



Australian Government

Fair Work OMBUDSMAN

ENFORCEABLE UNDERTAKING

Between

The Commonwealth of Australia

(as represented by the Office of the Fair Work Ombudsman)

and

OHMED PTY LTD

ABN: 27601728269 / ACN: 601728269

and

Mr Hyung Jin Oh

ENFORCEABLE UNDERTAKING

Parties

1. This enforceable undertaking (**Undertaking**) is given to the Fair Work Ombudsman (**FWO**) pursuant to section 715 of the *Fair Work Act 2009* (Cth) (**FW Act**) by:
 - a) OHMED PTY LTD trading as OKS Hair and Beauty Salon ABN: 27601728269 (the **Company**), 52 Joseph Street, Lidcombe NSW 2141; and
 - b) Mr Hyung Jin Oh (**Mr Oh**), the Director of the Company.

Commencement of Enforceable Undertaking:

2. This Undertaking comes into effect when:
 - a) the Undertaking is executed by the Company and Mr Oh; and
 - b) the FWO accepts the Undertaking so executed.

Background:

3. The Company operates a hair and beauty salon located in Lidcombe, NSW.
4. The Company commenced operations on 9 September 2014 and currently employs approximately 10 to 15 employees.
5. The Company is covered by the *Hair and Beauty Industry Award 2010* [MA000005] (the **Award**) in respect of its employees who perform duties in accordance with the classifications set out in Schedule B of the Award.
6. On 30 August and 7 November 2017, Employee A and Employee B (listed in **Attachment A**) lodged requests for assistance (**RFA**) with the FWO. They allege they were underpaid their base hourly rate of pay.
7. In addition to the RFAs, FWO audited a two-week sample period of all employees working at the Company during May 2017. The audit determined a further five

employees were also underpaid their hourly rates of pay.

8. Mr Oh admits and agrees that:

- a) He has been the Director of the Company since 9 September 2014;
- b) That as sole Director, Mr Oh is ultimately responsible for the overall direction, management and supervision of the operations at the Company in relation to engaging staff, setting and adjusting pay rates and determining wages and conditions of employment; and
- c) By reason of the matters set out in subparagraphs (a) and (b) was responsible in a practical sense for ensuring the Company complied with its legal obligations.

9. The FWO has determined, and Mr Oh admits, that the Company contravened:

- a) Section 45 of the FW Act, by failing to comply with the following terms of the Award;
 - (i) Clause 10.2 - terms of their engagement;
 - (ii) Clause 16.1 - employee classification;
 - (iii) Clause 17 - minimum rates of pay;
 - (iv) Clauses 13.2 and 13.3 - casual loadings;
 - (v) Clause 31.2(c) - Saturday loading;
 - (vi) Clause 31.2(d) - Sunday loading;
 - (vii) Clause 35.3 - public holiday penalty rate; and
 - (viii) Clause 24.2 - superannuation contributions.
- b) Subsection 535(1) of the FW Act by failing to make and keep records relating to each of its employees of the kind prescribed by the *Fair Work Regulations 2009* (Cth);
- c) Subsection 536(1) by failing to issue pay slips to its employees;
- d) Subsection 125(1) by failing to provide new employees with the Fair Work Information Statement; and
- e) Subsection 323(1) by failing to pay an employee in relation to the performance of work in full.

10. The underpayment arising from the contraventions totalled **\$25,045.84** (gross) to seven

(7) employees. The Company rectified the total underpayments and provided evidence to the FWO on 15 June 2018.

