

## Queensland tavern operator penalised for short-changing manager

13 December 2016

The operators of a Queensland tavern have been penalised a total of \$19,500 for causing “significant detriment” to a manager by short-changing her thousands of dollars.

Glasshouse Mountains Tavern Pty Ltd, which operates a tavern of the same name in the Sunshine Coast hinterland, has been penalised \$16,500.

Company director and part-owner Tammi Maree Pointon has been penalised a further \$3000.

The penalties, imposed in the Federal Circuit Court, are the result of legal action by the Fair Work Ombudsman.

Glasshouse Mountains Tavern and Pointon short-changed a venue manager a total of \$6759 in 2011.

Most of the underpayment was the result of a failure by the company and Pointon to pay-out the manager’s accrued annual leave entitlements in-full after she resigned and their failure to pay the manager for nine days of personal leave, even though she had provided a medical certificate.

The company and Pointon also made unlawful deductions from the manager’s wages to cover the cost of a training course and unlawfully imposed a ‘penalty for late notice’ when she resigned, despite the manager providing a notice period that satisfied the period required under the relevant award.

The Fair Work Ombudsman investigated after the manager lodged a request for assistance.

Glasshouse Mountains Tavern back-paid the manager only after the Fair Work Ombudsman commenced legal action and proved the underpayments in Court.

Judge Michael Baumann found that the underpayment amount for a person in the manager’s position “was a significant detriment” and said the underpayment should have been rectified sooner.

Judge Baumann found that there was a need to impose a penalty that encouraged general deterrence and helped to ensure compliance with minimum standards.

Fair Work Ombudsman Natalie James says the penalty sends a message about the importance of paying employees’ full termination entitlements when an employment relationship ends.

“Paying workers correctly on termination of employment is just as important as ensuring they receive their full entitlements while they are working,” Ms James said.

“Termination entitlements play a vital supporting role for workers while they attempt to pick themselves up, find a new job and get back on their feet and we are prepared to take enforcement action where necessary to ensure these entitlements are paid in full.”

Ms James says her Agency is also committed to improving compliance in the hospitality industry. The Fair Work Ombudsman’s three-year National Hospitality Industry Campaign, finalised earlier this year, resulted in more than \$2 million being recovered for underpaid employees.

Employers and employees seeking assistance can visit the website or contact the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

NOTE: Glasshouse Mountains Tavern and Pointon are appealing the Court’s decision.

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