

## 2018 - 2019 enforceable undertakings

### Cherries Farm Employment Agency Pty Ltd

Date of undertaking: June 2019

Cherries Farm Employment Agency Pty Ltd entered into an EU with us after they admitted to underpaying a Chinese student by \$12,933 from July 2017 to April 2018. The employee was paid \$15 per hour, instead of the minimum pay rates, penalties, loadings and overtime under the Food Manufacturing Award.

Copy of undertaking:

- [Cherries Farm Employment Agency Pty Ltd Enforceable Undertaking \(DOCX 169.7KB\)](https://www.fairwork.gov.au/ArticleDocuments/1416/cherries-farm-pty-ltd-enforceable-undertaking.docx.aspx) (<https://www.fairwork.gov.au/ArticleDocuments/1416/cherries-farm-pty-ltd-enforceable-undertaking.docx.aspx>) (PDF 1.2MB) (<https://www.fairwork.gov.au/ArticleDocuments/1416/cherries-farm-pty-ltd-enforceable-undertaking.pdf.aspx>)

Copy of media release:

- [Chinese student underpaid nearly \\$13,000](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/july-2019/20190705-cherries-farm-eu-media-release) ([www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/july-2019/20190705-cherries-farm-eu-media-release](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/july-2019/20190705-cherries-farm-eu-media-release))

### Baxi Health Wholesale Pty Ltd

Date of undertaking: June 2019

Baxi Health Wholesale Pty Ltd entered into an EU with us when investigations found that between December 2016 and November 2018, 3 employees were underpaid the minimum rates for ordinary hours, casual loadings and weekend penalty rates under the General Retail Industry Award 2010. The employees, all visa-holders, were underpaid a total of \$36,546. The business also failed to issue proper pay slips and keep proper employment records.

Copy of undertaking:

- [Baxi Health Wholesale Pty Ltd Enforceable Undertaking \(DOCX 163.6KB\)](http://www.fairwork.gov.au/ArticleDocuments/1505/baxi-health-wholesale-pty-ltd-enforceable-undertaking.docx.aspx) ([www.fairwork.gov.au/ArticleDocuments/1505/baxi-health-wholesale-pty-ltd-enforceable-undertaking.docx.aspx](http://www.fairwork.gov.au/ArticleDocuments/1505/baxi-health-wholesale-pty-ltd-enforceable-undertaking.docx.aspx)) (PDF 6.1MB) ([www.fairwork.gov.au/ArticleDocuments/1505/baxi-health-wholesale-pty-ltd-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/1505/baxi-health-wholesale-pty-ltd-enforceable-undertaking.pdf.aspx))

Copy of media release:

- [Online retailer to back-pay migrant workers](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/august-2019/20190809-baxi-health-wholesale-eu-media-release) ([www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/august-2019/20190809-baxi-health-wholesale-eu-media-release](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/august-2019/20190809-baxi-health-wholesale-eu-media-release))

### Global Interactive Operations Pty Ltd

Date of undertaking: June 2019

Global Interactive Operations Pty Ltd entered into an EU with us when investigations found that between July 2016 and February 2019 the employer failed to pay casual workers their minimum casual loading. They also failed to pay penalty rates for evening, overtime and public holiday hours.

Copy of undertaking:

- [Global Interactive Operations Pty Ltd Enforceable Undertaking \(DOCX 154KB\)](http://www.fairwork.gov.au/ArticleDocuments/1505/global-interactive-operations-pty-ltd-enforceable-undertaking.docx.aspx) ([www.fairwork.gov.au/ArticleDocuments/1505/global-interactive-operations-pty-ltd-enforceable-undertaking.docx.aspx](http://www.fairwork.gov.au/ArticleDocuments/1505/global-interactive-operations-pty-ltd-enforceable-undertaking.docx.aspx)) (PDF 2.8MB) ([www.fairwork.gov.au/ArticleDocuments/1505/global-interactive-operations-pty-ltd-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/1505/global-interactive-operations-pty-ltd-enforceable-undertaking.pdf.aspx))

Copy of media release:

- [Call centre operator back-pays 43 workers](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/august-2019/20190802-global-interactive-eu-media-release) ([www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/august-2019/20190802-global-interactive-eu-media-release](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/august-2019/20190802-global-interactive-eu-media-release))

### Sea One North Pty Ltd

Date of undertaking: June 2019

Sea One North Pty Ltd entered into an EU with the Fair Work Ombudsman when investigations found that between May 2014 and February 2018 the company made unlawful fortnightly deductions from the pay of thirteen 457 visa workers, totalling \$58,025. The Fair Work Ombudsman also recovered \$7,914.87 in unpaid penalty rates and annual leave entitlements.

