

Fair Work Ombudsman recovers almost \$30,000 for underpaid workers at NSW security company

(www.fairwork.gov.au/%E2%80%9D#twitter) 10 February 2017

The Fair Work Ombudsman has secured almost \$30,000 for five underpaid employees of a NSW-based security services company.

The five security guards were underpaid a total of \$29,690 when they were employed by Unimet Security Pty Ltd, which provides security services at a variety of different sites.

The Fair Work Ombudsman investigated after receiving requests for assistance from two guards.

The guards were paid flat rates of \$20 to \$22 an hour, which were insufficient to cover their minimum entitlements under the Security Services Industry Award.

As casual employees, they were entitled to a minimum Award hourly rate of \$24.28 for ordinary hours, a night rate of \$28.49, weekend rates of up to \$43.70 and up to \$53.41 on public holidays.

The largest underpayments were \$12,086 for a guard who worked at the Stockland Shellharbour Shopping Centre and \$6454 for a guard who was placed by Unimet at a Centrelink site at Corrimal in Wollongong.

Unimet co-operated with the Fair Work Ombudsman, including conducting a self-audit to help identify the full extent of underpayments and promptly back-paying workers in full.

The company has also entered into an Enforceable Undertaking (EU) with the Fair Work Ombudsman aimed at encouraging behavioural change and future compliance.

Under the EU, the company has agreed to donate \$1000 to the Mt Druitt & Area Community Legal Centre in Western Sydney and to commission external professional audits of its compliance with workplace laws over the next three years and promptly rectify any underpayments discovered.

The company will also terminate its contract with any contractor it finds has breached workplace laws; apologise to the underpaid workers; display workplace notices detailing its contraventions; and register with the Fair Work Ombudsman's My Account portal.

Fair Work Ombudsman Natalie James says the case illustrates the dangers of paying flat rates of pay, without reference to the applicable Award.

"Improving compliance in the security industry continues to be a focus for us and employers in this sector need to realise it is unlawful to pay flat rates that undercut award entitlements, even if employees say they agree to it," Ms James said.

Resources available at www.fairwork.gov.au include a template questionnaire for security contractors vying for work, sample clauses to include in contracts and tools for determining minimum employees pay rates, including penalties and overtime.

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

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Download the Unimet Security Pty Ltd Enforceable Undertaking (DOCX 143.8KB) (www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-unimet-security-redacted.docx.aspx) (PDF 362.3KB) (www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-unimet-security-redacted.pdf.aspx)

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Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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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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