



Australian Government

Fair Work

OMBUDSMAN

ENFORCEABLE UNDERTAKING

Between

The Commonwealth of Australia

(as represented by the Office of the Fair Work Ombudsman)

and

POSNET PTY LTD

ABN: 78 612 581 683 / ACN: 612 581 683

and

ECNESOFT PTY LTD

ABN: 71 106 180 090 / ACN: 106 180 090

and

Mr Bum Soo Lee

ENFORCEABLE UNDERTAKING

PARTIES

1. This enforceable undertaking (**Undertaking**) is given to the Fair Work Ombudsman (FWO) pursuant to section 715 of the *Fair Work Act 2009* (Cth) (**FW Act**) by:
 - a) POSnet Pty Ltd trading as POSnet (ABN: 78 612 581 683) (**POSnet**)
 - b) ECNEsoft Pty Ltd trading as ECNEsoft (ABN: 71 106 180 090) (**ECNEsoft**); and
 - c) Mr Bum Soo Lee (**Mr Lee**).

COMMENCEMENT OF UNDERTAKING:

2. This Undertaking comes into effect when:
 - a) The Undertaking is executed by POSnet, ECNEsoft and Mr Lee; and
 - b) The FWO accepts the Undertaking so executed.

BACKGROUND:

3. POSnet and ECNEsoft (collectively, **the Companies**) provide point of sale solutions, point of sale equipment, restaurant software and point of sale systems for retail service providers. Mr Lee is the Director of the Companies.
4. The FWO commenced an investigation in August 2017 after it received a request for assistance from a former employee identified in Attachment A (**Employee A**), in respect to allegations of underpayments by POSnet. Employee A is a Korean National who was on a Working Holiday Visa (subclass 417). In October 2017, the FWO received a request for assistance from a former employee of ECNEsoft identified in Attachment A (**Employee B**). Employee B is a Korean National who was on a Temporary Graduate Visa (subclass 485). Both Employee A and Employee B claimed that they had been underpaid wages throughout their employment periods.
5. POSnet engaged Employee A on a full-time basis for the period from July 2016 until June 2017 (**Employee A Employment Period**). ECNEsoft engaged Employee B on a full-time basis for the period from September 2016 until October 2017 (**Employee B Employment Period**).
6. Employee A's terms and conditions of employment were governed by the FW Act, Fair Work Regulations 2009 (Cth) (**FW Regulations**), the National Employment Standards (**NES**) and the *National Minimum Wage Order 2016* (**NMWO**). Employee B's terms and conditions of employment were governed by the FW Act, the FW Regulations, the NES and the *Clerks Private Sector Award 2010* (**Clerks Award**).
7. During their respective employment periods, the Companies paid Employee A and Employee B flat rates of pay for all hours worked.
8. Mr Lee admits and agrees that:
 - a) He has been the Director of POSnet since 24 May 2016 and ECNEsoft since 3 September 2003;
 - b) That as sole Director, he is ultimately responsible for the overall direction, management and supervision of the operations of the Companies; and
 - c) By reason of the matters set out in subclauses (a) and (b), he was responsible in a practical sense for ensuring that the Companies complied with their legal obligations.

9. The FWO has determined, and Mr Lee admits, that POSnet contravened:

- a) Section 293 of the FW Act, by failing to comply with a NMWO;
- b) Subsection 90(1) of the FW Act by failing to pay correct rates of pay for annual leave taken during employment;
- c) Subsection 90(2) of the FW Act by failing to pay annual leave upon termination;
- d) Subsection 117(2) of the FW Act by failing to make payment in lieu of notice of termination;
- e) Subsection 125(1) of the FW Act by failing to provide an employee with a Fair Work Information Statement; and
- f) Subsection 536(1) of the FW Act by failing to issue pay slips.

