



## Employment Relations Tribunal

# Decision

**Title of Matter:** Labour Officer  
v  
Diefar Security Services

**Section:** Section 247(b) *Employment Relations Act 2007*

**Subject:** Failing to comply with a written demand made by a Labour Inspector.

**Matter Number:** ERT Criminal Case No 05 of 2018

**Appearances:** Ms T Vosawale, Legal Officer, on behalf of the Applicant  
No Appearance for the Employer

**Date of Hearing:** Thursday 20 June 2019

**Before:** Mr Andrew J See, Resident Magistrate

**Date of Decision:** 20 June 2019

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- [1] This matter has been dealt with in accordance with Section 233 of the Act.
- [2] It is the decision of this Tribunal that having heard the evidence of the Complainant Worker and having been shown the wages calculations provided by the Labour Officer, it seems clear the Worker was not paid his correct entitlements consistent with the *Wages (Security Services) Regulation 2012* and *Wages (Security Services) Regulation 2015*.
- [3] The Worker had worked for the Defendant Employer from 6 March 2014 to 30 September 2014 and again from 15 September 2017 to 25 October 2017. During that period he received a wage rate of ninety cents per hour, when the rate he was entitled to under the *Wages (Security Services) Regulation 2012* was \$2.41 and \$2.51 under the *Wages (Security Services) Regulation 2015*. The Worker was not paid any overtime, nor meal allowance.
- [4] The short-fall calculations have been verified by the Labour Inspector Ms Disilika Roqica and amounts due are as follows:

• Outstanding wages -	\$3075.26
• Annual Leave -	\$ 126.53
• Meal Allowance-	<u>\$ 828.00</u>
<b><u>Total -</u></b>	<b><u>\$4029.79</u></b>

[5] An order to give effect to this Decision, requiring that the Employer pay to the Labour Officer on behalf of the Worker, the amount of \$4029.79, will be issued to the parties.



**Andrew J See**  
**Resident Magistrate**