Undertakings:

11. Upon the execution of this Undertaking and for the purposes of section 715 of the FW Act, the Company and Mr Oh undertakes the following:

11.1 FWO My account registration

- a) Within 14 days of the execution of this undertaking:
 - (i) register with the FWO My account portal at www.fairwork.gov.au/register and fully complete the My account profile, including information about the business and award/agreement coverage, through this portal;
 - (ii) using the FWO Pay Calculator, calculate relevant minimum pay rates (and penalty rates where necessary) and save these calculations to your My account;
 - (iii) provide to the FWO the 'My account' Customer Registration Number (CRN);
- b) Within 28 days of the execution of the Undertaking, at a mutually agreed time and location, demonstrate to an officer of the FWO knowledge of the use of My account, including saving information within My account from the website and relevant FWO online tools. You must also demonstrate how your use of this saved information will contribute toward your compliance with workplace obligations including payment to employees of the correct minimum pay rates and public holiday penalty rates.
- c) Within 14 of the execution of the undertaking, subscribe to the FWO's subscription service and provide evidence to the FWO of the subscription:
 - (i) Subscribe to the FWO's 'Subscribe to email updates' function available at <http://www.fairwork.gov.au/website-information/staying-up-to-date/subscribe-to-email-updates>. Choose the relevant State/s and industry, selecting information updates on pay rates and entitlements, new products and resources, about us and our work, updates in my industry and tailored information that's relevant to me.

11.2 Workplace relations systems and processes

- a) Ensure that the Company complies at all times and in all respects with the FW Act, the Fair Work Regulations 2009 (Cth) and the Award;
- b) Provide the FWO, within 60 days of the date of execution of this Undertaking, details of systems and processes already in place or to be implemented to comply with paragraph 11.2 (a) above. Without limitation, such systems and processes relating to:
 - (i) Ensuring each employee is correctly employed under the categories of full-time, part-time or casual and informing each employee of their status at the time of their engagement;
 - (ii) Ensuring each employee is classified correctly in accordance with Schedule B of the Award;
 - (iii) Ensuring employees receive the correct minimum rates of pay and entitlements, such as penalty rates and loadings;
 - (iv) Keeping accurate and complete records to ensure employees receive their correct wages and entitlements;
 - (v) Ensuring employees receive pay slips within one day of wages being paid; and
 - (vi) Ensure copies of the Award and the NES are available to all employees to whom they apply in accordance with clause 5 of the Award. They need to be available either on a noticeboard that is conveniently located at or near the workplace or through electronic means, whichever makes them more accessible.

11.3 Workplace relations training

- a) Within **120 days** of the execution of this Undertaking, organise and ensure training is undertaken by the Mr Oh, Oh Kyung Sook (**Mrs Oh**), General Managers and Deputy General Managers of the business and provided to all persons who have responsibility for human resource, recruitment or payroll functions (**Training**);
- b) Ensure the Training relates to compliance with applicable Commonwealth of Australia workplace laws and instruments, including but not limited to the rights and responsibilities of employers under the FW Act and the Award;

- c) Ensure that the nature of serious contraventions, including the seriousness of record keeping obligations and systematic conduct that affects one or more employees is a component of the Training;
- d) Ensure the Training is conducted by a workplace trainer, such person or organisation to be approved by the FWO and paid for by the Company;
- e) Provide the training materials to be used in the Training to the FWO no later than **14 days** before the Training is to be conducted;
- f) Provide evidence of attendance at the Training to the FWO **within 7 days** of the Training being provided (including the name and position of all attendees and the date on which the training was attended);
- g) Ensure that Training is conducted in the manner prescribed in paragraphs 11.3 (b),(c) and (d) for a period of **12 months** from the execution of this Undertaking, for any new or existing employees or contractors who acquire responsibilities that include human resources, recruitment or payroll functions on behalf of the Company after the commencement of this Undertaking. The training must be undertaken, and evidence provided to the FWO, **within 90 days** of the relevant employee or contractor taking on responsibility for the functions;

11.4 Online Training

- a) Within six (6) calendar months of the execution of this Undertaking, Mr Oh and Mrs Oh General Manager of the business, are to complete training courses (**Training**) listed on the FWO Online Learning Centre via separate and individual MyAccount registrations.
- b) The online FWO Online Learning Centre courses to be completed by Mr Oh and Mrs Oh are:
 - (i) **Difficult conversations in the workplace** – get practical tips on how to respond to employee concerns and deliver bad news.
 - (ii) **Hiring employees** – find help on the process of attracting, selecting and inducting new employees.
 - (iii) **Managing employees** – learn key people management skills and how to deal with problems like absenteeism.