10. The underpayments arising from the above contraventions total **\$13,356.67 (gross)**.

11. The FWO has determined, and Mr Lee admits, that ECNEsoft contravened:

- a) Section 45 of the FW Act, by failing to comply with the following terms of the Clerks Award:
 - i) Clause 16 – minimum rates of pay;
 - ii) Clause 27.1 – payment for working overtime;
 - iii) Clause 29.3 – annual leave loading;
 - iv) Clause 31.3 – payment for work on Public Holidays; and
- b) Section 44 of the FW Act, by contravening the following provisions of the NES:
 - i) Subsection 90(1) by failing to pay annual leave taken during employment;
 - ii) Subsection 90(2) by failing to pay annual leave on and leave loading upon termination;
 - iii) Subsection 116 by failing to make payment for absence on public holidays; and
 - iv) Subsection 125(1) by failing to provide an with a Fair Work Information Statement; and
- c) Subsection 536(1) of the FW Act by failing to issue pay slips.

12. The underpayments arising from the above contraventions total **\$21,072.63 (gross)**.

13. The Companies have rectified the underpayments listed in clauses 10 and 12 above by way of the payment plan detailed in Attachment B.

UNDERTAKINGS:

14. Upon the execution of this Undertaking and for the purposes of section 715 of the FW Act, the Companies and Mr Lee undertake the following:

14.1 FWO My account registration

Within 14 days of the execution of this Undertaking:

- a) Register with the FWO My account portal at www.fairwork.gov.au/register and fully complete the My account profile, including information about the business and award/agreement coverage, through this portal;
- b) Using the FWO Pay Calculator, calculate relevant minimum pay rates (and penalty rates where necessary) and save these calculations to the My account;

- c) Provide to the FWO the 'My account' Customer Registration Number (CRN);
- d) Within 28 days of the execution of the Undertaking, at a mutually agreed time and location, demonstrate to an officer of the FWO, knowledge of the use of My account, including saving information within My account from the website and relevant FWO online tools. The Companies and Mr Lee must also demonstrate how use of this saved information will contribute toward their compliance with workplace obligations including payment to employees of the correct minimum pay rates and public holiday penalty rates;
- e) Within 14 days of the execution of the Undertaking, subscribe to the FWO's email updates function available at <http://www.fairwork.gov.au/website-information/staying-up-to-date/subscribe-to-email-updates> and provide evidence to the FWO of the subscription. Choose the relevant State/s and industry, selecting information updates on pay rates and entitlements, new products and resources, about us and our work, updates in my industry and tailored information that is relevant to me.

14.2 Workplace relations systems and processes

- a) Ensure compliance at all times and in all respects with the FW Act, the FW Regulations, the NMWO and the Clerks Award; and
- b) Provide the FWO, within 60 days of the date of execution of this Undertaking, details of systems and processes already in place or to be implemented to comply with clause 14.2(a) above. Without limitation, such systems and processes should relate to:
 - i) Ensuring workers are correctly classified as employees (as opposed to contractors or interns);
 - ii) Ensuring employees receive the correct minimum rates of pay and entitlements;
 - iii) Ensuring employment status is correctly determined (i.e.: full-time, part-time, or casual);
 - iv) Ensuring employees receive the correct leave entitlements;
 - v) Issuing payslips to employees within one (1) working day of payment; and
 - vi) Keeping accurate and complete records to ensure employees receive their correct wages and entitlements.

14.3 Workplace relations training

- a) Within 120 days of the execution of this Undertaking, organise and ensure training is provided to all persons who have responsibility for human resource, recruitment or payroll functions for either of the Companies (**Training**);
- b) Ensure the Training relates to compliance with applicable Commonwealth workplace laws and instruments, including but not limited to the rights and responsibilities of employers under the FW Act, NES, the NMWO and the Clerks Award;
- c) Ensure the Training relates to compliance with applicable Commonwealth workplace laws and instruments, including but not limited to the rights and responsibilities of employers under the FW Act as amended by the *Fair Work Amendment (Protecting Vulnerable Workers) Act 2017 (PVW Act)*;
- d) Ensure the Training is conducted by a workplace trainer, such person or organisation to be approved by the FWO and paid for by the Company;
- e) Provide the training materials to be used in the Training to the FWO no later than 14 days before the Training is to be conducted; and
- f) Provide evidence of attendance at the Training to the FWO within 7 days of the Training being provided (including the name and position of all attendees and the date on which the training was attended).

