

Adelaide Oval and Gabba cleaning contractors audited

31 October 2019

The Fair Work Ombudsman has conducted surprise audits of cleaning arrangements at the Adelaide Oval and Brisbane's Gabba this week.

The audits are part of an ongoing FWO investigation into cleaning operations at many of Australia's leading sporting venues. The FWO is acting on intelligence suggesting that cleaning companies contracted to clean stadiums may not be compliant with Australia's workplace laws.

Fair Work Inspectors visited the Adelaide Oval on 27 October, and the Gabba on 30 October. Both audits took place following T20 cricket internationals between Australia and Sri Lanka.

Inspectors met with cleaners and supervisors to discuss the work cleaners are required to do, and reviewed employment records on site as part of gathering evidence for its investigation.

Fair Work Ombudsman Sandra Parker said one key focus of the audits was to identify any sham contracting, where workers are misclassified as independent contractors and don't receive the pay and entitlements they should as employees.

"We know that sham contracting is a widespread problem in the contract cleaning industry, and we'll be checking whether the workers keeping these stadiums pristine are being categorised and paid the wages they're legally entitled to."

"Cleaners can be some of the most vulnerable workers in Australia, with a high proportion being migrants and many with limited English skills or knowledge of workplace laws, and if we find these workers being mistreated we will take action," Ms Parker said.

"Cleaning companies at all points of the supply chain must take reasonable steps to ensure workplace laws are being complied with, or they risk facing enforcement action."

Since the start of September, the FWO has audited cleaning businesses at Optus Stadium in Perth, AAMI Park in Melbourne, ANZ Stadium in Sydney and GIO Stadium in Canberra.

There are a number of factors that contribute to establishing the difference between an employee and an independent contractor. The Fair Work Ombudsman has [guidance \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/independent-contractors-and-employees\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/independent-contractors-and-employees) on its website to help businesses understand when each classification is appropriate.

The FWO has previously audited cleaning operations at Melbourne's Marvel (formerly Etihad) Stadium and the MCG due to concerns of workplace law breaches. The MCG audits resulted in a \$132,217 penalty (www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/may-2018/20180529-iss-penalty-mr) against the MCG's head cleaning contractor.

The results of the FWO's stadium audits will be published in due course.

The FWO has successfully litigated five businesses for sham contracting within the cleaning industry, with combined penalties totalling more than \$800,000.

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