



## **FREQUENTLY ASKED QUESTIONS**

### **EMPLOYEES**

#### **APPOINTMENT BACKGROUND**

On 28 November 2019, Brendan Richards and Ryan Eagle of KPMG were appointed joint and several Voluntary Administrators of Bardot Pty Ltd by the Company's Directors.

#### **What will happen to the Company?**

It is the intention of the Administrators to continue to trade the Company on a 'business as usual' basis whilst its future viability is assessed.

In the interim, your employment with the Company continues on the same terms and conditions that existed at the time of our appointment (further discussed below).

#### **What do I tell customers if they ask what is going on?**

Do not attempt to explain the situation to customers, in detail. Rather, if a customer does ask what is going on, advise them that it is business as usual. If the customer requires further clarification you can direct them to our website <http://www.kpmg.com/au/bardot>

### **ADMINISTRATORS' POLICIES**

#### **Can I continue to use my staff discount?**

Staff will continue to have the benefit of their staff discount and the usual policy remains.

#### **Can customers use gift cards and credit notes?**

Legally, customers with gift cards and credit notes stand as a creditor of the Company and are not entitled to redeem a gift card as this gives them preferential treatment over other creditors of the Company.

However, in this instance, in recognition of the loyalty of Bardot's customers, we will honour gift cards on a \$1 for \$1 basis. For example, if a customer intends to redeem a \$100 gift card, they will need to purchase product of \$200 in value and pay \$100 in cash, by card or using AfterPay. This applies to all stock including sale items.



**Can I still use my clothing allowance?**

Staff will continue to have the benefit of their clothing allowance and the usual policy remains.

**In my capacity as an employee, I have a staff credit note, can I still use it?**

Legally, employees with credit notes stand as a creditor of the Company and are not entitled to redeem a credit notes in preference to other creditors of the Company.

However, in this instance, in recognition of the loyalty of Bardot's employees, we will honour staff credit notes on a \$1 for \$1 basis. For example, if you intend to redeem a \$100 staff credit note, you will need to purchase product of \$200 in value and contribute \$100 of cash. This applies to all stock including sale items.

**Can customers purchase new gift cards?**

No new gift cards will be issued.

**Can exchanges be accepted?**

Exchanges will be accepted as per usual policy.

**Will refunds be accepted?**

*In-store purchases*

As per usual policy, i.e. a credit note will be issued.

The returns policy is located at the bottom of the customer's tax invoice and on counter signage in all stores.

Please note when a credit note is redeemed it will be on a \$1 for \$1 basis.

For example, to redeem a \$100 credit note, the customer will need to purchase product to the value of \$200 and pay \$100 in cash, by card or using AfterPay. This applies to all stock including sale items.

*Online purchases*

As per usual policy.

The return policy for online purchases can be found on the Company's website.



### **A customer purchased a product and it is faulty, what happens now?**

The Company's existing refund policy is continuing.

#### *In-store purchases*

The returns policy is located at the bottom of your tax invoice and on counter signage in all stores.

#### *Online purchases*

The return policy for online purchases can be found on the Company's website.

### **How do I order packaging and supplies for store and maintenance requests**

Please continue to submit monthly orders to head office.

### **What will happen to corporate credit cards?**

All corporate cards will be cancelled, any urgent expenses personally incurred by staff members will be reimbursed in the regular payroll.

## **ONGOING EMPLOYMENT**

### **What is happening to me as an employee of the Company?**

The Company is continuing to trade on as business as usual basis. However, the Administrators now control the business and its operations.

Your employment terms have not changed and you will continue to remain employed by the Company to perform your customary duties and responsibilities in accordance with the terms and conditions of your employment contract. The usual lines of reporting remain in place.

You are also required to perform duties and responsibilities as requested by the Administrators and their representatives.

Please note, we have not adopted your employment contract with the Company in existence at the date of our appointment and will formally notify you in writing should we wish to do so.

