

## FWO audits cleaning operations at Optus Stadium

23 September 2019

The Fair Work Ombudsman conducted a surprise audit of the cleaning arrangements at Perth's Optus Stadium on Sunday following the WAFL Grand Final between Subiaco and South Fremantle.

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

In particular, the FWO is concerned about possible sham contracting, where workers are misclassified as independent contractors and don't receive the pay and entitlements they would be entitled to as employees under the Cleaning Services Award 2010.

During the audits at Optus Stadium, FWO inspectors met with cleaners and supervisors to discuss the work cleaners are required to do, observe areas of the stadium they are required to clean, and photograph the stadium.

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

Fair Work Ombudsman Sandra Parker said the site visit to Optus Stadium helped the FWO get a better understanding of the cleaners' conditions.

"A key aspect of our investigation of the cleaning operations at some of Australia's major sporting venues is getting to understand how the cleaners are employed and if it's legal under the Fair Work Act," Ms Parker said.

"If cleaners are working as independent contractors, we'll be examining if this is a genuine arrangement. If we identify non-compliance, our first priority will be arranging back-pay for affected workers."

"We will also come down hard on business caught trying to suppress wages and entitlements by engaging in sham contracting, which we know is a widespread problem in the contract cleaning industry," 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.

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 recently audited AAMI Park in Melbourne, ANZ Stadium in Sydney and GIO Stadium in Canberra as part of this investigation. The FWO has also previously audited cleaning operations at Melbourne's Marvel (formerly Etihad) Stadium and the MCG. 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](http://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 the FWO's stadium audits will be published in due course.

Employers and employees seeking assistance about independent contracting issues can visit [www.fairwork.gov.au](http://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 \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-us-keep-workplaces-fair\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-us-keep-workplaces-fair).

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