

Northern NSW security company fined for underpaying guards' penalty rates

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The operators of a Northern NSW security company have been fined a total of \$129,888 after underpaying the penalty rates of seven security guards, following legal action by the Fair Work Ombudsman.

Alarcop Pty Ltd - which trades as Summerland Security and is based at Goonellabah, near Lismore - has been fined \$108,240 and company director and majority-owner Raymond Eric Bryant has been fined a further \$21,648.

The fines were imposed in the Federal Circuit Court in Sydney after Bryant admitted he was involved in the company underpaying seven security guards a total of \$62,616 between December, 2006 and February, 2011.

The underpayments were primarily of weekend penalty rates, overtime rates and an allowance payable when called back into work after having left for the day.

Employees were also underpaid minimum hourly rates and one employee was underpaid an allowance payable for being required to carry a gun.

The employees were underpaid amounts ranging from \$2401 to \$15,770, which Alarcop has now rectified in full.

In his judgment, Judge Kenneth Raphael said award rates in the security industry were not high and it was important for courts to protect the vulnerable.

"The Court finds it difficult to accept that (Mr Bryant) would have been blind to the fact that employees in an industry working at night, at weekends and on public holidays would expect to be paid some penalties for working these unsocial hours," Judge Raphael said.

"The imposition of penalties for these contraventions should also encourage others to ensure that they are aware of their legal obligations under the relevant modern awards."

Fair Work Ombudsman, Natalie James, said the Court's decision sends a message that underpaying employees' minimum entitlements is a very serious matter.

"Legal actions such as this also benefit employers who are complying with workplace laws because it helps them compete on a level playing field," she said.

Employers and employees seeking assistance should visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94.

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