

Cleaning operator taken to Court

30 July 2018

The Fair Work Ombudsman has commenced legal action against a Gosford cleaning operator, alleging he failed to comply with a Compliance Notice that required him to back-pay two workers a total of \$3,195.

Scott Redmond operates a business on the NSW Central Coast trading as Cleaning Excellence. After two cleaners lodged online enquiries, FWO inspectors found he underpaid their minimum hourly rates, casual loading and night shift entitlements under the Cleaning Services Award 2010 between 2015 and 2017.

In April 2018, Mr Redmond was issued with a Compliance Notice that required him to back-pay the workers by May 18. Under the Fair Work Act, business operators must adhere to Compliance Notices unless they have a reasonable excuse, or make a Court application for a review if they are seeking to challenge a Notice. Mr Redmond has not back-paid the two workers, has not provided a reasonable excuse for not doing so and has not applied to a Court for a review.

We also allege that Mr Redmond failed to comply with a Notice to Produce employment records and failed to comply with his pay slip obligations.

Fair Work Ombudsman Sandra Parker said that the inspectors made extensive efforts to resolve the matter with Mr Redmond before taking the matter to Court.

“The Fair Work Ombudsman enforces compliance with notices to assist affected workers and protect the integrity of workplace relations laws. We will initiate court action against business operators who fail to comply with our notices,” Ms Parker said.



“We encourage cleaning companies 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.”

Mr Redmond faces penalties of up to \$12,600 for the Notices to Produce breach, up to \$6,300 for the Compliance Notice breach and \$5,400 for the pay slip breach.

The Fair Work Ombudsman is also seeking Court Orders for Mr Redmond to back-pay the workers in full, register with the My Account service at www.fairwork.gov.au (<http://www.fairwork.gov.au/>) and complete the courses for employers in the Online Learning Centre on the website.

The matter is listed for a directions hearing in the Federal Circuit Court in Sydney on August 17.

Employers and employees seeking assistance can visit www.fairwork.gov.au (<http://www.fairwork.gov.au/>) or call the Fair Work Infoline on 13 13 94. Small business callers can opt to receive priority service via the Small Business Helpline and an interpreter service is available on 13 14 50.

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

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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