

## 2019 - 2020 enforceable undertakings

### ABC

Date of undertaking: June 2020

The Australian Broadcasting Corporation (ABC) has back-paid over \$11.9 million to more than 1,800 current and former casual staff and entered into an Enforceable Undertaking with the Fair Work Ombudsman.

Copy of undertaking:

- [ABC Enforceable Undertaking \(DOCX 162.3KB\) \(www.fairwork.gov.au/ArticleDocuments/1505/enforceable-undertaking-abc-final-redacted.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/1505/enforceable-undertaking-abc-final-redacted.docx.aspx) (PDF 14.8MB) ([www.fairwork.gov.au/ArticleDocuments/1505/executed-enforceable-undertaking-abc-final-redacted.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/1505/executed-enforceable-undertaking-abc-final-redacted.pdf.aspx))

Copy of media release:

- [ABC signs Enforceable Undertaking \(www.fairwork.gov.au/about-us/news-and-media-releases/2020-media-releases/june-2020/2020619-abc-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2020-media-releases/june-2020/2020619-abc-eu-media-release)

### Activ Foundation Inc.

Date of undertaking: March 2020

Activ Foundation Inc. has entered into a Court-Enforceable Undertaking with the Fair Work Ombudsman after self-disclosing that it underpaid 1695 current and former employees, in diverse roles such as manufacturing, property maintenance, landscaping and product packaging.

Copy of undertaking:

- [Activ Foundation Enforceable Undertaking \(DOCX 137.9KB\) \(www.fairwork.gov.au/ArticleDocuments/1505/activ-foundation-enforceable-undertaking.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/1505/activ-foundation-enforceable-undertaking.docx.aspx) (PDF 2.7MB) ([www.fairwork.gov.au/ArticleDocuments/1505/activ-foundation-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/1505/activ-foundation-enforceable-undertaking.pdf.aspx))

Copy of media release:

- [Activ Foundation signs Court-Enforceable Undertaking \(www.fairwork.gov.au/about-us/news-and-media-releases/2020-media-releases/march-2020/20200320-activ-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2020-media-releases/march-2020/20200320-activ-eu-media-release)

### Qantas Airways Limited

Date of undertaking: March 2020

Qantas Airways Limited (Qantas) has entered into a Court-Enforceable Undertaking (EU) with the Fair Work Ombudsman and will back pay hundreds of workers millions of dollars.

Copy of undertaking:

- [Qantas Enforceable Undertaking, including Schedule A and Schedule B \(PDF 44.5MB\) \(www.fairwork.gov.au/ArticleDocuments/1505/qantas-airways-limited-enforceable-undertaking.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/1505/qantas-airways-limited-enforceable-undertaking.pdf.aspx)
- [Qantas Enforceable Undertaking \(DOCX 173.2KB\) \(www.fairwork.gov.au/ArticleDocuments/1505/qantas-airways-limited-enforceable-undertaking.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/1505/qantas-airways-limited-enforceable-undertaking.docx.aspx)
- [Schedule A and Schedule B, Qantas Enforceable Undertaking \(XLSX 108.1KB\) \(www.fairwork.gov.au/ArticleDocuments/1505/qantas-airways-limited-enforceable-undertaking-schedules-A-and-B.XLSX.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/1505/qantas-airways-limited-enforceable-undertaking-schedules-A-and-B.XLSX.aspx)

Copy of media release:

- [Qantas signs Court-Enforceable Undertaking \(www.fairwork.gov.au/about-us/news-and-media-releases/2020-media-releases/march-2020/20200313-qantas-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2020-media-releases/march-2020/20200313-qantas-eu-media-release)

### Lifestyle Solutions Ltd

Date of undertaking: December 2019

Lifestyle Solutions Ltd has entered into a Court-Enforceable Undertaking with the Fair Work Ombudsman after self-disclosing underpayments for 124 current and former employees. An internal audit found underpayments of overtime, Saturday and Sunday rates. Lifestyle Solutions has agreed to back-pay affected employees a total of \$6.36 million in wages, superannuation and interest.

Copy of undertaking:

- [Lifestyle Solutions Enforceable Undertaking \(DOCX 141.8KB\)](http://www.fairwork.gov.au/ArticleDocuments/1505/lifestyle-solutions-enforceable-undertaking.docx.aspx) ([www.fairwork.gov.au/ArticleDocuments/1505/lifestyle-solutions-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/1505/lifestyle-solutions-enforceable-undertaking.pdf.aspx)) (PDF 625.9KB) ([www.fairwork.gov.au/ArticleDocuments/1505/lifestyle-solutions-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/1505/lifestyle-solutions-enforceable-undertaking.pdf.aspx))

Copy of media release:

- [WA foster carers back-paid \\$6 million](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/december-2019/20191213-lifestyle-solutions-eu-media-release) ([www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/december-2019/20191213-lifestyle-solutions-eu-media-release](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/december-2019/20191213-lifestyle-solutions-eu-media-release))

## MOS Burger Australia Pty Ltd

Date of undertaking: December 2019

MOS Burger Australia Pty Ltd has entered into a Court-Enforceable Undertaking with the Fair Work Ombudsman after an investigation found contraventions of the Fast Food Industry Award 2010. It found that the company had paid unlawfully low flat rates to workers and misclassified some employees as part-time when they were in fact casuals. The employer has back-paid \$1.12 million to 285 former and current Queensland workers.