- (iv) **Managing performance** – learn how to promote good employee performance and address underperformance.
 - (v) **Diversity and discrimination** – know how to create an inclusive workplace, prevent discrimination and handle complaints.
 - (vi) **Workplace flexibility** – understand your obligations and discover how to make flexibility work for you.
 - (vii) **Record-keeping and pay slips** – learn how to make, update and manage employment records for your business.
- c) If the person responsible for the human resources administrative functions including but not limited to employee rosters, timesheets, wage processing and payment and the issuing of pay slips is different to Mr Oh or Mrs Oh during the period of this Undertaking, the Company is required to notify the FWO of the name of this person. The person is required to complete a MyAccount registration and training in accordance with clause (a) above within 28 days of appointment.
- d) For each person required to complete the Training, enter all of the required information in **Attachment D** and provide copies of the completed attachment to the FWO **within 90 days** of the execution of this Undertaking; and
- e) For any persons taking on any of the functions or responsibilities in paragraph 10.3 (g), complete **Attachment D** and submit to the FWO within **28 days** of taking responsibility for these functions.

11.5 Apology

- a) Send a letter of apology to the employees in the form of **Attachment C** to this Undertaking and provide copies to the FWO within 14 days of the execution of this Undertaking; and
- b) The letter of apology must be provided to the employees in the employees preferred language.

11.6 Audit Activity

- a) At its own expense, the Company undertakes to engage an external accounting professional (for example a Certified Practising Accountant) or an employment law specialist, to perform audits of the Company's compliance with all Commonwealth workplace laws and instruments (**Audits**), including the Award and FW Act:

- b) The Audits will include the pay and conditions of all employees;
- c) A civil remedy may apply for giving false or misleading information or producing false or misleading documents.
- (i) 21 days prior to the Audits due date/s, the Company will provide for the FWO's approval, details of the methodology to be used to conduct the Audit. The audit schedule is detailed in **Attachment E**.
 - (ii) Without limiting paragraph (a) above, ensure that the Audits examine the Company's compliance with any wage rate, penalty or allowance increases arising from the Fair Work Commission's Annual Wage Reviews;
 - (iii) In the event the Audits disclose contraventions of any applicable Commonwealth workplace law and/or instruments, rectify all such contraventions within 14 days of each of the finalisation dates specified in Attachment E, including rectification of any and all underpayments to employees and provide evidence of rectification to the FWO;
 - (iv) If requested, provide the FWO with all records and documents used to conduct the audit, including any working documents, within 7 days of such a request;
 - (v) If any employees identified as having underpayments owing to them cannot be located within 60 days of each of the finalisation dates specified in **Attachment E**, the Company will make application to the Commonwealth of Australia (through the FWO) in accordance with section 559 of the FW Act to pay money into the Commonwealth Revenue Fund. The Company will complete the required documents supplied by the FWO.

11.7 Matters notified to the FWO

- a) Where the FWO receives a request for assistance regarding non-compliance with a modern award or registered agreement, the Company and its officers undertake to fully co-operate with the FWO to ensure compliance. This includes:
- Providing all requested employment records and other documentation to the FWO relevant to the request for assistance
 - Participating fully in any subsequent requests for information relevant to the request for assistance, and
 - Co-operation in FWO's processes to resolve the request for assistance.

11.8 Workplace Notice

- a) Within 30 of the execution of this Undertaking, the Company will display a notice in the form of **Attachment B (Workplace Notice)** and provide photographic evidence of its display and the location of the notice in the workplace:
 - (i) Ensure that the Workplace Notice is printed in at least A3 size and is clearly displayed;
 - (ii) In a location to which all employees who work at the Company have access;
 - (iii) In a manner which is reasonably capable of drawing attention of all employees to the Workplace Notice (for example, by placement on a staff noticeboard;
 - (iv) For a period of 30 continuous days
 - (v) At the end of the period of 30 days provide confirmation to the FWO that the Workplace Notice has been continuously displayed for the required period.

