

## Security company fined for underpayments

4 July 2013

A Fair Work Ombudsman legal action has resulted in a security company being fined \$66,000 for underpaying 19 employees.

Secom Australia (ACT) Pty Limited has received the fine in the Federal Circuit Court in Canberra after admitting underpaying 19 security guards a total of \$21,548 between February and June, 2011.

The Fair Work Ombudsman's investigations and legal action have also led to Secom Australia (ACT) back-paying the 19 employees in full - and voluntarily back-paying an additional \$80,000 to a number of other underpaid employees.

Of the 19 underpaid employees who were the subject of the Fair Work Ombudsman's legal action, 18 worked at various locations in the ACT and one worked at Cooma, NSW.

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

This led to underpayment of penalty rates for night work, weekend, public holiday and overtime work, for which they were entitled to receive up to \$42 an hour.

The individual underpayments ranged from \$82 to \$4153.

Judge Warwick Neville said the submission from Secom Australia (ACT) that it may have misunderstood legislative provisions was not satisfactory.

"There is no reason given why proper advice was not taken by the Respondent to ensure that there was compliance," Judge Neville said. "Put more bluntly: ignorance is no excuse."

Judge Neville said Secom Australia (ACT) was "an organisation of some means" but had no system in place to ensure compliance with minimum entitlements.

"This was a very significant omission on the part of management," he said.

Acting Fair Work Ombudsman, Michael Campbell, said the Court's decision sends a message that under workplace laws, it is the responsibility of employers to ensure employees receive their full lawful entitlements.

"Employers must ensure they are aware of the minimum pay rates that apply and that their business is fully compliant with workplace laws," Mr Campbell said.

Employers and employees seeking assistance should visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available by calling 13 14 50.

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## Contact us

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