

General store operators fined \$45,000 for underpaying employees

4 March 2014

The former operators of a general store in regional Victoria have been fined a total of \$45,000 for underpaying two workers more than \$19,000.

The Thirsty Farmer Pty. Ltd., which previously operated a general store at 2153 Ballan Road, Anakie, just north of Geelong, has been fined \$40,000.

Judge Philip Burchardt has fined the store's former manager and part-owner, Renee Leeann Batty, a further \$5000 and ordered that Batty's fine be paid directly to the underpaid employees to partially rectify their underpayment.

The penalties, handed down in the Federal Circuit Court in Melbourne, follow legal action by the Fair Work Ombudsman.

The two employees were underpaid a total of \$19,445 between 2009 and 2012 when they primarily worked as food and beverage attendants at a restaurant within the general store.

The employees were paid a flat hourly rate of \$15.86 for the majority of work performed, resulting in underpayment of their minimum hourly rates, casual loadings and weekend penalty rates. One employee was also underpaid overtime rates. The employees were underpaid individual amounts of \$8,028 and \$11,417.

Judge Burchardt found that Batty and the company had shown little regard to their payment obligations and that the loss to the employees was significant.

"The Respondents' conduct in this matter is serious," he said. "The cooperation of the Respondents has been fitful at best and I also accept that there has been little by way of contrition."

Judge Burchardt noted that the general store was a small, family-run business but said that "a Respondent cannot be absolved of their responsibility for their conduct merely because their operations were small in scale".

"Bearing in mind that this is an industry well known frequently to give rise to difficulties with award compliance, the need for general deterrence is all the stronger."

Fair Work Ombudsman Natalie James said failure to rectify the underpayments, despite efforts by Fair Work inspectors to resolve the matter voluntarily, was a key factor in the decision to commence legal proceedings.

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

NOTE: The general store at 2153 Ballan Road, Anakie now has new operators.

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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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