

Enforceable undertakings

An enforceable undertaking (EU) is a written agreement between us and someone who has not followed an Australian workplace law (eg. an employer). EUs are used to fix a problem and make sure it doesn't happen again.

We can use an EU instead of taking an employer to court. We generally do this where:

- an investigation has shown that workplace laws have not been followed
- the employer is prepared to voluntarily fix the issue and
- they agree to preventative actions for the future.

What is included in an EU

Typically an EU contains additional obligations. These include:

- an acknowledgement by the employer that the law has not been followed
- an agreement by the employer to do certain actions to fix the breach (eg. remedying an underpayment, apologising, printing a public notice)
- a commitment by the employer to future compliance measures (eg. regular internal audits, training for managers and staff, future reporting to the Fair Work Ombudsman).

How an EU gets made

If we decide that an EU is the best way to sort out a workplace issue, we will prepare the draft agreement. An employer can provide input and seek independent legal advice before signing the agreement.

All EUs are published on our website. To read recent EUs visit:

- [2018-2019 enforceable undertakings \(www.fairwork.gov.au/about-us/our-role/enforcing-the-legislation/enforceable-undertakings/2018-2019-enforceable-undertakings\)](http://www.fairwork.gov.au/about-us/our-role/enforcing-the-legislation/enforceable-undertakings/2018-2019-enforceable-undertakings)
- [2017-2018 enforceable undertakings \(www.fairwork.gov.au/about-us/our-role/enforcing-the-legislation/enforceable-undertakings/2017-2018-enforceable-undertakings\)](http://www.fairwork.gov.au/about-us/our-role/enforcing-the-legislation/enforceable-undertakings/2017-2018-enforceable-undertakings) .

What happens if an EU is not complied with

Not complying with the agreed terms of an EU is a serious matter. We can apply to the courts to enforce the terms of the agreement.

Source reference: [Fair Work Act 2009 s.715 !\[\]\(4f6bf54ae7e4144a72d78316053e412d_img.jpg\) \(http://www.comlaw.gov.au/Series/C2009A00028\)](http://www.comlaw.gov.au/Series/C2009A00028)

Help for small business

- Find tools, resources and information you might need on our [Small business page \(www.fairwork.gov.au/Find-help-for/Small-business/default\)](http://www.fairwork.gov.au/Find-help-for/Small-business/default) .

You might also be interested in

- [Litigation outcomes \(www.fairwork.gov.au/About-us/Our-role/enforcing-the-legislation/Litigation/default\)](http://www.fairwork.gov.au/About-us/Our-role/enforcing-the-legislation/Litigation/default)

Page reference No: 2349

Contact us

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Fair Work Infoline: 13 13 94

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Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.