

FWO acts on EU non-compliance

20 July 2018

The Fair Work Ombudsman has commenced legal action to force Pristine Employment Solutions Pty Ltd to comply with terms of an Enforceable Undertaking (EU) that was executed in May 2017.

The former employing entity of Flavours Fruit and Veg in Melbourne entered into the EU in response to record-keeping, pay slip and underpayment breaches raised by the FWO.

The FWO alleges that the company has failed to comply with terms that required it to review pay practices dating back to July 2014 and report results of the review to the FWO.

The FWO also alleges that the company failed to audit its pay practices between 1 June and 30 June 2017 as agreed in the EU.

The FWO is seeking orders to enforce Pristine Employment Solutions' compliance with the review and audit clauses of the EU.

Fair Work Ombudsman Sandra Parker said failing to comply with the terms of an EU is unacceptable.

"When a company accepts responsibility for breaching the Fair Work Act and agrees to fix the harm, we can accept a written undertaking outlining their breaches and steps they will take to comply with their workplace obligations."

"Enforceable Undertakings allow the Fair Work Ombudsman to achieve quick outcomes such as back payments for all affected workers that may not be possible through the litigation process," Ms Parker said.

"The FWO is clearly prepared to take legal action to ensure Enforceable Undertakings are complied with. This action serves as a warning to all companies that we will act to maintain the integrity of our enforcement tools."

The case is listed for a directions hearing in the Federal Circuit Court in Melbourne on September 18.

Employers and employees can seek assistance at www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

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Media inquiries:

Ryan Pedler, Assistant Director - Media

Mobile: 0411 430 902

ryan.pedler@fwo.gov.au (mailto:ryan.pedler@fwo.gov.au)

Page reference No: 8567

Contact us

Fair Work Online: www.fairwork.gov.au

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