

2010 - 2011 enforceable undertakings

CMA Corporation Limited, CMA Recycling Pty Limited, CMA Assets Pty Ltd

Date of undertaking: 15 June 2011

We determined that 73 employees suffered a pay reduction, with the pay rate failing to meet the minimum requirements of the workplace agreement. The company repaid a total of \$138 019.80.

Copy of undertaking:

- [Enforceable Undertaking FWO and CMA Corporation Limited & Ors \(PDF 468.9KB\) \(www.fairwork.gov.au/ArticleDocuments/719/Enforceable-Undertaking-FWO-CMA-Corporation-Limited-Ors.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/719/Enforceable-Undertaking-FWO-CMA-Corporation-Limited-Ors.pdf.aspx)

Media release:

- [Recycling company signs up to workplace agreement after underpaying staff almost \\$140,000 \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/june-2011/20110621-cma-eu\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/june-2011/20110621-cma-eu)

Fueltown Motors Pty Ltd (Fueltown), Arthur Nestor, Tom Nestor, Brooke Nestor and Jennifer Tomkinson

Date of undertaking: 24 May 2011

We determined that employees weren't being paid the correct rates under the relevant award, amounting to a total underpayment of \$175 266.21.

Copy of undertaking:

- [Fueltown Motors Pty Ltd Enforceable Undertaking \(PDF 387.6KB\) \(www.fairwork.gov.au/ArticleDocuments/719/Fueltown-Motors-Pty-Ltd-Enforceable-Undertaking.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/719/Fueltown-Motors-Pty-Ltd-Enforceable-Undertaking.pdf.aspx)

Media release:

- [More than \\$175,000 back-pay for 53 service station employees \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/june-2011/20110617-fueltown-eu\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/june-2011/20110617-fueltown-eu)

Employer: ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott

Date of undertaking: 12 May 2011

We determined that employees weren't being paid the correct rates under the relevant award. We found that there was a total underpayment of \$87 997.05.

Copy of undertaking:

- [Hibberd and Prescott Enforceable Undertaking \(PDF 525.9KB\) \(www.fairwork.gov.au/ArticleDocuments/719/Hibberd-and-Prescott-Enforceable-Undertaking.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/719/Hibberd-and-Prescott-Enforceable-Undertaking.pdf.aspx)

Media release:

- [Fair Work Ombudsman secures almost \\$90,000 back-pay for Tasmanian hospitality workers \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/june-2011/20110601-hibberd-prescott-eu\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/june-2011/20110601-hibberd-prescott-eu)

Signature Portrait Studios Pty Ltd

Date of undertaking: 28 March 2011

We determined sham contracting and non-payment of wages for 2 employees. We recovered an amount of \$3950 and \$250, respectively.

Copy of undertaking:

- [Signature Portrait Studios Pty Ltd Undertaking \(PDF 439.1KB\) \(www.fairwork.gov.au/ArticleDocuments/719/Signature-Portrait-Studio-Enforceable-Undertaking.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/719/Signature-Portrait-Studio-Enforceable-Undertaking.pdf.aspx)

Media release:

- [Sydney photography business breaches sham contracting laws \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/may-2011/20110519-signature-portrait-studios-eu\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/may-2011/20110519-signature-portrait-studios-eu)

CFC Retail Pty Ltd

Date of undertaking: 4 March 2011

We determined multiple underpayments of minimum wages under the relevant award for 265 employees. We recovered a total of \$464 289.21.

Copy of undertaking:

- [CFC Retail Pty Ltd Undertaking \(PDF 446.2KB\) \(www.fairwork.gov.au/ArticleDocuments/719/CFC-Retail-Pty-Ltd-Undertaking.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/719/CFC-Retail-Pty-Ltd-Undertaking.pdf.aspx)

Media release:

- [Melbourne fruit and vegetable workers to share half-million dollar back-pay \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/march-2011/20110314-cfc-retail-eu\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/march-2011/20110314-cfc-retail-eu)

Coles supermarkets Australia Pty Ltd

Date of undertaking: 3 March 2011

We determined that pregnant employees were disadvantaged in the workplace (they were transferred to a lower role with reduced terms and conditions). Coles acknowledged that 56 employees were affected and agreed to back-pay \$30 401.56 in total.

