

## Enforceable Undertakings resulting from the Fair Work Ombudsman's Activity Report on Pizza Hut outlets

Two franchise operators in Sydney and one at Mango Hill, Queensland, have signed Enforceable Undertakings with the Fair Work Ombudsman as a result of workplace breaches identified during the investigation into Pizza Hut franchisee delivery drivers.

All three had paid their workers on a per-delivery basis at rates ranging between \$5.70 and \$8 and all three employers failed to issue pay slips and keep proper records.

### **Romaro Holdings Pty Ltd, Penrith, New South Wales**

Romaro Holdings Pty Ltd, trading as Pizza Hut Penrith, was found to have underpaid four male drivers a total \$3284 when paying a rate of just \$5.70 per delivery.

The Enforceable undertaking requires Romaro Holdings to repay all staff impacted by underpayments within 28 days and to provide this staff with a formal apology.

The terms of the Enforceable undertaking also require the franchisee to register for a FWO MyAccount, to provide information on workplace rights to all staff, to ensure that all staff are properly engaged as employees rather than independent contractors and to provide the FWO with written notice of the systems and processes that have been implemented to ensure compliance.

Download the [Romaro Holdings Pty Ltd Enforceable Undertaking \(DOCX 144.9KB\)](http://www.fairwork.gov.au/ArticleDocuments/971/romaro-eu.docx.aspx) ([www.fairwork.gov.au/ArticleDocuments/971/romaro-eu.docx.aspx](http://www.fairwork.gov.au/ArticleDocuments/971/romaro-eu.docx.aspx)) (PDF 1MB) ([www.fairwork.gov.au/ArticleDocuments/971/romaro-holdings-eu.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/971/romaro-holdings-eu.pdf.aspx))

### **[www.fairwork.gov.au/ArticleDocuments/971/romaro-holdings-eu.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/971/romaro-holdings-eu.pdf.aspx) Arora Business Investment Pty Ltd, Mango Hill, Queensland**

Arora Business Investment Pty Ltd, operating Pizza Hut Mango Hill, was found to have underpaid five delivery drivers, all men and including one student visa holder from India, a total \$3276 when paying rates of \$6.50 and \$8 per delivery.

The Enforceable Undertaking requires the franchisee to repay all underpayments and to locate and repay any former employees who are also entitled to repayments.

The terms of the Enforceable undertaking also require the franchisee to issue an apology to impacted workers, ensure that all staff are correctly engaged as employees rather than independent contractors, provide information on workplace rights to all staff and to register for a FWO MyAccount.

Download the [Arora Business Investment Pty Ltd Enforceable Undertaking \(DOCX 149.5KB\)](http://www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-arora-business-investment-pty-ltd-eu-redacted.docx.aspx) ([www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-arora-business-investment-pty-ltd-eu-redacted.docx.aspx](http://www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-arora-business-investment-pty-ltd-eu-redacted.docx.aspx)) (PDF 1.4MB) ([www.fairwork.gov.au/ArticleDocuments/971/enforcable-undertaking-arora-business-investment-pty-ltd-redacted.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/971/enforcable-undertaking-arora-business-investment-pty-ltd-redacted.pdf.aspx))

### **Surmin Pty Ltd, Surry Hills, New South Wales**

Surmin Pty Ltd, operating a Pizza Hut outlet on Elizabeth Street, Surry Hills, incorrectly classified three male delivery drivers from India, as independent contractors. Record-keeping and pay-slip laws were also contravened.

The enforceable undertaking requires the franchisee to correctly engage delivery drivers as employees rather than independent contractors and to issue an apology to the workers impacted by the misclassification.

The terms of the enforceable undertaking also require the franchisee to provide materials to staff informing them of their workplace rights and to provide the FWO with written notice of the processes and systems adopted to address non-compliance.

Download the [Surmin Pty Ltd Enforceable Undertaking \(DOCX 139.7KB\)](http://www.fairwork.gov.au/ArticleDocuments/971/surmin-eu.docx.aspx) ([www.fairwork.gov.au/ArticleDocuments/971/surmin-eu.docx.aspx](http://www.fairwork.gov.au/ArticleDocuments/971/surmin-eu.docx.aspx)) (PDF 1.7MB) ([www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-surmin-pty-ltd-redacted.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/971/enforceable-undertaking-surmin-pty-ltd-redacted.pdf.aspx))

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