Under the Enforceable Undertaking, MOS Burgers Australia must fund external auditors to check pay and conditions for workers employed in 2019 and 2020 and rectify any underpayments. The company must also register with the My account portal and ensure all senior managers and human resources, recruitment and payroll staff complete training on workplace laws.

Copy of undertaking:

- [MOS Burger Australia Pty Ltd Enforceable-Undertaking \(DOCX 134.6KB\)](http://www.fairwork.gov.au/ArticleDocuments/545/mos-burger-australia-enforceable-undertaking.docx.aspx) ([www.fairwork.gov.au/ArticleDocuments/545/mos-burger-australia-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/545/mos-burger-australia-enforceable-undertaking.pdf.aspx)) (PDF 470.5KB) ([www.fairwork.gov.au/ArticleDocuments/545/mos-burger-australia-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/545/mos-burger-australia-enforceable-undertaking.pdf.aspx))

Copy of media release:

- [Burger chain back-pays \\$1.1 million to workers](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/december-2019/20191206-mos-burger-eu-media-release) ([www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/december-2019/20191206-mos-burger-eu-media-release](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/december-2019/20191206-mos-burger-eu-media-release))

## Couriers Please Pty Ltd

Date of undertaking: November 2019

Couriers Please Pty Ltd entered into a Court-Enforceable Undertaking with the Fair Work Ombudsman after underpaying staff \$382,065 over an 8-year period.

Under the Court-Enforceable Undertaking, they must:

- display notices at the workplace and online detailing their breaches and information about employee entitlements
- register with My account ([www.fairwork.gov.au/my-account/registerpage.aspx](http://www.fairwork.gov.au/my-account/registerpage.aspx)) and complete [online courses](http://www.fairwork.gov.au/how-we-will-help/online-training) ([www.fairwork.gov.au/how-we-will-help/online-training](http://www.fairwork.gov.au/how-we-will-help/online-training)) for employers
- fund workplace relations training for their payroll and human resources staff.

Copy of undertaking:

- Download the [Couriers Please Enforceable Undertaking \(DOCX 156.2KB\)](http://www.fairwork.gov.au/ArticleDocuments/545/couriers-please-pty-ltd-enforceable-undertaking-redacted.DOCX.aspx) ([www.fairwork.gov.au/ArticleDocuments/545/couriers-please-pty-ltd-enforceable-undertaking-redacted.DOCX.aspx](http://www.fairwork.gov.au/ArticleDocuments/545/couriers-please-pty-ltd-enforceable-undertaking-redacted.DOCX.aspx)) (PDF 619.3KB) ([www.fairwork.gov.au/ArticleDocuments/545/eu-couriers-please-281119-redacted.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/545/eu-couriers-please-281119-redacted.pdf.aspx))

Copy of media release:

- [Courier company failed to provide paid meal breaks](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/november-2019/20191129-couriers-please-eu-media-release) ([www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/november-2019/20191129-couriers-please-eu-media-release](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/november-2019/20191129-couriers-please-eu-media-release))

## Sean and Eddy Pty Ltd

Date of undertaking: October 2019

Sean and Eddy Pty Ltd, trading as Coffee Club, has entered into a Court-Enforceable Undertaking with the Fair Work Ombudsman after Fair Work Inspectors found a migrant worker was paid below the minimum award pay rate, and not receiving penalties. The employer has paid back the employee a total of \$36,745 and will improve their payroll process and undertake external audits to ensure that all staff are paid correctly in the future.

Copy of undertaking:

- [Sean and Eddy Pty Ltd Enforceable Undertaking \(DOCX 156.2KB\) \(www.fairwork.gov.au/ArticleDocuments/1505/sean-and-eddy-pty-ltd-enforceable-undertaking-redacted.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/1505/sean-and-eddy-pty-ltd-enforceable-undertaking-redacted.docx.aspx) (PDF 619.3KB) ([www.fairwork.gov.au/ArticleDocuments/1505/sean-and-eddy-pty-ltd-enforceable-undertaking-redacted.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/1505/sean-and-eddy-pty-ltd-enforceable-undertaking-redacted.pdf.aspx))

Copy of media release:

- [Coffee Club franchisee to back-pay migrant worker \(www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/october-2019/20191029-coffee-club-blacktown-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/october-2019/20191029-coffee-club-blacktown-eu-media-release)

## Catalyst Child and Family Services Ltd

Date of undertaking: October 2019

Catalyst Child and Family Services Limited entered into a Court-Enforceable Undertaking with the Fair Work Ombudsman after they self-disclosed that they underpaid up to 200 current and former employees. The organisation alerted the regulators after a review found it had underpaid overtime rates, allowances for shift, on-call and sleepover allowances and made errors in classifying employees since it began operating in 2013. They will back-pay workers approximately \$200,000 after breaching Australia's workplace laws.

