

VIC/TAS Branch

a. 52-56 Rouse Street Port Melbourne VIC 3207
m. PO Box 203, Port Melbourne VIC 3207
t. 1300 727 614
f. 9646 1792
e. info@twu.asn.au

ABN 47 634 608 538



www.twu.asn.au

Branch Secretary
John Berger

9 July 2020

Mr Trevor Paton
Business Manager – Aviation Services
MSS Security Pty Ltd t/a MSS Security
Level 2, Gateway Business Park
63-79 Parramatta Road
Silverwater NSW 2128

By email: Trevor.Paton@msssecurity.com.au

RE: MSS Security Victorian Aviation Security Employees Enterprise Agreement 2018

Dear Mr Paton,

The Transport Workers Union of Australia (Union) refers to the *MSS Security Victorian Aviation Security Employees Enterprise Agreement 2018* (the Agreement).

The Union has previously corresponded with MSS Security Pty Ltd t/a MSS Security (MSS Security) regarding the ongoing underpayment of wages. Clause 12.4, Underpayment of Wages, of the Agreement provides that:

12.4 Underpayment of Wages

12.4.1 If an employee's wage is underpaid by the employer the employer will pay the shortfall by electronic funds transfer into the employee's nominated bank account within two (2) business days of the employee notifying the operations centre and/or site supervisor in writing of the underpayment and the underpayment having been verified by management.

12.4.2 Where the underpayment equates to an amount less than \$50 gross, the employer reserves its right to delay payment until the subsequent pay period.

12.4.3 The employer reserves its right to extend the time of investigation and compensation of a potential underpayment beyond two (2) business days when dealing with more complex underpayments that span more than a single pay period. The employer will, however, within two (2) business days, provide the employee with an acknowledgement of the query and an estimation of the timeframe for making the calculations.


The failure to pay correct wages, and to remedy the underpayment, is a breach of the *MSS Security Victorian Aviation Security Employees Enterprise Agreement 2018*, including clause 12 of that Agreement.

Please be aware that under the *Fair Work Act 2009* contravening an enterprise agreement can result in orders for compensation and pecuniary penalty orders. Failing to comply with an enterprise agreement can have severe financial consequences.

TWU members have experienced issues with pays and pay corrections for many years. The TWU requests that these issues are addressed by close of business Tuesday 14 July 2020. If the Union does not hear from you within this time, the Union will issue proceedings against MSS Security Pty Ltd, to recover the amounts of underpayments claimed together with our legal costs. The Union will seek penalties in any such proceeding.

If you wish to discuss these matters further please contact Dissio Markos on 0411 221 6118 or dmarkos@twu.asn.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'John Berger', is positioned above the typed name.

John Berger
Branch Secretary