11.9 Social Media Notice

- a) The Company will, within 30 days of, but not prior to, the FWO publishing a Media Release on its website in respect of this Undertaking, place a post on its Facebook Page which will:
 - (i) be posted and pinned to the top of the homepage in public view;
 - (ii) remain on the Facebook page for a continuous period of at least 30 days; and
 - (iii) be in the form of the Public Notice set out at **Attachment B**.
- b) Within 7 days of posting the notice on the Company's Facebook page provide evidence of the posting of the link to the Company's Facebook page to the FWO.

11.10 Record Keeping

- a) Within 30 days provide to the FWO a copy of time and wage records and payslips for one employee for the first full pay period following the execution of this Undertaking. Such records are to comply with Commonwealth workplace laws.
- b) A civil remedy may apply for giving false or misleading information or for producing false or misleading documents

11.11 Access to the Award and National Employment Standards

a) The Company will:

- (i) Ensure that copies of the Award and the NES are available to all employees to whom they apply in accordance with Clause 5 of the Award. These will be made available either:
- (ii) On a noticeboard which is conveniently located at or near the workplace; or
- (iii) Through electronic means;
- (iv) Within 30 days of the execution of this Undertaking, provide a signed confirmation to the FWO from all employees that they have access to the instruments listed in (i) above.

11.12 Employee Education

a) The Company will:

- (i) Issue information packs containing current versions of the FWO fact sheets listed below and Fair Work Information Statement to all existing employees
 - i. Fact sheet "About the Fair Work Ombudsman";
 - ii. Fact sheet "Record keeping and pay slips";
 - iii. Fact sheet "Fair Work Information Statement";
 - iv. Fact sheet "Guide to starting a new job."
- (ii) Provide to the FWO copies of the Acknowledgement of Receipt (**Attachment F**) within 30 days of the execution of the Undertaking.
- (iii) Ensure the information pack outlined in paragraph (i) above is provided to new employees within 7 days of them commencing employment with the Company. The packs should be provided to all new employees who commence employment within a period of two years from the date of execution of this Undertaking.
- (iv) The information pack must be provided to each employee in the employees preferred language (where FWO has made these available).
- (v) Provide the FWO copies of the Acknowledgement of Receipt (**Attachment F**) signed by new employees to the FWO every 6 months from the date of execution of this Undertaking for a period of two years.

11.13 Payment of wages

- a) The Company will:
 - (i) pay wages in accordance with the frequency of payment terms outlined in Clause 25 of the Award; and
 - (ii) pay all employees by electronic funds transfer.

11.14 Reporting

- a) The Company will notify the FWO of any changes of circumstances that could potentially impact on the Company's ability to comply with the undertakings contained in this Undertaking, as soon as it becomes aware of such circumstances. Such circumstances shall include but not be limited to:
 - (i) Sale or potential sale of the business, or part of the business;
 - (ii) Change of or change in details of company directors, or other officeholder positions;
 - (iii) Change in engagement of workers, for example engaging contractors, labour hire or family members in lieu of employees;
 - (iv) The Company or its Directors opening any new establishments or businesses that employ employees within the Hair and Beauty industry, or acquiring any existing businesses establishments that employ employees within the Hair and Beauty industry, whether alone or in partnership with another entity;
 - (v) Ceasing or an expectation of ceasing to trade; and
 - (vi) The Company going into administration or liquidation.
- b) In the event that there are any events or circumstances described in a) above, required to be reported to the FWO, the Company will provide any documentation or other evidence requested by the FWO to confirm the event/s that have transpired.

11.15 Employee Reporting

- a) Within 90 days of the execution of this Undertaking, the Company will report to the FWO on all employees that worked for the Company during the previous eight months (in line with the audit activity dates listed in Attachment E). The Company will complete a signed declaration that the Company is remunerating its employees in accordance with its legal obligations including but not limited to the FW Act, the Award and

superannuation legislation. A copy of the declaration is located at (**Attachment G**) and is to be provided to the FWO every eight months for a period of 2 years.

- b) You may be liable to a civil remedy for giving false or misleading information or producing false or misleading documents.