14.4 FWO Online Training

- a) Within 90 days of execution of this Undertaking ensure that all persons responsible for management, payroll and human resources at either of the Companies complete all education courses designed for employers available on the FWO online learning centre via <http://www.fairwork.gov.au/how-we-will-help/online-training> and provide certificates of completion to the FWO;
- b) For each person required to complete the Training, enter all of the required information in **Attachment C** and provide copies of the completed attachment to the FWO **within 90 days** of the execution of this Undertaking;
- c) If the person responsible for the human resources administrative functions including but not limited to employee rosters, timesheets, wage processing and payment and the issuing of pay slips is different to Mr Lee during the period of this Undertaking, the Companies are required to notify the FWO of the name of this person. The person is required to complete training in accordance with subclause (a) above, within 28 days of appointment; and
- d) For any persons taking on any of the functions or responsibilities in clause 14.4(a), for either of the Companies, complete **Attachment C** and submit to the FWO **within 28 days** of taking responsibility for these functions.

14.5 Apology

- a) Send a letter of apology to Employee A and Employee B in the form of **Attachment D** to this Undertaking and provide copies to the FWO within **14 days** of the execution of this Undertaking.

14.6 Audit Activity and Compliance Review

Periodic Audits

- a) Engage an external accounting professional (for example a Certified Practising Accountant) or an employment law specialist, at the Companies' own expense, to perform audits of the Companies' compliance with all Commonwealth workplace laws and instruments (Audits), including the NMWO, the Clerks Award and the FW Act;
- b) The Audits will include the pay and conditions of all employees of both Companies and meet the following requirements:
 - i) 21 days prior to the Audit finalisation dates, as specified below, the Companies will provide for the FWO's approval, details of the methodology to be used to conduct the Audit;
 - ii) The Audit will be conducted for all full pay periods where any part of the period falls within the following dates:
 - 1 July 2019 to 31 July 2019 – audit report to be finalised and provided to the FWO by 28 September 2019;
 - 1 January 2020 to 31 January 2020 – audit report to be finalised and provided to the FWO by 28 March 2020;
 - iii) In the event an Audit discloses contraventions of any applicable Commonwealth workplace law and/or instrument, the Companies will rectify all such contraventions within 14 days of each of the finalisation dates specified in subclause (b)(ii) above, including rectification of any and all underpayments to employees and provide evidence of rectification to the FWO;
 - iv) If requested, the Companies will provide the FWO with all records and documents used to conduct the audit, including any working documents, within 7 days of such a request;
 - v) If any employee(s) identified as having underpayments owing to them cannot be located, within 60 days of each of the finalisation dates specified in subclause (b)(ii) above, the Companies will make application to the Commonwealth of Australia (through the FWO) in accordance with section 559 of the FW Act to pay

money into the CRF. The Companies will complete the required documents supplied by the FWO. Any employees that have underpayments paid into the CRF can contact the FWO to claim the money;

14.7 Compliance Review

- a) Conduct a one-off compliance review of all companies under the directorship of Mr Lee (other than the Companies) (**Compliance Review**). The Compliance Review will assess each companies' compliance with all Commonwealth workplace laws and instruments, including the NMWO, modern awards and the FW Act. The Compliance Review should be performed by Mr Lee. Mr Lee should utilise the resources available on www.fairwork.gov.au in conducting the compliance review, including those referenced in clauses 14.15 and 14.16 of the Undertaking.
- b) The compliance review will include the pay and conditions of all employees; and
- c) Meet the following requirements:
 - i) 21 days prior to the compliance review finalisation date, as specified below, the relevant companies will provide for the FWO's approval, details of the methodology to be used to conduct the compliance review;
 - ii) The compliance review will be conducted for all full pay periods where any part of the pay period falls between 1 January 2019 and the date of execution of the Undertaking – audit report to be finalised and provided to the FWO three calendar months after execution of the Undertaking;
 - iii) In the event the compliance review discloses contraventions of any applicable Commonwealth workplace law and/or instrument, the Company will rectify all such contraventions within 14 days of the finalisation date specified in subclause (c)(ii) above, including rectification of any and all underpayments to employees and provision of evidence of rectification to the FWO;
 - iv) If requested, provide the FWO with all records and documents used to conduct the compliance review, including any working documents, within 7 days of such a request;
 - v) If any employee(s) identified as having underpayments owing to them cannot be located, within 60 days of each of the finalisation dates specified in subclause (c) above, make application to the Commonwealth of Australia (through the FWO) in accordance with section 559 of the FW Act to pay money into the CRF. The Company will complete the required documents supplied by the FWO. (Any employees that have underpayments paid into the CRF can contact the FWO to claim the money).