Copy of undertaking:

- [Catalyst Child and Family Services Ltd Enforceable Undertaking \(DOCX 50.3KB\) \(www.fairwork.gov.au/ArticleDocuments/545/catalyst-child-and-family-services-ltd-enforceable-undertaking.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/545/catalyst-child-and-family-services-ltd-enforceable-undertaking.docx.aspx) (PDF 741.2KB) ([www.fairwork.gov.au/ArticleDocuments/545/catalyst-child-and-family-services-ltd-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/545/catalyst-child-and-family-services-ltd-enforceable-undertaking.pdf.aspx))

Copy of media release:

- [Family services organisation to back-pay workers \(www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/october-2019/20191015-catalyst-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/october-2019/20191015-catalyst-eu-media-release)

## Luxottica Retail Australia Pty Ltd

Date of undertaking: September 2019

Luxottica Retail Australia Pty Ltd, trading as Sunglass Hut, has entered into a Court-Enforceable Undertaking with the Fair Work Ombudsman after self-disclosing that it underpaid 620 current and former employees. Sunglass Hut underpaid workers a total of \$2,294,496 in overtime wages, with individual underpayments ranging from \$4 up to \$42,912.

Copy of undertaking:

- [Luxottica Retail Australia Pty Ltd Enforceable Undertaking \(DOCX 142.8KB\) \(www.fairwork.gov.au/ArticleDocuments/545/luxottica-retail-australia-pty-ltd-enforceable-undertaking.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/545/luxottica-retail-australia-pty-ltd-enforceable-undertaking.docx.aspx) (PDF 705.1KB) ([www.fairwork.gov.au/ArticleDocuments/545/luxottica-retail-australia-pty-ltd-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/545/luxottica-retail-australia-pty-ltd-enforceable-undertaking.pdf.aspx))

Copy of media release:

- [Sunglass Hut to back-pay 620 workers \(www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/september-2019/20190924-sunglass-hut-eu-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/september-2019/20190924-sunglass-hut-eu-media-release)

## Thales Australia Limited

Date of undertaking: October 2019

Thales Australia Limited entered into an Court-Enforceable Undertaking with the Fair Work Ombudsman after they self-disclosed that they had paid annual salaries below what employees were entitled to under the applicable enterprise agreements. This led to underpayments of minimum wages, overtime, annual leave entitlements and superannuation. The employer has back-paid \$7.44 million to 407 current and former employees that were underpaid.

Copy of undertaking:

- [Thales Australia Limited Enforceable Undertaking \(DOCX 183.1KB\) \(www.fairwork.gov.au/ArticleDocuments/1505/thales-australia-limited-enforceable-undertaking.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/1505/thales-australia-limited-enforceable-undertaking.docx.aspx) (PDF 620.3KB) ([www.fairwork.gov.au/ArticleDocuments/1505/thales-australia-limited-enforceable-undertaking.pdf.aspx](http://www.fairwork.gov.au/ArticleDocuments/1505/thales-australia-limited-enforceable-undertaking.pdf.aspx))

[enforceable-undertaking.pdf.aspx](#))

Copy of media release:

- [Thales signs court-enforceable undertaking \(www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/august-2019/20190830-thales-eu-media-release\)](#)

## T J D Sayoco Pty Ltd

Date of undertaking: August 2019

T J D Sayoco Pty Ltd, trading as Han's Cafe Mandurah, entered into an EU with us after Fair Work inspectors found staff were being paid below the minimum award pay rates, and not receiving penalties and overtime rates. The employer has paid back their employees a total of \$27,086 and will improve their payroll process and undertake external audits to ensure that all staff are paid correctly in the future.

Copy of undertaking:

- [T J D Sayoco Pty Ltd Enforceable Undertaking \(DOCX 166.1KB\) \(www.fairwork.gov.au/ArticleDocuments/1505/tjd-sayoco-pty-ltd-enforceable-undertaking.docx.aspx\)](#) (PDF 3.2MB) ([www.fairwork.gov.au/ArticleDocuments/1505/tjd-sayoco-pty-ltd-enforceable-undertaking.pdf.aspx](#))

Copy of media release:

- [Han's Cafe Mandurah to back-pay 16 workers \(www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/august-2019/20190815-hans-cafe-mandurah-eu-media-release\)](#)

## MADE Establishment Pty Ltd

Date of undertaking: July 2019

MADE Establishment Pty Ltd entered into an EU with the Fair Work Ombudsman when representatives of MADE Establishment at their own initiative notified the FWO that they had identified non-compliance. This led to underpayment contraventions under the Restaurant Industry Award 2010.

Copy of undertaking:

- [MADE Establishment Enforceable Undertaking \(DOCX 73.5KB\) \(www.fairwork.gov.au/ArticleDocuments/545/made-establishment-enforceable-undertaking.docx.aspx\)](#) (PDF 2.9MB) ([www.fairwork.gov.au/ArticleDocuments/545/made-establishment-enforceable-undertaking.pdf.aspx](#))

Page reference No: 9064

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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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