Copy of undertaking:

- [Sea One North Enforceable Undertaking \(DOCX 153.2KB\)](http://www.fairwork.gov.au/ArticleDocuments/545/sea-one-north-pty-ltd-enforceable-undertaking-redacted.docx.aspx) ([www.fairwork.gov.au/ArticleDocuments/545/sea-one-north-pty-ltd-enforceable-undertaking-redacted.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/545/sea-one-north-pty-ltd-enforceable-undertaking-redacted.pdf.aspx)) (PDF 733.6KB) ([www.fairwork.gov.au/ArticleDocuments/545/sea-one-north-pty-ltd-enforceable-undertaking-redacted.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/545/sea-one-north-pty-ltd-enforceable-undertaking-redacted.pdf.aspx))

Copy of media release:

- [Day spa operator back-pays visa holders](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/july-2019/20190723-sea-one-north-eu-media-release) ([www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/july-2019/20190723-sea-one-north-eu-media-release](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/july-2019/20190723-sea-one-north-eu-media-release))

## **Café Touchwood Pty Ltd**

Date of undertaking: June 2019

Café Touchwood Pty Ltd entered into an EU with the Fair Work Ombudsman when our investigations found the company paid unlawfully low flat rates between January and April 2018. This led to underpayments of 17 part-time employees' minimum rates for ordinary hours, overtime, and weekend and public holiday penalty rates under the Restaurant Industry Award 2010.

Copy of undertaking:

- [Café Touchwood Pty Ltd Enforceable Undertaking \(DOCX 162KB\)](https://www.fairwork.gov.au/ArticleDocuments/1416/cafetouchwood-pty-ltd-enforceable-undertaking.docx.aspx) (<https://www.fairwork.gov.au/ArticleDocuments/1416/cafetouchwood-pty-ltd-enforceable-undertaking.docx.aspx>) (PDF 3.1MB) (<https://www.fairwork.gov.au/ArticleDocuments/1416/cafetouchwood-pty-ltd-enforceable-undertaking.pdf.aspx>)

Copy of media release:

- [Melbourne cafes back-pay 26 workers](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/june-2019/20190614-cafe-touchwood-and-a-minor-place-eus-media-release) ([www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/june-2019/20190614-cafe-touchwood-and-a-minor-place-eus-media-release](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/june-2019/20190614-cafe-touchwood-and-a-minor-place-eus-media-release))

## **Cafecino Enterprise Pty Ltd**

Date of undertaking: June 2019

Cafecino Enterprise Pty Ltd, trading as A Minor Place, entered into an EU with the Fair Work Ombudsman when our investigations found the company paid unlawfully low flat rates between January and April 2018. This led to underpayments of 9 part-time employees' minimum rates for ordinary hours, overtime, and weekend and public holiday penalty rates under the Restaurant Industry Award 2010.

Copy of undertaking:

- [Cafecino Enterprise Pty Ltd Enforceable Undertaking \(DOCX 160.9KB\)](https://www.fairwork.gov.au/ArticleDocuments/1416/cafecino-enterprise-pty-ltd-enforceable-undertaking.docx.aspx) (<https://www.fairwork.gov.au/ArticleDocuments/1416/cafecino-enterprise-pty-ltd-enforceable-undertaking.docx.aspx>) (PDF 3.9MB) (<https://www.fairwork.gov.au/ArticleDocuments/1416/cafecino-enterprise-pty-ltd-enforceable-undertaking.pdf.aspx>)

Copy of media release:

- [Melbourne cafes back-pay 26 workers](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/june-2019/20190614-cafe-touchwood-and-a-minor-place-eus-media-release) ([www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/june-2019/20190614-cafe-touchwood-and-a-minor-place-eus-media-release](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/june-2019/20190614-cafe-touchwood-and-a-minor-place-eus-media-release))

## **POSnet Pty Ltd and ECNEsoft Pty Ltd**

Date of undertaking: May 2019

POSnet Pty Ltd and ECNEsoft Pty Ltd entered into an undertaking with us after a Fair Work Ombudsman investigation found the two companies paid unlawfully low flat rates to the two workers, who were each employed for 12 months between July 2016 to October 2017. The investigation also found that POSnet breached the National Minimum Wage Order and its annual leave pay obligations, as well as failing to provide pay in lieu of notice of termination.

Copy of undertaking:

- [POSnet and ECNEsoft Enforceable Undertaking \(DOCX 166.7KB\)](https://www.fairwork.gov.au/ArticleDocuments/1416/posnet-and-ecnesoft-enforceable-undertaking.docx.aspx) (<https://www.fairwork.gov.au/ArticleDocuments/1416/posnet-and-ecnesoft-enforceable-undertaking.docx.aspx>) (PDF 340KB) (<https://www.fairwork.gov.au/ArticleDocuments/1416/posnet-and-ecnesoft-enforceable-undertaking.pdf.aspx>)

Copy of media release:

- [Software companies sign up to FWO scrutiny \(www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/may-2019/20190528-posnet-and-ecnesoft-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/may-2019/20190528-posnet-and-ecnesoft-eu-media-release)

## **Super Max Coffee Pty Ltd**

Date of undertaking: May 2019

Super Max Coffee Pty Ltd (trading as Mitte Café) entered into an undertaking with us after a Fair Work Ombudsman investigation found the company failed to pay workers minimum casual loadings, overtime rates and penalty rates for weekends and public holidays under the Restaurant Industry Award.

Copy of undertaking:

- [Super Max Coffee Enforceable Undertaking \(DOCX 163.1KB\) \(https://www.fairwork.gov.au/ArticleDocuments/1416/super-max-coffee-enforceable-undertaking.docx.aspx\)](https://www.fairwork.gov.au/ArticleDocuments/1416/super-max-coffee-enforceable-undertaking.docx.aspx) (PDF 1.2MB) (<https://www.fairwork.gov.au/ArticleDocuments/1416/super-max-coffee-enforceable-undertaking.pdf.aspx>)

Copy of media release:

- [Melbourne café to back-pay workers \(www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/may-2019/20190522-super-max-coffee-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/may-2019/20190522-super-max-coffee-eu-media-release)

## **Kings Natural Healthcare Pty Ltd**

Date of undertaking: May 2019

Kings Natural Healthcare Pty Ltd entered into an undertaking with us after a Fair Work Ombudsman investigation found it underpaid 22 employees at the company's massage centres. Employees were paid a percentage of each massage they provided, rather than the lawful minimum wage for each hour worked. This resulted in underpayment of the minimum weekly wage, overtime rates, casual loadings and penalty rates for weekend and public holiday work they were entitled to under the Health Professionals and Support Services Award 2010.

Copy of undertaking:

- [Kings Natural Healthcare Enforceable Undertaking \(DOCX 162.6KB\) \(www.fairwork.gov.au/ArticleDocuments/1416/kings-natural-healthcare-pty-ltd-enforceable-undertaking.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/1416/kings-natural-healthcare-pty-ltd-enforceable-undertaking.docx.aspx) (PDF 3.5MB) ([www.fairwork.gov.au/ArticleDocuments/1416/kings-natural-healthcare-pty-ltd-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/1416/kings-natural-healthcare-pty-ltd-enforceable-undertaking.pdf.aspx))

Copy of media release:

- [Hobart massage centres back-pay workers \(www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/may-2019/20190506-kings-natural-healthcare-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/may-2019/20190506-kings-natural-healthcare-eu-media-release)

## **Agri-Labour Australia Pty Ltd**

Date of undertaking: April 2019

Agri-Labour Australia Pty Ltd entered into an undertaking with us after a Fair Work Ombudsman investigation found it had failed to correctly compensate tomato pickers for their individual work under a piecework agreement. This resulted in underpayment of 19 nationals of Vanuatu employed under the Seasonal Worker Programme.

