Ex-Tempore Decision

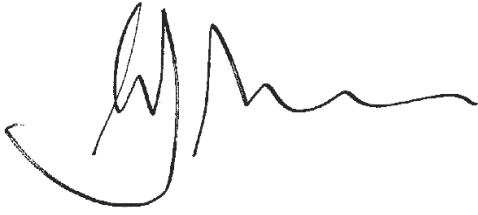|	
Title of Matter:	**Labour Officer on behalf of Diri Vakalala** **v** **South Pacific Security Services Limited**
Section:	**Section 212 Employment Relations Act 2007**
Subject:	**Enforcement of Statutory Entitlements under the Wages Security Services Regulations (2012) and (2015)**
Matter Number: **Appearances:**	**ERT Criminal Case No 38 of 2017** **Mr A Kumar, Labour Office, for the Worker** **Ms N Biukoro, for the Employer**
Date of Hearing:	**Tuesday 19 March 2019**
Before:	**Mr Andrew J See, Resident Magistrate**
Date of Decision:	**19 March 2019**

Proceedings in relation to this matter have been ongoing since 2017. It was not until a demand for time and wages records was served on the Employer and after more than a year in the waiting, did the Employer provide its time and wages records to the Labour Office. Throughout proceedings dealing with the complaint for failing to produce these records, the conduct of the Employer has been evasive and bordering on subversive. The Tribunal has no intention of allowing low paid workers to be deprived of their lawful entitlements in such circumstances. In relation to the present seventy odd matters of a similar nature, the Tribunal understands that there is a total wages claim made against the Employer, in the vicinity of $168,000.00.

In view of the submissions of the Labour Officer, I intend to exercise my discretion to order compliance for the payment of these entitlements in accordance with Section 212 (2) of the Employment Relations Act 2007. In this case, after reviewing the arrears of wages calculation form and being advised by the Labour Office that the amount have been verified against the Employers records and the Workers bank deposit records, I am satisfied that the Employer, South Pacific Security Services Limited, should pay Mr Diri Vakalala the amount of $10,475.26 for wages owing in the period 01/07/14 to 30/08/16. That amount to be paid within 28 days.

An order to that effect will be issued to the parties.

Andrew J See
Resident Magistrate