

EMPLOYER ABUSE : WAGES MANIPULATED



With the unemployment rate showing only a marginal improvement over the last couple of years, and eight out of the ten people who lost their jobs during the Great Depression still unemployed, little wonder then that those who are employed consider themselves fortunate and want to hold on to their jobs, even if it means that they are subjected to employer abuse and exploited by their employers at their workplace. A disturbing case of employer abuse has come to light, where an employer manipulated the wages of a casual staff member, who was paid much less than what he merited, on the bizarre pretext that she did not feel that he deserved full wages, "as he had the mental capacity of a 13 year old." Victorian retail manager, Maria Doherty, who was the Manager and part-owner of the, now defunct, Garfield Berry Farm Store in Gippsland, underpaid a casual staff member by \$31,040 over the two and half years that he worked for her. The worker, a young man in his twenties, was paid between \$10.79 and \$12.78 per hour notwithstanding being entitled to around \$18, for the type of work that he did. Doherty told inspectors, who inspected her that she did not feel that her employee "was worth \$17 or \$18 an hour". A Federal Magistrate Court fined her \$11,500, which was paid to the employee. The Magistrate Heather Riley, ruled that Maria Doherty showed no remorse or regret for underpaying her employee for so many years and that the underpayment was not only deliberate but was also harsh. Moreover, it was a violation of the worker's Civil Rights. In spite of the fact that the Fair Trade Standards Act Guarantees many rights that are specifically aimed at ensuring that workers get paid fairly for the time they work, there is a lacuna that employers take advantage of. Some States have established minimum wages that are higher than the Federal one. Employers feign ignorance or being bewildered by the fine print and exceptions in the 'wage and hour' law and manoeuvre the rules to suit their own pockets. This was not Maria Doherty's first case of worker abuse; she had earlier been warned by Fair work inspectors when they had received complaints from other workers on the farm, that employer abuse can have serious repercussions and that it would carry severe penalties if it came to light. Why did the worker continue to work and put up with his employers unethical and unscrupulous behavior? Perhaps he was afraid he would be sacked? Or maybe he was the sole bread earner for his family? There is little doubt that, given the grim scenario of unemployment, fewer people have a voice at work and are totally at the mercy of their employers, with practically no say in their work situations. Which begets the questions, laws can be made, but can they be enforced?

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