11.16 Broader Community workplace relations education

- a) Make a donation within **90 days of \$5,000.00** to Marrickville Legal Centre (**MLC**) ABN: 53 699 012 017 with the objective of assisting the promotion of compliance with Commonwealth workplace laws in the community, and provide evidence of the donation to FWO.
- b) The Company will ensure that all current staff have the opportunity to attend a legal information session delivered by MLC at the Company's business premises. This session will include the delivery of information and training for all employees on understanding their employment rights under Australian workplace laws.

No Inconsistent Statements

12. The Company and Mr Oh:

- a) must not; and
- b) must ensure that each of the Company's officers, employees or agents, do not, make any statement, orally or in writing or otherwise imply anything that is inconsistent with admission or acknowledgements contained in this Undertaking.

Acknowledgments


13. The Company and Mr Oh acknowledges that:

- a) The FWO may;
 - (i) make this Undertaking (and any of the Attachments hereto) available for public inspection, including by posting it on the FWO internet site at www.fairwork.gov.au;

- (ii) release a copy of this Undertaking (and any of the Attachments hereto) pursuant to any relevant request under the Freedom of Information Act 1982 (Cth);
 - (iii) issue a media release in relation to this Undertaking;
 - (iv) from time to time, publicly refer to the Undertaking (and any of the Attachments hereto) and its terms; and
 - (v) rely upon the admissions made by the Company set out in paragraphs 12 above in respect of decision making concerning any future non-compliance with the Company's workplace relations obligations.
- b) Consistent with the Note to section 715(4) of the FW Act, this Undertaking in no way derogates from the rights and remedies available to any other person arising from the conduct set out herein;
- c) Consistent with section 715(3) of the FW Act, the Company and Mr Oh may withdraw from or vary this Undertaking at any time, but only with the consent of the FWO; and
- d) If the Company contravenes any of the terms of this Enforceable Undertaking:
 - (i) The FWO may apply to any of the Courts set out in section 715(6) of the FW Act, for orders under section 715(7) of the FW Act; and
 - (ii) This Enforceable Undertaking may be provided to the Court as evidence of the admissions made by Mr Oh in paragraphs 9 above, and also in respect of the question of costs.

Executed as an undertaking

EXECUTED by OHMED PTY LTD in accordance with section 127(1) of the *Corporations Act 2001*:



(Signature of director)

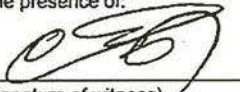
Hyung Jin Oh

(Name of director)

21/6/18

(Date)

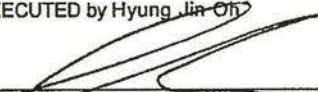
in the presence of:



(Signature of witness)

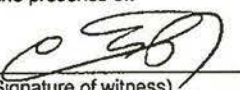
(Name of witness)

EXECUTED by Hyung Jin Oh




Signature of Hyung Jin Oh

in the presence of:



(Signature of witness)

ACCEPTED by the FAIR WORK OMBUDSMAN pursuant to section 715(2) of the *Fair Work Act 2009* on:



Executive Director - Compliance & Enforcement

Delegate for the FAIR WORK OMBUDSMAN

in the presence of:



(Signature of witness)

(Signature of director/company secretary)

(Name of director/company secretary)

(Date)

in the presence of:

Hwaseon Lee

(Signature of witness)

(Name of witness)

21/6/18

(Date)

Hwaseon Lee

(Name of witness)

22/6/18

(Date)

LOUISE CATO

(Name of Witness)

Attachment A - Underpaid Employees

Employee Name	Classification	Underpayment
██████████ (Employee A)	Level 1 Hair and Beauty employee	\$20,102.84
██████████ (Employee B)	Level 1 Hair and Beauty employee	\$ 1,808.34
██████████	Level 1 Hair and Beauty employee	\$ 374.94
██████████	Level 1 Hair and Beauty employee	\$ 677.94
██████████	Level 1 Hair and Beauty employee	\$ 773.94
██████████	Level 1 Hair and Beauty employee	\$ 773.94
██████████	Level 1 Hair and Beauty employee	\$ 533.90
Total underpayments		\$ 25,045.84