Copy of undertaking:

- [Agri-Labour Australia Enforceable Undertaking \(DOCX 149.8KB\) \(www.fairwork.gov.au/ArticleDocuments/1416/agri-labour-australia-enforceable-undertaking.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/1416/agri-labour-australia-enforceable-undertaking.docx.aspx) (PDF 2.9MB) ([www.fairwork.gov.au/ArticleDocuments/1416/agri-labour-australia-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/1416/agri-labour-australia-enforceable-undertaking.pdf.aspx))

Copy of media release:

- [Agri-Labour to pay migrant workers \\$50,000 \(www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/april-2019/20190423-agri-labour-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/april-2019/20190423-agri-labour-eu-media-release)

## **Saffron Indian Gourmet Pty Ltd**

Date of undertaking: March 2019

Saffron Indian Gourmet Pty Ltd entered into an undertaking with us after a Fair Work Ombudsman investigation determined it underpaid 22 workers at its restaurant. Most affected employees were visa holders and 14 were international students. Workers were paid flat hourly rates leading to underpayment of the ordinary hourly rates, casual loadings, and weekend and public holiday penalty rates under the Restaurant Industry Award.

Copy of undertaking:

- [Saffron Indian Gourmet Enforceable Undertaking \(DOCX 180.2KB\) \(www.fairwork.gov.au/ArticleDocuments/1416/saffron-indian-gourmet-pty-ltd-enforceable-undertaking.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/1416/saffron-indian-gourmet-pty-ltd-enforceable-undertaking.docx.aspx) (PDF 804.5KB) ([www.fairwork.gov.au/ArticleDocuments/1416/saffron-indian-gourmet-pty-ltd-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/1416/saffron-indian-gourmet-pty-ltd-enforceable-undertaking.pdf.aspx))

Copy of media release:

- [Indian restaurant back-pays 22 workers \(www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/march-2019/20190315-indian-restaurant-back-pays-22-workers\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/march-2019/20190315-indian-restaurant-back-pays-22-workers)

## **Phat Elephant Pty Ltd**

Date of undertaking: February 2019

Phat Elephant Pty Ltd entered into an undertaking with us after we determined they underpaid three international students. resulting in underpayment of the ordinary hourly rates, casual loadings and weekend penalty rates they were entitled to under the Restaurant Industry Award 2010.

Copy of undertaking:

- [Phat Elephant Pty Ltd Enforceable Undertaking \(DOCX 150.1KB\) \(https://www.fairwork.gov.au/ArticleDocuments/545/phat-elephant-pty-ltd-enforceable-undertaking-redacted.docx.aspx\)](https://www.fairwork.gov.au/ArticleDocuments/545/phat-elephant-pty-ltd-enforceable-undertaking-redacted.docx.aspx) (PDF 2.3MB) (<https://www.fairwork.gov.au/ArticleDocuments/545/phat-elephant-pty-ltd-enforceable-undertaking-redacted.pdf.aspx>)

Copy of media release:

- [Brisbane restaurant back-pays workers \(www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/february-2019/20190222-phat-elephant-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/february-2019/20190222-phat-elephant-eu-media-release) ([www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/february-2019/20190222-phat-elephant-eu-media-release](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/february-2019/20190222-phat-elephant-eu-media-release))

## **New Field Education Group Pty Ltd**

Date of undertaking: 13 December 2018

New Field Education Group Pty Ltd entered into an undertaking with us after we determined they underpaid two graduates, misclassifying the two workers as interns. This resulted in underpayments of the ordinary hourly rate, casual loading, weekend penalty rates and annual leave entitlements under the Clerks – Private Sector Award 2010.