Copy of undertaking:

- [Coles Pty Ltd Undertaking \(PDF 406.3KB\) \(www.fairwork.gov.au/ArticleDocuments/719/Enforceable-Undertaking-Coles-Supermarket-Australia-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/719/Enforceable-Undertaking-Coles-Supermarket-Australia-Pty-Ltd.pdf.aspx)

Media release:

- [Employers urged to assess workplace agreements on pregnancy discrimination \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/march-2011/20110311-coles-eu\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/march-2011/20110311-coles-eu)

Ascot Haulage (NT) Pty Ltd and Northern Territory Freight Services Pty Ltd

Date of undertaking: 15 February 2011

We determined that the business failed to keep time and wage records and 26 employees were underpaid their minimum wages and conditions. The employer agreed to repay a total of \$19 227.62.

Copy of undertaking:

- [Ascot Haulage Pty Ltd Undertaking \(PDF 907.9KB\) \(www.fairwork.gov.au/ArticleDocuments/719/Ascot-Haulage-Pty-Ltd-Undertaking.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/719/Ascot-Haulage-Pty-Ltd-Undertaking.pdf.aspx)

Media release:

- [Transport companies sign up to training and reporting plan after breaching drivers' rights \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/march-2011/20110303-ascot-nt-freight-eu\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/march-2011/20110303-ascot-nt-freight-eu)

eJack Pty Ltd

Date of undertaking: 21 January 2011

We determined underpayment of wages as the business failed to lodge an AWA. We identified slight errors in the methodology used by the business and recovered \$137 983.63.

Copy of undertaking:

- [eJack Pty Ltd Undertaking \(PDF 360.5KB\) \(www.fairwork.gov.au/ArticleDocuments/719/eJack-Pty-Ltd-Undertaking.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/719/eJack-Pty-Ltd-Undertaking.pdf.aspx)

Media release:

- [Lismore café signs up to training and reporting plan after underpaying staff \\$138,000 \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/february-2011/20110210-ejack-eu\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/february-2011/20110210-ejack-eu)

Toys R Us Pty Ltd

Date of undertaking: 21 January 2011

We determined that over a thousand employees were underpaid. The employer agreed to pay back a total of \$998 000 to all identified affected employees.

Copy of undertaking:

- [Toys R Us \(Australia\) Pty Ltd Undertaking \(PDF 6.3MB\) \(www.fairwork.gov.au/ArticleDocuments/719/Toys-R-Us-Pty-Ltd-Undertaking.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/719/Toys-R-Us-Pty-Ltd-Undertaking.pdf.aspx)

Media release:

- [Toys"R"Us back-pay \\$1 million to 1000 staff \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/january-2011/20110130-toys-r-us-eu\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/january-2011/20110130-toys-r-us-eu)

Kingrise Corporation Pty Ltd

Date of undertaking: 8 November 2010

We determined that the business made unauthorised deductions and failed to apply the correct pay rates and classifications to its employees. The employer agreed to pay back a total of \$41 689.99 to employees.

Copy of undertaking:

- [Kingrise Corporation Pty Ltd Undertaking \(PDF 275.2KB\) \(www.fairwork.gov.au/ArticleDocuments/719/Kingrise-Corporation-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/719/Kingrise-Corporation-Pty-Ltd.pdf.aspx)

Media release:

- [\\$41,600 back-pay for 155 staff at Durty Nelly's Irish Pub in Perth \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2010-media-releases/november-2010/20101114-durty-nellys-eu\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2010-media-releases/november-2010/20101114-durty-nellys-eu)

Irvine's Transport (Pt. Pirie) Pty Ltd

Date of undertaking: November 2010

We determined that the business failed to pay the minimum rates of pay as per the award. The employer agreed to pay back a total of \$144 464.96 to employees.

Copy of undertaking:

- [Irvine's Transport Pty Ltd Undertaking \(PDF 443.7KB\) \(www.fairwork.gov.au/ArticleDocuments/719/Irvinestransport-Undertaking.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/719/Irvinestransport-Undertaking.pdf.aspx)

Media release:

- [Regional SA transport company to back-pay workers \\$142,000 \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/january-2011/20110118-irvinestransport-fwo-eu-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2011-media-releases/january-2011/20110118-irvinestransport-fwo-eu-release)

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