

Stadiums' cleaning contractors audited

9 September 2019

The Fair Work Ombudsman conducted surprise audits last week at AAMI Park in Melbourne, ANZ Stadium in Sydney and GIO Stadium in Canberra to analyse the cleaning arrangements of these stadiums as part of a sham contracting investigation.

The regulator conducted the audits in response to intelligence suggesting that cleaning companies that are contracted to clean stadiums may not be compliant with Australia's workplace laws.

Fair Work Inspectors visited each stadium at the end of three Round 25 NRL games: Rabbitohs vs Roosters (ANZ Stadium), Storm vs Cowboys (AAMI Park) and Raiders vs Warriors (GIO Stadium).

At the stadiums, inspectors interviewed cleaners and supervisors, as well as photographed the venues, to gain a better understanding of the employment conditions the cleaners are working under.

Inspectors also reviewed employment records on site at the stadiums as part of gathering evidence for the investigation.

Fair Work Ombudsman Sandra Parker reminded businesses that the agency recently announced a crack-down on sham contracting arrangements.

"Fair Work inspectors visited ANZ Stadium, AAMI Park and GIO Stadium last week due to concerns about sham contracting, where employers misclassify workers as independent contractors to avoid paying entitlements like overtime and annual leave," Ms Parker said.

"Fair Work Inspectors will now analyse the evidence they have gathered to check if the cleaning contractors are meeting their lawful obligations under Australia's workplace laws. If we identify non-compliance, our first priority will be arranging back-pay for affected workers and we will then consider our compliance and enforcement options," Ms Parker said.

"Sham contracting is a widespread problem in the contract cleaning industry. We will take strong action if companies are avoiding their lawful obligations to their workers by asking them to register as independent contractors instead of paying them as employees and providing them leave and other entitlements under the Cleaning Services Award 2010."

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 it is appropriate to classify workers as independent contractors or employees.

The Fair Work Ombudsman has previously audited cleaning operations at Melbourne's Marvel (formerly Etihad) Stadium and the MCG due to similar concerns regarding 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.

A report of the results of last week's audits will be published in due course.

The Fair Work Ombudsman [recently announced \(www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/june-2019/20190603-aig-pir-media-release\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/june-2019/20190603-aig-pir-media-release) priority industries and sectors for 2019-2020.

Employers and employees seeking assistance about independent contracting issues can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

Concerned someone isn't following workplace laws but don't want to get involved directly? Make an anonymous report to the Fair Work Ombudsman [online \(https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-us-keep-workplaces-fair\)](https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-us-keep-workplaces-fair) .

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