

A VISION IN THE WORKPLACE

Our May edition of Vision includes:

- Announcement of Employee Position Changes;
- Invitation to Attend an Exclusive Webinar Event; and
- \$100,000 Fine Issued to HR Manager in Payroll Scam Case.

Announcement of Employee Position Changes

Stevens & Associates is thrilled to announce the promotion of Josh Hoggett to the position of Senior Solicitor.

With over 8 years of experience at the firm, we are excited that Josh will be stepping up to the Senior Solicitor role as he continues to demonstrate himself as an invaluable asset to the employment law knowledge and services we offer at Stevens & Associates. This well-deserved advancement reflects Josh's dedication, expertise, and exceptional contributions to Stevens & Associates.

Josh completed a Bachelor of Law and Commerce at the University of New South Wales and has been admitted as a solicitor in the Supreme Court of NSW. Josh prides himself on providing expert and practical

advice to employees and employers, and proactively preventing legal problems from arising.

As a senior solicitor for the firm, Josh will play a critical role in the provision of legal services for employees, employers, and independent contractors. Josh has a particular interest in issues relating to the underpayment of wages and entitlements and the increasingly relevant issue of accessorial liability.

At the same time, Peter Hindeleh's time at Stevens & Associates is sadly due to come to an end 28 June 2024, as he has left to pursue an exciting new opportunity. We would like to thank Peter for his assistance and hard work on all client matters whilst at Stevens & Associates over the past two years. We wish him the very best for his future endeavours.

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Webinar

5 Reasons Your FY25 Budget Needs to Centre on Your Employees

Speaker
Natasha Hawker

Thursday
30 May 2024 12PM AEST

REGISTER NOW

Invitation to Attend an Exclusive Webinar Event: 5 Reasons Your FY25 Budget Needs to Centre on Your Employees

Join the exclusive online session hosted by Natasha Hawker, Managing Director of Employee Matters. Learn how to prioritise your employee spending to navigate current economic challenges effectively.

Key Topics Covered:

- Restructuring Without Fracturing: Strategies to reorganise your business sustainably.
- Finding and Keeping Your A-Team: The critical importance of retaining top talent.

- The Hidden Costs of Cutting Expenses: Understanding the true impact of cost-cutting measures.
- ROI of Employee Engagement: The benefits of investing in employee satisfaction.
- Financial Risks of Delaying ER Changes: Why timely action on employee relations is crucial.

Why Attend?

Expert Insights: Natasha Hawker is a renowned HR expert with features in ABC Radio, 7+ Sunrise, The Financial Review, and more.

Free Tools: Access to ROI calculators, checklists, and eBooks.

Exclusive Offers: Facilitated HR ROI and recruitment forecasting sessions (limited numbers available)

Details:

Date: Thursday, May 30

Time: 12:00 PM AEST

Format: Online | 45 minutes + Q&A

Secure your spot now to ensure a strong start to FY25! Register using the link: [webinar invite](#)

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\$100,000 Fine Issued to HR Manager in Payroll Scam Case

In the wake of a "deceitful and unscrupulous" payroll scheme that saw a dumpling chain, Din Tai Fung, fined \$4 million, the HR manager involved has been slapped with a \$100,000 penalty. The Federal Court, presided over by Justice Anna Katzmann, levied the fine considering the substantial impact it could have on the manager, potentially leading to the sale of her home shares.

The case, which unfolded over the deliberate underpayment of 17 workers of about \$175,000 between late 2017 and mid-2018, revealed a web of deceit within Din Tai Fung. Justice Katzmann's earlier ruling pointed to the HR manager's active

involvement, highlighting her role in instructing and training a colleague in the illicit payroll practices.

The Fair Work Ombudsman (FWO) detailed how the HR manager and the general manager, who was also fined over \$92,000, coerced employees on temporary visas to work longer hours under threats of deducting annual leave. A former payroll officer corroborated these claims, stating he was directed to falsify records of hours worked and payments made, leading to significant discrepancies.

Justice Katzmann's recent penalty judgment emphasised the severity of Din Tai Fung's actions, describing them as not just deliberate but also deceitful and aimed at robbing employees of their rightful wages. She noted that the exploitation continued despite legal safeguards and investigations, highlighting the vulnerability of the affected workers, most of whom were non-citizens on temporary visas.

While arguments were made regarding the financial strain the penalties would impose on the managers, Justice Katzmann stood firm, pointing out inconsistencies in their reported earnings and hinting at potential unrecorded cash payments. She underscored the need for deterrence, citing concerns about the managers' future conduct in

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the absence of acknowledgment or remorse for their past actions.

Key Takeaways

Ultimately, while the penalties were reduced by 40% to avoid over-penalisation, the case serves as a stark reminder of the consequences of exploiting workers and engaging in deceptive business practices.

If you have any questions about this case and what the decision could mean for you, please do not hesitate to contact Nick Stevens, Peter Hindeleh, Josh Hoggett or Evelyn Rivera.

This publication is intended only as a general overview of legal issues currently of interest to clients and practitioners. It is not intended as legal advice and should only be used for information purposes only. Please seek legal advice from Stevens & Associates Lawyers before taking any action based on material published in this Newsletter.