

## Security contractor faces court for allegedly underpaying workers \$23,000

9 February 2010

The Fair Work Ombudsman has launched a prosecution against a NSW security contracting company and its director for allegedly underpaying two workers more than \$23,000.

Facing court is Essendene Security Pty Ltd, based in Nelson Bay, and the company's manager and sole director John Richard Ryan, of Mallabula.

Documents lodged in the Federal Magistrates Court in Sydney allege that the company underpaid two security staff \$10,864 and \$9630 in 2007-2008.

The Fair Work Ombudsman says that when Essendene's workplace agreements failed the Fairness Test, the company failed to fully back-pay the workers.

One of the two was also allegedly underpaid a further \$2775 in weekend and overtime pay.

While Essendene has reimbursed some money, it's alleged back-payments of more than \$19,000 remain outstanding.

Fair Work Ombudsman Executive Director Michael Campbell says the decision to prosecute was made because of the significant amounts involved and the employer's failure to fully rectify the matter.

The maximum penalty per breach is \$33,000 for Essendene and \$6600 for Mr Ryan.

The Agency is also seeking a Court Order for back-payment of the money allegedly still owed. The case is listed for a directions hearing on February 19.

The Fair Work Ombudsman promotes harmonious, productive and co-operative workplaces. It also monitors compliance and investigates breaches of national workplace laws.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit [www.fwo.gov.au](http://www.fwo.gov.au). For translations call 13 14 50.

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Page reference No: 4378

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