

Security company faces Court for allegedly underpaying workers \$21,000

6 July 2012

Note: Reference to prosecution in this media release is a general reference to the FWO commencing proceedings for the imposition of civil penalties and should not be taken to be a reference to criminal proceedings.

The Fair Work Ombudsman has launched a prosecution against a security company, alleging it underpaid 19 employees more than \$21,000.

Facing court is Secom Australia (ACT) Pty Limited, which provides security services to a range of clients.

Also facing court is Sydney-man Ross Kenneth Barnes, who is the general manager and a director of the company.*

The Fair Work Ombudsman alleges Mr Barnes was involved in Secom Australia (ACT) underpaying 19 security guards a total of \$21,548 between February and June, 2011.

It is alleged the employees were paid flat hourly rates, which led to underpayment of penalty rates for weekend, overtime, public holiday and night work.

It is alleged the employees were variously paid flat hourly rates ranging from \$18 to \$23 for all work performed - except for work on public holidays, when they were paid a flat hourly rate of \$25.

The majority of the alleged underpayments relate to overtime work, for which the employees were allegedly entitled to receive between \$24 and \$42 per hour.

Eighteen of the employees worked at various locations in the ACT and one worked at Cooma, NSW. The alleged individual underpayments range from \$82 to \$4153.

Fair Work Ombudsman Nicholas Wilson says a decision to prosecute was made because of the significant amount involved and the employer's failure to rectify the matter.

Mr Barnes was allegedly involved in Secom Australia (ACT) committing eight breaches of workplace laws. Mr Barnes faces maximum penalties of \$6600 per breach and the company faces maximum penalties of \$33,000 per breach.

The Fair Work Ombudsman is also seeking a Court Order for Secom Australia (ACT) to rectify the alleged underpayments. The case will be heard in the Federal Magistrates Court in Canberra.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au A free interpreter service is available on 13 14 50.

* Lawyers for Secom Australia (ACT) Pty Ltd have advised the Fair Work Ombudsman that Mr Barnes was not general manager nor a director at the time of the alleged contraventions. Mr Barnes is a director of the parent company Secom Australia Pty Ltd.

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Contact us

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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