Copy of undertaking:

- [New Field Education Group Pty Ltd Enforceable Undertaking \(DOCX 155.9KB\) \(https://www.fairwork.gov.au/ArticleDocuments/1416/new-field-education-group-pty-ltd-enforceable-undertaking.docx.aspx\)](https://www.fairwork.gov.au/ArticleDocuments/1416/new-field-education-group-pty-ltd-enforceable-undertaking.docx.aspx) (PDF 654.5KB) (<https://www.fairwork.gov.au/ArticleDocuments/1416/new-field-education-group-pty-ltd-enforceable-undertaking.pdf.aspx>)

Copy of media release:

- [New Field underpays two graduates \(www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/december-2018/20181214-new-field-education-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/december-2018/20181214-new-field-education-eu-media-release)

## **Delron Cleaning Pty Ltd**

Date of undertaking: 26 November 2018

Delron Cleaning Pty Ltd entered into an undertaking with us after we determined that they underpaid their workforce. The underpayments were related to failures to pay correct overtime and shift work penalties, and part time and broken shift allowances, as required under the Cleaning Services Award 2010.

Copy of undertaking:

- [Delron Cleaning Pty Ltd Enforceable Undertaking \(DOCX 162.4KB\) \(https://www.fairwork.gov.au/ArticleDocuments/545/delron-cleaning-pty-ltd-enforceable-undertaking.docx.aspx\)](https://www.fairwork.gov.au/ArticleDocuments/545/delron-cleaning-pty-ltd-enforceable-undertaking.docx.aspx) (PDF 2MB) (<https://www.fairwork.gov.au/ArticleDocuments/545/delron-cleaning-pty-ltd-enforcable-undertaking.pdf.aspx>)

Copy of media release:

- [Cleaning company overhauls workplace practices \(www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/december-2018/20181203-delron-cleaning-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/december-2018/20181203-delron-cleaning-eu-media-release)

## **Oriental Food Australia Pty Ltd**

Date of undertaking: 25 October 2018

Oriental Food Australia Pty Ltd entered into an undertaking with us after we determined that they underpaid three Chinese workers by failing to pay correct minimum rates, weekend and public holiday rates and clothing allowances. We also determined that they failed to provide a copy of the Fair Work Information Statement and rest and meal breaks.

Copy of undertaking:

- [Oriental Food Australia Pty Ltd Enforceable Undertaking \(DOCX 53.8KB\) \(https://www.fairwork.gov.au/ArticleDocuments/1416/oriental-food-australia-pty-ltd-enforceable-undertaking-redacted.docx.aspx\)](https://www.fairwork.gov.au/ArticleDocuments/1416/oriental-food-australia-pty-ltd-enforceable-undertaking-redacted.docx.aspx) (PDF 910.8KB) (<https://www.fairwork.gov.au/ArticleDocuments/1416/oriental-food-australia-pty-ltd-enforceable-undertaking-redacted.pdf.aspx>)

Copy of media release:

- [Melbourne supermarket operator to overhaul workplace practices \(www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/november-2018/20181105-oriental-food-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/november-2018/20181105-oriental-food-eu-media-release)

## **Veracity Property Services Pty Ltd**

Date of undertaking: 30 July 2018

Veracity Property Services Pty Ltd entered into an undertaking with us after we determined that they underpaid visa holders by failing to pay correct minimum rates, afternoon shift work penalty rates, part-time loadings and minimum engagement entitlements.

Copy of undertaking:

- [Veracity Property Services Pty Ltd Enforceable Undertaking \(DOCX 144.5KB\) \(https://www.fairwork.gov.au/ArticleDocuments/1416/veracity-property-services-pty-ltd-eu-redacted.docx.aspx\)](https://www.fairwork.gov.au/ArticleDocuments/1416/veracity-property-services-pty-ltd-eu-redacted.docx.aspx)

(PDF 853KB) (<https://www.fairwork.gov.au/ArticleDocuments/1416/veracity-property-services-pty-ltd-eu-redacted.pdf.aspx>)

Copy of media release:

- [Migrant school cleaners to be back-paid \(www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/august-2018/20180810-veractiy-property-services-eu-release\)](https://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/august-2018/20180810-veractiy-property-services-eu-release)

Page reference No: 8592

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Fair Work Infoline: 13 13 94

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Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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