Sportsman's Hotel operators fined over underpayments and false staff records

16 March 2012

The operators of the Sportsman's Hotel at Millicent, in South Australia, have been fined a total of \$55,900 after underpaying five staff and directing employees to falsify time sheets.

The Federal Magistrates Court in Adelaide has penalised S H Millicent Pty Ltd, the company which owns and operates the hotel, \$39,500.

Company part-owners and directors John Patrick Bowler, of Adelaide, and Paul Henry Carroll, of Mount Gambier, have also been fined a further \$7900 and \$8500 respectively.

The penalties are the result of a litigation initiated by the Fair Work Ombudsman.

Federal Magistrate Denys Simpson found that five casual staff at the Sportsman's Hotel were underpaid a total of \$48,098 between March, 2006 and December, 2009.

Bowler and Carroll, who managed the hotel at various times during the period, admitted being involved in the underpayments.

The pair also admitted being involved in directing staff to falsify time sheets to show that staff had been provided with meal or rest breaks, when in fact they had not.

The underpaid employees did not receive extra payments for shifts of more than five hours where they were not provided with a meal break.

The employees, aged between 37 and 60 at the time, were underpaid amounts ranging from \$3852 to \$14,111.

The underpayments were rectified after the Fair Work Ombudsman commenced Court proceedings.

Federal Magistrate Simpson said falsification of the time sheets materially aggravated the seriousness of the conduct.

"The penalty I impose should act as a deterrent to persons failing to comply with this and other similar legislation," Federal Magistrate Simpson said.

Fair Work Ombudsman Nicholas Wilson says the penalties illustrate that breaching workplace laws relating to record-keeping is a serious matter.

"Successful prosecutions such as this also benefit employers who are compliant because it helps them to compete on a level playing field," he said.

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.

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Contact us

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

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