

Migrant school cleaners to be back-paid

10 August 2018

A Melbourne cleaning company that underpaid visa holders has signed an Enforceable Undertaking with the Fair Work Ombudsman to improve compliance and back-pay workers.

Veracity Property Services Pty Ltd engaged two Sri Lankan workers as part of its subcontract to provide cleaning services to a southeast Melbourne government school. The workers held a skilled 457 visa and bridging visa.

While the cleaning company regarded the workers as independent contractors, the FWO determined the two Sri Lankan workers as part-time employees and thus covered by the Cleaning Services Award 2010.

Veracity's failure to pay the minimum wage for ordinary hours, part-time loading, afternoon shift work penalty and minimum engagement entitlements under the award led to total underpayments of \$1604 between July and September last year.

The Enforceable Undertaking requires Veracity to audit the pay and conditions of all its employees and engage an external professional to assess whether any other of its independent contractors have been misclassified.

Fair Work Ombudsman Sandra Parker said that companies are legally required to categorise workers correctly so they do not miss out on their entitlements.

"The Enforceable Undertaking will require Veracity to substantially improve its compliance with workplace laws in order to protect current and future workers," Ms Parker said.

"We investigated this company as part of our compliance activity into the cleaning supply chain for metropolitan and regional Victorian government schools. Cleaners can be some of the most vulnerable workers in Australia, particularly visa holders.

"The Fair Work Ombudsman will continue to target industries where we are concerned about the underpayment of overseas workers, as they can be particularly vulnerable and reluctant to request our assistance."

Cleaning companies are encouraged to join the [Cleaning Accountability Framework](http://www.cleaningaccountability.org.au/) . This industry-led initiative promotes the adoption of best practice throughout the cleaning supply chain to improve labour and cleaning standards in Australia.

Employers and employees can seek assistance at www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

Information on the website includes a detailed explanation of the difference between employees and contractors, and advice about the factors to consider when determining the correct category for a worker.

Background

Veracity's contract with the head contractor cleaning company expired in June 2018 following Victorian Government changes to the model of school cleaning that took effect on 1 July 2018.

In addition to the employees audit and independent contractor assessments described above, the Enforceable Undertaking requires the company to ensure that all staff with responsibility for human resources, recruitment or payroll functions undertake workplace relations training and complete the Fair Work Ombudsman's [online training](http://www.fairwork.gov.au/how-we-will-help/online-training/default) .

Veracity must publish a notice regarding the Enforceable Undertaking in the Progress Leader. It must also display a notice about this in all workplaces it operates in or services, including an apology for its contraventions. The company must send letters of apology to the two workers.

The company must also, within one month of the undertaking being signed, provide a copy of time and wage records and payslips for one employee that comply with workplace laws.

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Read the [Veracity Property Services Pty Ltd Enforceable Undertaking \(DOCX 144.5KB\)](https://www.fairwork.gov.au/ArticleDocuments/1416/veracity-property-services-pty-ltd-eu-redacted.docx.aspx) (<https://www.fairwork.gov.au/ArticleDocuments/1416/veracity-property-services-pty-ltd-eu-redacted.docx.aspx>) (PDF 853KB) (<https://www.fairwork.gov.au/ArticleDocuments/1416/veracity-property-services-pty-ltd-eu-redacted.pdf.aspx>)

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Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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