### **Will I continue to be paid wages for hours worked during the voluntary administration?**

Yes, actions in the ordinary course of business including wage and salary payments will continue to be made by the Voluntary Administrators.

You will be paid on the same day and on the same basis as before the voluntary administration.



### **Will my roster continue as per usual?**

Yes, rosters will continue as per usual unless otherwise advised. If you are unable to complete any scheduled shift please contact your Manager.

## **EMPLOYEE ENTITLEMENTS**

### **What is the priority of employee entitlements outstanding at the date of our appointment relative to other creditors of the Company?**

Employees (except directors and certain relatives) have a statutory priority for payment for outstanding entitlements (such as wages, superannuation, annual leave, long service leave, redundancy) payable by the Company at appointment.

An employee's priority ranks after the Administrators' costs and remuneration but ahead of ordinary unsecured creditor claims out of the proceeds of circulating assets. To assist us in determining your claim, you will be required to complete a "proof of debt or claim" form which will be attached to our initial circular.

Please note that your employee entitlements will continue to accrue during the Administration period.

### **When will I be paid my outstanding entitlements?**

Given the preliminary nature of the administration we are unable to say whether the Company will have sufficient funds to pay outstanding employee entitlements, or advise of the timing of any such payments.

KPMG staff will be working with the Company's officers and management to understand your employee entitlements from the available records of the Company.

### **What will happen to my entitlements if I resigned prior to the voluntary administration?**

If you resigned before 28 November 2019, payment will not be paid in the pay run following your final day as would be the case prior to administration.

These outstanding entitlements are a priority claim in the voluntary administration. Accordingly, payment of these outstanding entitlements will be dependent on the outcome of the administration.

### **What will the status of my retrenchment payments be if I resign during the voluntary administration?**

If you are eligible for retrenchment payments and you resign voluntarily, you will not receive any retrenchment payments.



### **Can I offer to be made voluntarily redundant?**

We are currently not offering voluntary redundancies but will notify eligible employees should circumstances change.

### **Are employees entitled to vote at creditors meetings?**

Yes, if you have outstanding entitlements as at the date of appointment you are a creditor of the Company and therefore entitled to vote at the creditor meetings.

In order to vote at creditor meetings, you will need to submit a:

- Proof of Debt; and
- Proxy Form – if you do not wish to physically attend the meeting and would like to appoint someone else to vote on your behalf. The nominated person can be the chairperson presiding at the meeting or otherwise.

### **What happens if the Company enters into liquidation?**

If the Company proceeds to liquidation, you might have standing to submit an application and be compensated for unpaid employee entitlements under FEG.

FEG provides eligible applicants with compensation for employee entitlements including unpaid wages, outstanding annual leave, long service leave, pay in lieu of notice and redundancy to a maximum limit in accordance with the scheme. FEG does not provide funds in respect of superannuation.

For further information regarding the FEG, including your eligibility, please contact the Department of Workplace and Employee Relations on 1300 135 040 or [FEG@deewr.gov.au](mailto:FEG@deewr.gov.au) or visit its website at: <https://www.employment.gov.au/fair-entitlements-guarantee-feg>.

Fact sheets on the Government's *Fair Entitlement Guarantee* ("FEG") scheme will be provided to employees in due course. Please note that the FEG does not apply in a voluntary administration.

### **What is the status of outstanding sick leave?**

Outstanding sick leave is generally not paid out upon termination. Treatment of outstanding sick leave will be dependent on the terms specified in your employment contract.

### **I had annual leave approved prior to administration to be taken post appointment, can I still take leave and be paid for it?**

Pre-approved annual leave will be allowed to be taken.



**What will happen if I am required to take any leave post appointment?**

The process will be the same as prior to voluntary administration. For example, if you wish to take any leave after the Administrators' appointment, you will need to submit your request to your line manager.

**I have additional questions, who can I contact?**

*KPMG*

Name: Bardot Employee Hotline

T: +61 3 8626 0959

E: [AU-FMbardotemployees@kpmg.com.au](mailto:AU-FMbardotemployees@kpmg.com.au)