

## Cleaner in court

26 March 2020

The Fair Work Ombudsman has commenced legal action in the Federal Circuit Court against a Ballarat cleaning business.

Ms Kerryn Ainley, who trades as the Cleaning Fairy, faces court for allegedly failing to comply with a Compliance Notice.

A Fair Work Inspector commenced an investigation into the business after the regulator received requests for assistance from four cleaners.

The Compliance Notice was issued in November 2019 after the inspector formed a belief that employees had not received the casual loading provided by the Cleaning Services Award 2010.

The notice required the business to check whether casual staff had been paid correctly and make up any shortfall in pay.

The regulator alleges that Mr Ainley did not take any action in response to the Compliance Notice.

Fair Work Ombudsman Sandra Parker says Compliance Notices are an important tool to recover unpaid wages for workers.

“Under the Fair Work Act, inspectors can issue a Compliance Notice if they form a belief that an employer has breached certain workplace laws. Where employers do not comply with our notices, a court can order them to pay penalties in addition to back-paying any affected employees.”

“We will continue to utilise our full suite of enforcement tools to hold employers to account and any workers with concerns should contact us,” Ms Parker said.

As a sole trader, Ms Ainley faces a penalty of up to \$6,300 for failing to take any action in response to the Compliance Notice.

The FWO is also seeking a Court Order requiring Ms Ainley to comply with the notice, which includes rectifying the underpayments in full, plus superannuation and interest.

Know a workplace that isn't doing the right thing but don't want to get involved? [Report \(https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff\)](https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-tipoff) it to us anonymously – in your language.

Employers and employees can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on

13 13 94 for free advice and assistance about their rights and obligations in the workplace. A free interpreter service is available on 13 14 50.

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Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

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