14.8 Matters notified to the FWO

- a) Where the FWO receives a request for assistance regarding alleged non-compliance with minimum employment conditions, ensure all officers of the Companies fully co-operate with the FWO investigation. This includes:
 - i) Providing all requested employment records and other documentation to the FWO relevant to the request for assistance;
 - ii) Participating fully in any subsequent requests for information relevant to the request for assistance, including participation in any formal records of interview; and
 - iii) Co-operating in FWO's processes employed to resolve the request for assistance.

14.9 Workplace Notice

- a) Within 30 days of the execution of this Undertaking, display a notice in each of the Companies' workplaces, in the form of **Attachment E (Public and Workplace Notice)** and provide the FWO with photographic evidence of its display and the location of the notice in each workplace, and:
 - i) Ensure that the Workplace Notice is printed in at least A3 size and is clearly displayed:
 - In locations to which all employees who work at the Companies have

access;

- In a manner which is reasonably capable of drawing the attention of all employees to the Workplace Notice (for example, by placement on a staff noticeboard;
- ii) For a period of 30 continuous days; and
- iii) At the end of the period of 30 days provide confirmation to the FWO that the Workplace Notice has been continuously displayed for the required period.

14.10 Website Notice

- a) Place a notice (**Website Notice**) on the front page of the Companies' websites within 30 days of, but not prior to the FWO publishing a Media Release on its website which will:
 - i) Be in the form of the Public Notice set out at **Attachment E**;
 - ii) Be displayed in at least size 10 font; and
 - iii) Remain on the website for a period of 6 months; and
- b) Provide evidence of the placement of the Website Notice to the FWO on the date it is published.

14.11 Record Keeping

- a) Within 30 days of the execution of this Undertaking, provide to the FWO a copy of time and wage records and the corresponding payslip for one employee for the first full pay period following the execution of this Undertaking. Such records are to comply with Commonwealth workplace laws.

14.12 Contrition Payment

- a) Within 30 days of the execution of this Undertaking, make a payment of \$5000 (total across both Companies) into the CRF and provide evidence of the payment to the FWO. The Companies will complete the documents required to make this payment as supplied by the FWO.

14.13 Internship Self-Audit and Reporting

- a) Within 30 days of the execution of the Undertaking:
 - i) Complete an assessment of each person currently engaged by the Companies as an intern to determine if they were and continue to be lawfully engaged under a genuine internship;
 - ii) Where a person has been misclassified as an intern and it is determined that they should have been/are an employee, determine whether they have been paid in accordance with the relevant award and have received their minimum entitlements under the FW Act, including but not limited to entitlements to minimum pay, penalty rates and leave entitlements;
 - iii) Rectify any contraventions of Commonwealth workplace laws that have been identified including any underpayments and provide evidence to the FWO; and
 - iv) Provide a copy of the assessment to FWO.
- b) If the Companies engage someone on an internship during the term of this Undertaking, the Companies must notify the FWO within 3 days, including providing the details of the basis on which the purported intern has been engaged.

14.14 Reporting

- a) Notify the FWO of any changes of circumstances that could potentially impact on the Companies' ability to comply with the undertakings contained in this Enforceable Undertaking, as soon as it becomes aware of such circumstances. Such circumstances shall include but not be limited to:
 - i) Sale or potential sale of the business, or part of the business;
 - ii) Change of or change in details of company directors, or other officeholder

- positions;
 - iii) Change in engagement of workers, for example engaging contractors, labour hire or family members in lieu of employees;
 - iv) The Companies' or Mr Lee opening any new establishments or businesses, or acquiring any existing businesses establishments, whether alone or in partnership with another entity;
 - v) Ceasing or an expectation of ceasing to trade; and
 - vi) Business going in to administration or liquidation.
- b) In the event that there are any events or circumstances described in subclause (a) above, required to be reported to the FWO, the Companies and Mr Lee will provide any documentation or other evidence requested by the FWO to confirm the event/s that have transpired.

