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Employsure's fine for 'misleading' Google ads tripled to \$3m

A major Aussie company has been slapped with a \$3m fine for Google ads that a court found were misleading for this reason.



Elena Couper

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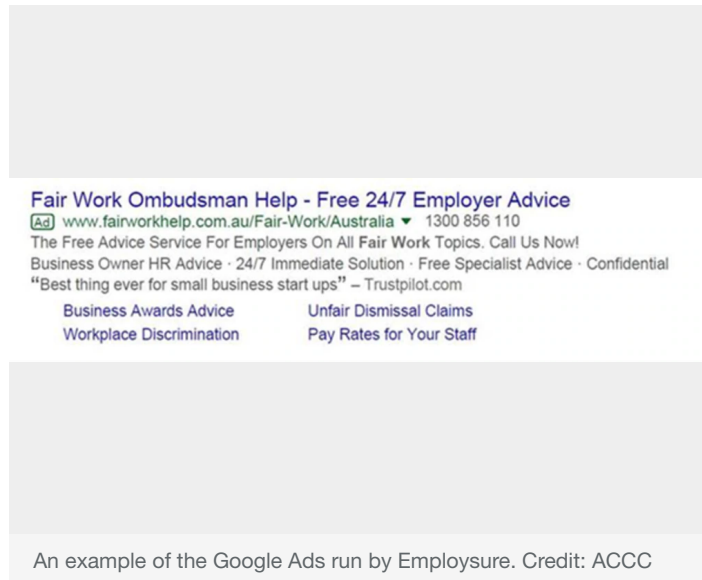
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One of the country's biggest workplace relations advisory firms has been slapped with a \$3m penalty for pretending to be affiliated with a government agency.

Employsure Pty Ltd was fined for making false and misleading representations in its online ads which misled customers into thinking it was or was associated with the Fair Work Ombudsman or Fair Work Commission over a two year period.

The Full Federal Court upheld the Australian Competition and Consumer Commission's penalty appeal against Employsure earlier this month.

The court tripled the penalty originally imposed by Federal Court after ruling \$1m wasn't enough to sufficiently deter other businesses from similar future conduct.



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An example of the Google Ads run by Employsure. Credit: ACCC

Welcoming the higher penalty, ACCC chair Gina Cass-Gottlieb said the company's "size and lengthy period during which they ran the misleading ads" warranted the increase.

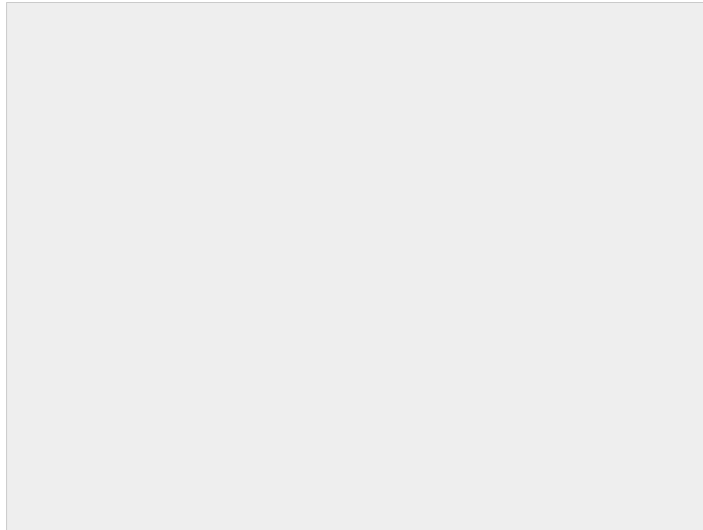
"We received more than 100 complaints about Employsure's conduct," she said in a statement.

"We were concerned that many small business operators were misled by Employsure's ads into thinking they were getting help and advice from a government agency.

"Penalties must be sufficiently high to deter others, so they cannot be seen as just an acceptable 'cost of doing business'.

"This decision should serve as a reminder that it is a serious breach of trust to misrepresent a business as being part of the government, and that such breaches of the law will have serious consequences."

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ACCC Chair Gina Cass-Gottlieb welcomes the increased penalty.
Picture: NCA NewsWire / Christian Gilles

Employsure's ads appeared in Google search results between August 2016 and August 2018, when consumers searched for "fair work ombudsman", "fair work commission" and other associated terms.

The ads featured headlines including "Fair Work Ombudsman Help – Free 24/7 Employer Advice" and "Fair Work Commission Advice – Free Employer Advice".

The consumer watchdog launched legal proceedings against Employsure in December 2018, alleging the company misled consumers with these ads.

The Federal Court dismissed the ACCC's case in October 2020, before the Full Federal Court unanimously upheld the consumer watchdog's appeal in August the following year.

The original Federal Court judge imposed a \$1m fine on Employsure for its conduct in November 2021, prompting the ACCC to appeal the penalty decision in January last year.



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