

Australian Government
Workplace OmbudsmanTabled document no: **1**By: *Workplace Ombudsman*Date: *3/6/08.*

Media centre

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Massive Penalty Awarded in Workplace Ombudsman Case against Tasmanian Hotel Owner

The Federal Court of Australia in Hobart has found Maureen Healey trading as the Theatre Royal Hotel in Hobart guilty of underpaying 41 casual employees over a seven year period, Australia's federal Workplace Ombudsman Nicholas Wilson announced today.

Justice Marshall imposed a \$70,000 penalty after finding 254 breaches under the *Hospitality Industry - Accommodation Hotels, Resort and Gaming Award* ("the Award").

The breaches included failing to pay proper award rates, penalty rates, and casual loading.

From August 14 2000 until November 9 2007, Mrs Healy carried on a business as a sole trader under the business name Theatre Royal Hotel.

The business included accommodation facilities, a restaurant and a café-bar.

"During that time there were 41 casual workers who were entitled to the benefit of the Award including a large number of junior employees," Mr Wilson said.

"Unfortunately they were all paid below award rates and in one case, not paid at all. Mrs Healey paid workers a flat hourly rate which did not afford the employees their full entitlement and resulted in an underpayment of \$18,405."

The Workplace Ombudsman's investigation began in late 2006 after receiving an online claim from a casual worker employed to work in the kitchen and as a cleaner.

The claimant alleged she was underpaid during the period of her employment because on commencement she was informed that she would be paid as per an Australian Workplace Agreement; however she claimed not to have seen or signed the document.

Investigations however revealed only one employee had an approved or registered AWA.

The Workplace Ombudsman's investigation then went on to reveal 40 other workers who were underpaid under the relevant Award.

Workers were employed in a variety of jobs included kitchen hands, food and beverage attendants and cleaners.

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AUSTRALIAN GOVERNMENT



Workforce Protection and
 Respondent(s) ADMINISTRATIVE SUPPORT

Case	When	State	Site Value	Victim(s)	Respondent(s)
PROSECUTIONS					
Martino v CEPU & anor	Sept 2005	Vic	\$500 - \$750 m	Eastern Vic Group	CEPU 1 x CEPU officer
Cruse v CFMEU & anor	Sept 2005	Vic	\$300 million	Roche Mining	CFMEU 1 x CFMEU officer
Furlong v AWU & ors	Mar 2006	Vic	\$300 million	Roche Mining	AWU 4 x AWU officers
Hadgkiss v Aldin & ors	Feb 2006	WA	\$300 million	Leighton Kumagai	107 employees
Cruse v CFMEU & ors	Aug05/ Jul06	Vic	\$300 million	Roche Mining	CFMEU 3 CFMEU officers
Alfred v Wakelin & ors	Oct 2005	NSW	\$270 million	John Holland	CFMEU, CFMEU (Qld), FEDFA (Qld), AWU, AWU (NSW), 5 x union officers
Lovell v O'Carroll & ors	Feb 2007	QLD	\$700 million	Raptis Group	PGEU (Qld), CEPU 1 x CEPU officer

INTERVENTIONS

LKJV v CFMEU	Jul04/ Nov05	WA	\$1.6 billion	LKJV	CFMEU
Leighton Contractors v CFMEU	Feb 2006	WA	\$1.6 billion	Leighton Kumagai	CFMEU, CFMEU (WA), 1 x CFMEU officer
Roche Mining v AWU	Mar 2006	Vic	\$300 million	Roche Mining	AWU
Corke Instrument Eng. v CEPU	May 2006	Vic	\$225 million	Corke Instrument Eng	CEPU
Technip Oceania v CEPU	Nov 2006	Vic	\$1.1 billion	Technip Oceania	CEPU
Worley Parsons v AMWU & ors	Nov 2006	WA	\$ 2 billion	Worley Parsons	AMWU, CFMEU, CEPU
Paper Australia v CEPU	Jun 2007	Vic	\$200 million	Paper Australia	CEPU