

Security company in court

28 October 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against the operators of a Victorian security firm.

Facing court is Pacific Security Services Pty Ltd, a provider of security services to various sites in Victoria.

The regulator investigated the company after receiving a request for assistance from a former security officer who had performed work for the company.

A Fair Work Inspector issued a Compliance Notice in February this year after forming a belief that the company had underpaid the security officer his entitlements under the Security Services Industry Award 2010.

The inspector believed the security officer had been underpaid minimum wage rates, casual loadings, a vehicle allowance and penalty rates for weekend, public holiday and night work between November 2017 and May 2019.

The FWO alleges that the company, without reasonable excuse, failed to comply with the Compliance Notice. The notice required the company to calculate and back-pay the worker's entitlements.

In line with the FWO's proportionate approach to regulation during the COVID-19 pandemic, the FWO made several attempts to secure voluntary compliance before commencing proceedings.

Fair Work Ombudsman Sandra Parker said that the regulator would continue to enforce workplace laws and take businesses to court where lawful requests are not complied with.

"Under the Fair Work Act, Compliance Notices are important tools used by inspectors if they form a belief that an employer has breached workplace laws," Ms Parker said.

"Where employers do not comply with our requests, we will take appropriate action to protect employees. A court can order the business to pay penalties in addition to back-paying workers."

"Any employees with concerns about their pay or entitlements should contact the Fair Work Ombudsman for free assistance."

The Fair Work Ombudsman is seeking a penalty against Pacific Security Services Pty Ltd. The company is facing a maximum penalty of \$31,500.

The regulator is also seeking orders for the company to comply with the Compliance Notice, which includes rectifying any underpayments in full, plus superannuation and interest.

A directions hearing is listed in the Federal Circuit Court in Melbourne on 1 December 2020.

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for free advice and assistance about their rights and obligations in the workplace. A free interpreter service is available on 13 14 50.

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

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