

OPT OUT NOTICE TO CURRENT AND FORMER KFC WORKERS ISSUED BY ORDER OF THE FEDERAL COURT OF AUSTRALIA

[Click here to view this notice in video form](#)

You are receiving this notice because you might be a group member in a class action run in the Federal Court on behalf of current and former KFC workers seeking money compensation and penalties.

You have a choice about whether or not to opt out of the class action.

You must make this decision by 27 September 2024.

What is the case being run?

A class action is being run against KFC and franchisees on behalf of certain current and former workers. These people are called **group members**.

The class action seeks money for workers who worked a shift of four hours or more and didn't get a ten minute break.

The class action is being run by two law firms acting jointly, Gordon Legal and Shine Lawyers.

KFC and the franchisees are defending the case.

Am I a group member?

You might be a group member if between 25 October 2017 and 22 December 2023 you worked at a KFC restaurant in Australia and did not get a 10 minute break on a shift when you were entitled to one.

More details about group membership is given on the [next page](#).

What are my options?

Option 1 - Do nothing and stay in the class action.

Option 2 – Opt out of the class action.

How do I opt out?

Follow this [link](#) to the Opt-Out Form and submit it to either Gordon Legal or Shine Lawyers at

kfc@gordonlegal.com.au
kfcclassaction@shine.com.au

I've got questions

If you have questions please refer to the FAQs page [here](#).

Option 1:

Do nothing and remain in the class action

If you are a group member and do nothing, then your compensation claim will continue to be dealt with in the class action. You will be bound by any decision made by the court.

If you do nothing and the class action succeeds, you may be eligible for money compensation.

If you are awarded compensation, it is likely that the Court will order that you pay part of it towards lawyers' fees and to the Shop, Distributive and Allied Employees Association, or SDA, which is providing funding to run the case.

If the class action fails then you will not have to pay any legal costs.

Option 2:

Opt out of the class action

If you opt-out of the class action, you will not be covered by it.

In that case you **will not be eligible** for any money compensation if the class action is successful.

You will, however, be able to bring your own claim if you wish.

You may also decide to opt out if you do not want to be part of any claim.

If you would like to opt-out you can find the Opt-Out Form [here](#).

What about registration?

If you choose to stay in the class action, then you should also consider registering. Registering will help ensure that you get future communications about the class action. You can register via the [Gordon Legal website](#) or via the [Shine Lawyers website](#).

MORE INFORMATION

Who is running the class action?	Gordon Legal and Shine Lawyers are acting jointly on behalf of the applicants and group members. The Shop, Distributive and Allied Employees Association, or SDA, is partly funding the class action.
Who is a group member?	You may be a group member if you worked at a KFC store between 25 October 2017 and 22 December 2023 and you did not receive at least one 10 minute paid break that you were entitled to.
What does the class action seek?	The class action seeks: <ol style="list-style-type: none">1. findings that KFC and franchisees breached their legal obligations;2. money compensation; and3. penalties against KFC and franchisees for not providing the breaks. Penalties are like a fine. The Court might order that a share of the penalties are paid to you.
Who is being sued?	KFC and eighty five franchisees (you can download a list of the franchisees here).
Is the claim being defended?	Yes, the claim is being defended.
What is a separate question?	<p>A separate question is a court process where one or more issues in dispute between the parties are determined at an early stage. This may have the effect of encouraging the parties to settle the proceedings earlier than an initial trial.</p> <p>The class action applicants are currently seeking a preliminary hearing about the interpretation of the relevant KFC enterprise agreements and the Award.</p> <p>If the Court decides to hear the preliminary questions then group members who do not opt out will be bound the Court's determination on those issues.</p>
Who will any compensation go to?	If the class action recovers compensation and penalties (from a judgment or settlement) then they will be paid to group members. However, some of the compensation and/or penalties will likely be used to pay legal costs. The SDA may also seek to recover from group members the costs it has paid to fund the class action.
How much do I have to pay?	<p>There are no out-of-pocket or upfront costs.</p> <p>If the class action is unsuccessful, you won't have to pay anything.</p> <p>If you receive compensation and penalties, then the Court will likely order that some of the money be deducted and used to pay a share of the legal costs and to reimburse the SDA for the funding it provides. The Court will decide what amounts are fair and reasonable.</p>
Can I opt back in?	If you opt out you will not be able to opt back in without the express permission of the Court.