14.15 Workplace rights fact sheets

- a) Provide current and new employees with a copy of the FWO's fact sheets on the NES and minimum wages, in their first language, within 14 days of execution of the Undertaking (current employees) or 14 days of commencement of employment with the either of the Companies. The workplace rights fact sheets outline minimum rights, responsibilities and entitlements under Australian workplace laws. The Workplace rights fact sheets are available on the FWO website at the following URL: <https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements>.
- b) Each employee is to sign a declaration acknowledging they have received the FWO's workplace rights fact sheets; and
- c) A copy of the declaration is located at Attachment F. Copies of declarations are to be provided to the FWO every three months for a period of 12 months following the execution of the Undertaking.

14.16 Fair Work Handbook

- a) Within 30 days of execution of this Undertaking, publish and display a link to the Fair Work Handbook on the front page of the Companies' websites and shall:
 - i) Be in the form easily accessible by current and new visitors to the Companies' websites; and
 - ii) Remain on the website for a period of 6 months; and
- b) Provide evidence of the placement of the Fair Work Handbook to the FWO on the date it is published.

14.17 No Inconsistent Statements

- a) The Companies and Mr Lee must ensure that each of their officers, employees or agents do not make any statement, orally or in writing or otherwise imply anything that is inconsistent with admission or acknowledgements contained in this Undertaking.

14.18 Acknowledgments

- a) The Companies' and Mr Lee acknowledge that the FWO may:
 - i) Make this Undertaking (and any of the Attachments hereto) available for public inspection, including by posting it on the FWO internet site at www.fairwork.gov.au;
 - ii) Release a copy of this Undertaking (and any of the Attachments hereto) pursuant to any relevant request under the Freedom of Information Act 1982 (Cth);
 - iii) Issue a media release in relation to this Undertaking;
 - iv) From time to time, publicly refer to the Undertaking (and any of the Attachments hereto) and its terms; and
 - v) Rely upon the admissions made by the Companies' set out in clauses 9 and 11 above in respect of decision making concerning any future non-compliance with the Company's workplace relations obligations;

- b) Consistent with the Note to section 715(4) of the FW Act, this Undertaking in no way derogates from the rights and remedies available to any other person arising from the conduct set out herein;
- c) Consistent with section 715(3) of the FW Act, the Companies and Mr Lee may withdraw from or vary this Undertaking at any time, but only with the consent of the FWO; and
- d) If the Companies or Mr Lee contravene any of the terms of this Undertaking:
 - i) The FWO may apply to any of the Courts set out in section 715(6) of the FW Act, for orders under section 715(7) of the FW Act; and
 - ii) This Undertaking may be provided to the Court as evidence of the admissions made by the Companies in clauses 9 and 11 above, and also in respect of the question of costs.
- e) The PVW ACT made the following changes to the FW Act:
 - i) Increased penalties for 'serious contraventions' of workplace laws
 - ii) Makes it clear that employers can't ask for 'cashback' from employees or prospective employees
 - iii) Increases penalties for breaches of record-keeping and pay slip obligations
 - iv) Employers who don't meet record-keeping or pay slip obligations and can't give a reasonable excuse will need to disprove wage claims made in a court (this is also referred to as a reverse onus of proof)
 - v) Strengthen the FWO's powers to collect evidence in investigations
 - vi) Introduce new penalties for giving us false or misleading information, or hindering or obstructing our investigations.
- f) The above mentioned changes to the FW Act also mean that certain franchisees and holding companies can be held responsible if their franchisees or subsidiaries don't follow workplace laws (if they knew or should have known and could have prevented it).
- g) Providing false or misleading information is a contravention of section 718A of the FW Act and is a civil remedy with a maximum penalty of \$630,000 for a body corporate or \$126,000 for an individual.
- h) Providing false or misleading information is also a criminal offense under section 137.1 and 137.2 of the Criminal Code Act 1995, which could result in imprisonment for up to 12 months.

