

Senate Education and Employment Committees
PO Box 6100
Parliament House
Canberra ACT 2600

Richard Edmands

To whom it may concern,

Please accept my submission. I do not require this submission to be made confidential.

I had worked in the Security Industry for about 4 years after working in the IT Industry for 2 years.

During my time with [redacted] which was about a year and a half they appear to have phoenix'ed the business 3 times. They did not get us to reapply at the new businesses, they just automatically transferred us. They had us hired under an obsoleted collective agreement which had lower pay than what was required under the then current collective agreement. When people started to notice their misbehavior they closed up and are apparently no longer legally accountable for their actions. They did not pay us properly, nor did they pay us redundancies when they decided to close up.

The head company [redacted] then rushed around rehiring everyone.

In regards to the Security Industry in general, there appears to be a lot of effort put in by these companies to avoid paying people what they should be getting. Some companies will create agreements at a flat rate, then only win contracts from head companies that supply hours which should have penalty rates attached such as overnight work and weekends. Then other companies will create agreements which stack up as many penalty rates as possible with the lowest possible base rate they can get away with then only win contracts where the penalty rates do not apply. They then seem to be designing the rosters in such a way to ensure the absolute minimum is paid to everyone involved by mixing these different companies together. You will have multiple sub companies working on a single site for the 1 service.

I'd recommend changing the phoenix process so the liabilities of closed companies can only be removed after being reviewed by the courts. If a business legitimately goes bust then they should be confident enough to inform everyone who was involved with them and should have no fear of a judge seeing the legitimacy of their bankruptcy. While dodgy players who are just avoiding their liabilities would not be able to dissolve their liabilities once their deliberate misbehavior is pointed out.

I would also recommend retroactively fixing the collective agreements process so that the award is the minimum that can be paid per hour. This would prevent companies from manipulating the system with "creative" collective agreements and multiple sub contractors.

Sincerely,
Richard Edmands
Saturday 19th of November 2016