

Wages recovered for stadium cleaners

9 October 2020

The Fair Work Ombudsman (FWO) has recovered \$25,292 in unpaid wages for 270 employees after investigating companies contracted to clean some of the nation's leading stadiums.

Fair Work Inspectors investigated nine cleaning companies following surprise site visits to Sydney's ANZ Stadium, Perth's [Optus Stadium](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/september-2019/20190923-fwo-audits-cleaning-operations-at-optus-stadium) (www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/september-2019/20190923-fwo-audits-cleaning-operations-at-optus-stadium), the Adelaide Oval, Brisbane's Gabba, Melbourne's AAMI Park and Canberra's GIO Stadium in [September](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/september-2019/20190909-stadiums-sica-media-release) (www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/september-2019/20190909-stadiums-sica-media-release) and [October](http://www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/october-2019/20191031-stadium-cleaners-adelaide-oval-and-gabba-activity-media-release) (www.fairwork.gov.au/about-us/news-and-media-releases/2019-media-releases/october-2019/20191031-stadium-cleaners-adelaide-oval-and-gabba-activity-media-release) last year.

This was in response to general intelligence that cleaning companies in the stadiums sector may not have been compliant with workplace laws, including concerns about possible sham contracting.

Inspectors interviewed cleaners and supervisors about the work that cleaners were required to do, photographed venues to better understand the employment conditions, and inspected records.

The FWO found that seven of the nine cleaning companies (78 per cent) were non-compliant with workplace laws. Seven companies were found to have underpaid their employees and three had breached pay slip obligations. Breaches included failures to correctly pay the minimum hourly rate, casual loading, and penalty rates for weekend, public holiday and overtime hours.

While the stadium operators were not found to be involved in contraventions of workplace laws, inspectors found layers of sub-contracting operating without appropriate checks and balances to ensure workplace relations compliance.

Inspectors also found poor record-keeping practices at the bottom of sub-contracting supply chains. No sham contracting or misclassification of employment was found.

Fair Work Ombudsman Sandra Parker said the regulator has engaged with stadium operators and recommended governance improvements, including the need to review existing contracts.

"The FWO's investigations identified opportunities for stadium operators, as heads of supply chains, to increase their level of involvement in how cleaning contractors operated," Ms Parker said.

"We expect all cleaning employers to comply with workplace laws. The heads of all supply chains should be aware that they can be held responsible if they are found to be involved in any breaches by their contractors. Any workers with concerns about their pay should contact us," Ms Parker said.

In total, there were recoveries of \$20,961 for 139 workers from three businesses contracted to clean ANZ Stadium. There were recoveries of \$3,473 for 78 workers from one cleaning business at the Adelaide Oval, with the same cleaning business operating at the Gabba back-paying \$743 for 51 workers. There was also \$114 recovered for two cleaners from one business at GIO Stadium. Records reviewed showed no breaches at AAMI Park.

In response to the breaches, inspectors issued five Compliance Notices requiring employers to rectify failings. There were also two Infringement Notices issued for pay slip breaches (total fines of \$4,200) as well as two contravention letters and two formal cautions.

Businesses can apply for certification of employment sites through the industry-led Cleaning Accountability Framework. The FWO's online [resources](http://www.fairwork.gov.au/find-help-for/contracting-labour-and-supply-chains) (www.fairwork.gov.au/find-help-for/contracting-labour-and-supply-chains) help businesses monitor their supply chains.

In 2018, the FWO [secured penalties of \\$168,070](http://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/may-2018/20180529-iss-penalty-mr) (www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/may-2018/20180529-iss-penalty-mr) against cleaning businesses following MCG audits.

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Download the [Stadium contract cleaning report \(DOCX 368.7KB\)](http://www.fairwork.gov.au/ArticleDocuments/1151/Stadiums-contract-cleaning-report.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/1151/Stadiums-contract-cleaning-report.docx.aspx) (PDF 328.6KB) (www.fairwork.gov.au/ArticleDocuments/1151/Stadiums-contract-cleaning-report.pdf.aspx)

Media inquiries:

Matthew Raggatt, Assistant Media Director (A/g)

Mobile: 0466 470 507

matthew.raggatt@fwo.gov.au (<mailto:matthew.raggatt@fwo.gov.au>)

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