Attachment A – Employees

- 1) [REDACTED] (Employee A)
- 2) [REDACTED] (Employee B)

Attachment B – Rectification of Underpayments

POSnet		
Date of Payment	Gross Payment	Total
07/01/2019	\$3000	\$13,356.67
25/01/2019	\$3000	
08/02/2019	\$3000	
22/02/2019	\$3000	
15/03/2019	\$1,356.67	

ECNEsoft		
Date of Payment	Gross Payment	Total
07/01/2019	\$3000	\$21,072.63
25/01/2019	\$3000	
08/02/2019	\$3000	
22/02/2019	\$3000	
15/03/2019	\$3000	
29/03/2019	\$3000	
12/04/2019	\$3072.63	

Attachment C – Training Resources

I, _____ (Enter name and position in the organisation)

have undertaken the following training courses:

Completed online courses* including:

- Difficult conversations in the workplace – manager course date completed: _____
- Hiring employees date completed: _____
- Managing employees date completed: _____
- Managing performance date completed: _____
- Diversity and discrimination date completed: _____
- Workplace flexibility date completed: _____
- Record-keeping and pay slips date completed: _____

** Please provide printout of the Statement/Certificate of Attainment for each course completed*

Viewed Videos including:

- Welcome to fairwork.gov.au date completed: _____
- Finding information for your industry date completed: _____
- My account date completed: _____
- Introduction to the Pay and Conditions Tool date completed: _____
- PACT – Award classifications date completed: _____
- PACT – Pay summary date completed: _____
- PACT – Penalty rates date completed: _____
- PACT – Allowances date completed: _____
- PACT – Award Coverage date completed: _____

Read Factsheets including:

- Role of the Fair Work Ombudsman date completed: _____
- Contractors and employees – what's the difference? date completed: _____

Read information on the following:

- **Pay Overview**

- Minimum wages Page Ref No. _____ date completed: _____
- Penalty rates & allowances Page Ref No. _____ date completed: _____

- **Leave Overview**

- Annual leave Page Ref No. _____ date completed: _____
- Sick & carer's leave Page Ref No. _____ date completed: _____

- **Ending Employment Overview**

- Notice & final pay Page Ref No. _____ date completed: _____
- Unfair dismissal Page Ref No. _____ date completed: _____

- **Employee Entitlements Overview**

- Types of employees Page Ref No. _____ date completed: _____
- National Employment Standards Page Ref No. _____ date completed: _____

- **Awards & Agreements Overview**

- Awards Page Ref No. _____ date completed: _____

- Date and signature: _____

Attachment D – Letters of Apology

POSnet

<Date>

<Employee Name>

<Employee Address>

Dear <Employee Name>

I am writing to apologise on behalf of POSnet Pty Ltd for non-compliance with Commonwealth Workplace relations laws. A recent investigation conducted by the Office of the Fair Work Ombudsman (FWO) determined that Posnet Pty Ltd had contravened the *Fair Work Act 2009* and *National Minimum Wage Order 2016* by:

- Failing to inform employees in writing of their classification;
- Failing to pay the correct rate of pay;
- Failing to pay annual leave on termination;
- Failing to issue pay slips to its employees.

Regrettably, the investigation determined that you were affected by the above contraventions.

POSnet Pty Ltd is taking steps to remedy the contraventions, including rectification of the underpayment to you in the sum of \$13,356.67, which has already taken place.

POSnet Pty Ltd have formally admitted to the FWO that POSnet Pty Ltd did not comply with its obligations under Commonwealth workplace relations laws and have entered into an Enforceable Undertaking with the FWO, a copy of which will be available from the FWO website at www.fairwork.gov.au. As part of the Enforceable Undertaking we have committed to a number of measures to ensure future compliance with Commonwealth workplace relations laws.

POSnet Pty Ltd expresses its sincere regret and apologises to you for failing to comply with our lawful obligations.

Should you have any questions, please contact [party to include contact details].

Yours sincerely

Bum Soo Lee

ECNEsoft

<Date>

<Employee Name>

<Employee Address>

Dear <Employee Name>

I am writing to apologise on behalf of ECNEsoft Pty Ltd for non-compliance with Commonwealth Workplace relations laws. A recent investigation conducted by the Office of the Fair Work Ombudsman (**FWO**) determined that ECNEsoft Pty Ltd had contravened the *Fair Work Act 2009* and *Clerks – Private Sector Award 2010* by:

- Failing to pay the correct rate of pay;
- Failing to pay overtime rates;
- Failing to pay afternoon shift rates;
- Failing to pay leave loading;
- Failing to make payment for absence on public holidays;
- Failing to issue pay slips to its employees;
- Failing to pay annual leave and leave loading on termination; and
- Failing to provide a Fair Work Information Statement to new employees.

