GRILL'D 10-MINUTES REST BREAKS CLASS ACTION

FREQUENTLY ASKED QUESTIONS

1. What is a class action?

A class action is a type of legal proceeding in which one or more persons (called the lead applicant or lead applicants) brings a claim on behalf of a wider group of people who have been affected in a similar way, or by the same conduct. The people in this wider group are called group members.

The person who commences the proceeding, the lead applicant, does not have to get permission from the group members before commencing the proceeding.

2. What is the class action about?

The class action alleges that current and former employees of Grill'd Pty Ltd (**Grill'd**):

(a) were entitled to receive 10-minute breaks on shifts of four hours or more; but

(b) did not receive these breaks.

The class action claims that these employees should receive money compensation for each occasion on which they were entitled to a 10-minute rest break but did not receive one, as well as compensation for the loss of amenity as a result of not receiving these breaks. The class action also seeks that Grill'd be required to pay a penalty, if the breaches are proven.

3. Who is covered?

You are likely a group member in the class action if you:

(a) are a current or former employee of Grill'd; and

(b) were, during your employment, covered by the *Grill'd Enterprise Agreement 2015* and/or the *Grill'd Enterprise Agreement 2020*; and

(c) worked a shift 4 hours or more in duration between 17 December 2019 and 17 December 2025; and

(d) were not provided with a 10-minute rest break on one or more shifts of 4 hours or more.

Importantly, this class action does not cover employees who worked at Grill'd restaurants operated by franchisees. If you worked at a Grill'd-branded restaurant but you were employed by a company other than Grill'd Pty Ltd you are not included in the class action.

4. How do I know if I was employed by Grill'd, or a franchisee?

Your payslip will identify who paid your wages. This is the best place to start.

If *Grill'd Pty Ltd* was paying your wages, you were probably employed by Grill'd.

If a person or company other than Grill'd was paying your wages, you were probably employed by a franchisee.

5. Who is running the class action?

Gordon Legal are the solicitors who are acting on behalf of the applicant and group members in the class action.

6. Is the class action funded?

Yes, the class action is being partly funded by a union called the Shop, Distributive and Allied Employees Association, or SDA. If the class action is successful, then the SDA is likely to seek an order that it be reimbursed for the costs incurred in funding the class action from the compensation payable to group members, plus interest on that amount.

7. Will I have to pay anything?

You will not be asked to pay any out-of-pocket costs in the class action.

If you remain in the class action and it succeeds, the lead applicants will ask the Court to make an order that all group members pay a share of their compensation towards the legal costs and the funding provided by the SDA.

8. If the class action is successful. How much will go to legal fees?

It is not possible to work out in advance how much of your compensation will be deducted for legal fees.

However, the Court must approve any amounts that are deducted as being fair and reasonable in the circumstances.

9. How can I be a group member if I didn't ask for anyone to lodge a claim for me?

The lead applicant (the class representative) does not need permission to start the class action on behalf of all group members. However, the Court rules for class actions require that the group members be given an opportunity to get out of the class action. This is a process called 'opting out' and we explain it below.

10. If I am not a group member in the class action, what do I need to do?

If you are not a group member in the class action (including because you worked at a Grill'd restaurant operated by a franchisee), you don't need to do anything.

11. I'm a group member, what do I need to do?

If you are a group member, you can either:

(a) Do nothing, in which case you continue to be a group member in the class action; or

(b) Opt-out of the class action, which means you will cease to be a group member but retain your right to bring your own claim subject to any relevant time limitations.

If you do not opt out, you can also register for the class action. See question 19 below for more information on how to register.

12. What are the consequences of opting out of the class action?

If you opt out of the class action, you will cease to be a group member.

This means that you will not be entitled to any compensation if the class action proceeds.

It also means that if the class action fails, you are not bound by the Court's decision.

13. What are the consequences of not opting out?

If you do not opt out of the class action (that is, you do nothing) you will remain part of the class action.

If the class action succeeds, whether by judgment or settlement you may be entitled to compensation and penalties.

If you are awarded compensation the Court will decide how much money will be deducted for legal fees and the funding provided by the SDA. This will occur before you receive your compensation.

If the class action fails, you will be bound by the outcome. This means that you will not get any compensation and you will not be able to join a different proceeding or to run your own proceeding, in relation to the same allegations.

14. Is there a deadline to opt out?

Yes, the deadline is 4pm on 12 February 2027.

15. Can I opt out later?

No, not without express permission from the Court.

Once the opt out period ends, you will not be able to opt out of the class action unless you make a formal application to the Court seeking permission to do so. This means that, absent any such application to the Court, you will continue to be a group member, even if you decide later on that you don't want to be in the class action.

16. Can I opt back in once I've opted out?

No, not without the express permission from the Court.

17. How do I opt out?

You can opt out by filling out a form (accessible here) and sending it to Gordon Legal at grilld@gordonlegal.com.au before the deadline.

18. Can I commence my own proceeding?

Yes, but only if you opt of the class action.

Before commencing your own proceeding, you will need to consider your prospects of success, the amount of your claim and the costs of running your own proceeding. Strict time limits apply.

If you decide to opt out of the class action and want to commence your own proceeding, you should urgently seek your own legal advice.

19. How do I register my interest in the class action?

You may register your interest in the class action with Gordon Legal on their website.

20. When is the case going to be heard?

The Court had not fixed a date an initial trial.

21. Trial or settlement?

Before a trial, the Court may order the parties to go to a mediation to try to settle the claims. Many class actions settle at mediation.

If the parties agree on a settlement of the class action, the settlement can't take effect unless it is approved by the Court. When deciding whether to approve a proposed settlement of a class action, the Court's role is to protect the interests of the group members and make sure the settlement is in their interests, in all the circumstances.

22. How much compensation will I get?

The Court is being asked by the applicant to order that group members be given:

(a) 10 minutes' worth of pay for each occasion on which you were entitled to a 10-minute rest break but did not receive it; and

(b) Compensation for the loss of amenity associated with not receiving those 10-minute rest breaks.

If a settlement or a Court judgment results in compensation being payable to the group members, the precise amount being claimed on your behalf may depend on your rate of pay at the time you were entitled to the 10-minute rest breaks, and the number of breaks you did not receive.

However, it is for the Court to decide whether to order compensation and if so, how to calculate the amount.

If you remain in the class action the amount you receive will be reduced by your share of the legal costs and any amount to be paid by the SDA to reimburse them for the funding they provide.

23. Will the class action succeed?

We are not able to give you advice on the likelihood of the class action succeeding.

24. Will the proceeding settle before the hearing?

It is not possible to say whether or not the proceeding will settle.

However, if the class action settles, the Court must approve the terms of any settlement.

25. Should I opt out?

This is for you to decide. In making your decision, you should weigh up each of the issues outlined in the opt out notice.

You can also obtain independent legal advice about your decision on whether or not to opt out.