Attachment B – Social Media and Workplace Notice

FORM WORKPLACE NOTICE

Contravention of Fair Work Act by OHMED PTY LTD

We refer to the investigation conducted by the Office of the Fair Work Ombudsman (FWO), which determined that OHMED PTY LTD had contravened the *Fair Work Act 2009* and *Hair and Beauty Award 2010* by:

- Failing to inform employees of their status of employment at the time of engagement;
- Failing to advise employees of their classification in writing;
- Failing to pay the base hourly rate of pay;
- Failing to pay the casual loading for Monday to Friday work performed;
- Failing to pay the Saturday, Sunday and public holiday loading/rates to casual employees;
- Failing to pay employee superannuation contributions;
- Failing to make and keep employee records;
- Failing to issue pay slips;
- Failing to provide a Fair Work Information statement to employees; and
- Failing to comply with the permitted deductions provisions;

OHMED PTY LTD has formally admitted to FWO that these contraventions occurred and has entered into an Enforceable Undertaking with the FWO (available at www.fairwork.gov.au) committing to a number of measures to remedy the contraventions, including by rectifying the underpayments.

OHMED PTY LTD expresses its sincere regret and apologises for the conduct, which resulted in the contraventions. Furthermore, OHMED PTY LTD gives a commitment that such conduct will not occur again and that it will comply with all requirements of the Commonwealth workplace relations laws in the future.

Attachment C – Letter of Apology

FORM OF APOLOGY LETTER TO AFFECTED EMPLOYEES

<Date>

<Employee Name>

<Employee Address>

Dear <Employee Name>

I am writing to apologise on behalf of Hyung Jin Oh and OHMED PTY LTD for non-compliance with Commonwealth Workplace relations laws. A recent investigation conducted by the Office of the Fair Work Ombudsman (FWO) determined that OHMED PTY LTD had contravened the *Fair Work Act 2009* and *Hair and Beauty Award 2010* by:

- Failing to inform employees of their status of employment at the time of engagement;
- Failing to advise employees of their classification in writing;
- Failing to pay the base hourly rate of pay;
- Failing to pay the casual loading for Monday to Friday work performed;
- Failing to pay the Saturday, Sunday and public holiday loading/rates to casual employees;
- Failing to pay employee superannuation contributions;
- Failing to make and keep employee records;
- Failing to issue pay slips;
- Failing to provide a Fair Work Information statement to employees; and
- Failing to comply with the permitted deductions provisions;

Regrettably, the investigation determined that you were affected by the above contraventions.

OHMED PTY LTD is taking steps to remedy the contraventions, including by rectifying \$[insert amount] that you have been underpaid, paying compensation of \$[insert amount] to you and/or making a donation of \$[insert amount] to fund education about workplace rights. [If applicable]: You will/have receive/d this payment on [insert date] and will be provided with payment advice regarding the payment].

OHMED PTY LTD have formally admitted to the FWO that OHMED PTY LTD did not comply with its obligations under Commonwealth workplace relations laws and have entered into an Enforceable Undertaking with the FWO, a copy of which will be available from the FWO website at www.fairwork.gov.au. As part of the Enforceable Undertaking, we have committed to a number of measures to ensure future compliance with Commonwealth workplace relations laws.

OHMED PTY LTD its sincere regret and apologises to you for failing to comply with our lawful obligations.

Should you have any questions, please contact [party to include contact details].

Yours sincerely

Hyung Jin Oh

Attachment D – Training Resources Utilised from the FWO Website www.fairwork.gov.au

I, Hyung Jin Oh, Director of OHMED PTY LTD have undertaken the following tools:

Completed online courses* including:

- Difficult conversations in the workplace – manager course date completed: _____
- Hiring employees date completed: _____
- Managing employees date completed: _____
- Managing performance date completed: _____
- Diversity and discrimination date completed: _____
- Workplace flexibility date completed: _____
- Record-keeping and pay slips date completed: _____

** Please provide printout of the Statement/Certificate of Attainment for each course completed*

Viewed Videos including:

- Welcome to fairwork.gov.au date completed: _____
- Finding information for your industry date completed: _____
- My account date completed: _____
- Introduction to the Pay and Conditions Tool date completed: _____
- PACT – Award classifications date completed: _____
- PACT – Pay summary date completed: _____
- PACT – Penalty rates date completed: _____
- PACT – Allowances date completed: _____
- PACT – Award Coverage date completed: _____

Read Factsheets including:

- Role of the Fair Work Ombudsman date completed: _____
- Contractors and employees – what's the difference? date completed: _____

Read information on the following:

- **Pay Overview**

- Minimum wages Page Ref No. _____ date completed:

- Penalty rates & allowances Page Ref No. _____ date completed:

- **Leave Overview**

- Annual leave Page Ref No. _____ date completed:

- Sick & carer's leave Page Ref No. _____ date completed:

- **Ending Employment Overview**

- Notice & final pay Page Ref No. _____ date completed:

- Unfair dismissal Page Ref No. _____ date completed:

- **Employee Entitlements Overview**

- Types of employees Page Ref No. _____ date completed:

- National Employment Standards Page Ref No. _____ date completed:

- **Awards & Agreements Overview**

- Awards Page Ref No. _____ date completed:

Signature: _____

Date:/...../.....

Attachment E - Audit Schedule

The Audits required by clause 11.7 of this Undertaking are to include:

- (i) Clause 10.2 - status of employment;
- (ii) Clause 16.1 - classification;
- (iii) Clause 17 - minimum rates;
- (iv) Clause 13.2 - casual loading -;
- (v) Clause 31.2(c) - Saturday loading;
- (vi) Clause 31.2(d) - Sunday loading;
- (vii) Clause 35.3 - public holiday penalty;
- (viii) Clause 24.2- superannuation contributions.
- (ix) Subsection 535(1) - making and keeping records
- (x) Subsection 536(1) - pay slips; and
- (xi) Subsection 323(1) - payment in full.

Audit 1 is to be finalised by 31 March 2019 and is to include:

- i. An audit of six (6) full pay periods between 1 July 2018 and 28 February 2019.
- ii. Audit 1 is to be finalised and a report on the outcomes of the audit is to be provided to the FWO within 28 days of the finalisation date 31 March 2019. The report must include details of the Company's compliance or non-compliance.

Audit 2 is to be finalised by 30 November 2019 and is to include:

- i. An audit of six (6) full pay periods between 1 March 2019 and 31 October 2019.
- ii. Audit 2 is to be finalised and a report on the outcomes of the audit is to be provided to the FWO within 28 days of the finalisation date 30 November 2019. The report must include details of the Company's compliance or non-compliance.

Audit 3 is to be finalised by 30 June 2020 and is to include:

- i. An audit of six (6) full pay periods between 1 November 2019 to 31 May 2020.
- ii. Audit 3 is to be finalised and a report on the outcomes of the audit is to be provided to the FWO within 28 days of the finalisation date 30 June 2020. The report must include details of the Company's compliance or non-compliance.

Attachment F - FWO Fact Sheets and FWIS acknowledgement template.
Acknowledgement of Receipt – FWO Fact Sheets and Fair Work Information Statement

I,of

agree that I received a copy of the FWO Fact Sheets About the Fair Work Ombudsman and Employer obligations in relation to employee records and pay slips and a copy of the Fair Work Information Statement.

Signed:

Date:/...../.....

Attachment G - Employee Reporting

During the period ____/____/____ to ____/____/____ the following employees worked for the Company:

Name of employee	Date commenced	Date ceased employment (if applicable)	Status of employment (Full time, Part time or Casual)	Award Classification

In providing this information, I confirm that the information is true and correct.

I am aware that providing false or misleading information is a contravention of section 718A of the *Fair Work Act 2009* and is a civil remedy with a maximum penalty of \$ X for a body corporate or \$ X for an individual.

Providing false or misleading information is also a criminal offense under section 137.1 and 137.2 of the *Criminal Code Act 1995*, which could result in imprisonment for 12 months.

Name and position of person providing the information: _____

Signature of person providing information: _____

Date:/...../.....