Regrettably, the investigation determined that you were affected by the above contraventions.

ECNEsoft Pty Ltd is taking steps to remedy the contraventions including rectification of the underpayment to you in the sum of \$21,072.63, which has already taken place.

ECNEsoft Pty Ltd have formally admitted to the FWO that it did not comply with its obligations under Commonwealth workplace relations laws and have entered into an Enforceable Undertaking with the FWO, a copy of which will be available from the FWO website at www.fairwork.gov.au. As part of the Enforceable Undertaking we have committed to a number of measures to ensure future compliance with Commonwealth workplace relations laws.

ECNEsoft Pty Ltd expresses its sincere regret and apologises to you for failing to comply with our lawful obligations.

Should you have any questions, please contact [party to include contact details].

Yours sincerely

Bum Soo Lee

Attachment E – Form of Public and Workplace Notices

POSnet

Contravention of Fair Work Act by POSnet Pty Ltd

We refer to the investigation conducted by the Office of the Fair Work Ombudsman (FWO) into allegations that POSnet Pty Ltd contravened the *Fair Work Act 2009* and *National Minimum Wage Order 2016* by:

- Failing to inform employees in writing of their classification;
- Failing to pay the correct rate of pay;
- Failing to pay annual leave on termination;
- Failing to issue pay slips to its employees.

POSnet Pty Ltd has formally admitted to FWO that these contraventions occurred and has entered into an Enforceable Undertaking with the FWO (available at www.fairwork.gov.au) committing to a number of measures to remedy the contraventions, including by rectifying the underpayments.

POSnet Pty Ltd expresses its sincere regret and apologises for the conduct which resulted in the contraventions. Furthermore, POSnet Pty Ltd gives a commitment that such conduct will not occur again and that it will comply with all requirements of the Commonwealth workplace relations laws in the future.

Use the following passage in Public Notices

If you worked for POSnet Pty Ltd and have queries or questions relating to your employment, please contact <insert details of internal contact>. Alternatively, anyone can contact the FWO via the website at www.fairwork.gov.au or the Infoline on 13 13 94.

ECNEsoft

Contravention of Fair Work Act by ECNEsoft Pty Ltd

We refer to the investigation conducted by the Office of the Fair Work Ombudsman (FWO) into allegations that ECNEsoft Pty Ltd contravened the *Fair Work Act 2009* and Clerks – Private Sector Award 2010 by:

- Failing to pay the correct rate of pay;
- Failing to pay overtime rates;
- Failing to pay Saturday and Sunday rates;
- Failing to pay leave loading;
- Failing to pay annual leave on termination;
- Failing to make payment for absence on public holidays; and
- Failing to issue pay slips to its employees.

ECNEsoft Pty Ltd has formally admitted to FWO that these contraventions occurred and has entered into an Enforceable Undertaking with the FWO (available at www.fairwork.gov.au) committing to a number of measures to remedy the contraventions, including by rectifying the underpayments.

ECNEsoft Pty Ltd expresses its sincere regret and apologises for the conduct which resulted in the contraventions. Furthermore, ECNEsoft Pty Ltd gives a commitment that such conduct will not occur again and that it will comply with all requirements of the Commonwealth workplace relations laws in the future.

Use the following passage in Public Notices

If you worked for ECNEsoft Pty Ltd and have queries or questions relating to your employment, please contact <insert details of internal contact>. Alternatively, anyone can contact the FWO via the website at www.fairwork.gov.au or the Infoline on 13 13 94.

Attachment F – Acknowledgement of Receipt of the FWO's Workplace Rights Fact Sheets

POSnet

Acknowledgement of Receipt – FWO's Workplace rights fact sheets

I, (insert name)

of (insert address)

.....

agree that POSnet Pty Ltd has provided me with a copy of the Fair Work Ombudsman's
Workplace rights fact sheets

Signed:

Date:/...../.....

ECNEsoft

Acknowledgement of Receipt – FWO's Workplace rights fact sheets

I, (insert name)

of (insert address)

.....

agree that ECNEsoft Pty Ltd has provided me with a copy of the Fair Work Ombudsman's
Workplace rights fact sheets

Signed:

Date:/...../.....