

Crackdown on business which underpaid dozens of cleaners almost \$60,000

29 April 2014

A Sydney cleaning company which has twice been found to be short-changing dozens of its staff is to come under the close watch of the Fair Work Ombudsman for the next three years.

Kingsford-based Fleet Cleaning Pty Ltd was first found to have underpaid 19 cleaners more than \$18,000 when it was audited in 2011.

A follow-up audit in 2013 revealed that 53 former and current employees had also been underpaid more than \$40,000.

The largest individual underpayment was \$3635.

Three cleaners were underpaid more than \$3000, three more than \$2000 and 16 more than \$1000.

They were paid a flat rate for all hours worked which did not meet the provisions of the Cleaning Services Award 2010.

The Fair Work Ombudsman has required Fleet Cleaning and its sole director Paul Fitzgerald to apologise to all staff and to rectify the underpayments in full.

As an alternative to litigation, the Fair Work Ombudsman has entered into an Enforceable Undertaking with Fleet Cleaning and Mr Fitzgerald.

As part of the Enforceable Undertaking, Fleet Cleaning must engage a full-time book-keeper to ensure its pay rates are compliant in future.

Further, Mr Fitzgerald and any other company representatives with managerial responsibility must undertake formal, accredited training on workplace relations laws.

Fleet Cleaning must also – at its own expense – engage a specialist to audit its compliance with workplace laws each year for the next three years and to provide a report on the outcome to the Fair Work Ombudsman.

Enforceable Undertakings were introduced by legislation in 2009 and the Fair Work Ombudsman has been using them to achieve strong outcomes against companies that breach workplace laws without civil court proceedings.

"Their purpose is to focus the employer on the tasks to be carried out to remedy the alleged contravention and/or prevent a similar contravention in the future," Fair Work Ombudsman Natalie James says.

"Many of the initiatives included in Enforceable Undertakings - like compulsory training sessions - help to build a greater understanding of workplace responsibilities, motivate the company to do the right thing and help them avoid the same mistakes again."

A copy of the Enforceable Undertaking is available on the website at www.fairwork.gov.au

Ms James says the cleaning industry employs large numbers of young people and migrant workers who can be vulnerable if they are not fully aware of their workplace rights, so it is important for her Agency to be pro-active in ensuring employees receive their minimum lawful entitlements.

In July last year, Fair Work inspectors began auditing up to 1000 cleaning contractors throughout Australia, checking mainly minimum hourly rates and penalty rates.

The pro-active education campaign followed auditing of 376 cleaning businesses in 2010 which found that 149 (40 per cent) were non-compliant with workplace laws.

The 2010 campaign recouped almost \$500,000 for 934 cleaners found to have been underpaid.

Last year's follow-up began with correspondence to tens of thousands of businesses to highlight the free resources available from the Fair Work Ombudsman to assist cleaning contractors understand and comply with their obligations.

The final results of the campaign will be publicly released in the near future.

Employers and employees seeking assistance should visit the website or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

Copy of undertaking:

- [Fleet Cleaning Pty Ltd Enforceable Undertaking \(PDF 2MB\) \(www.fairwork.gov.au/ArticleDocuments/584/Fleet-Cleaning-EU-redacted.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/584/Fleet-Cleaning-EU-redacted.pdf.aspx)
- [Fleet Cleaning Pty Ltd Enforceable Undertaking \(DOCX 113KB\) \(www.fairwork.gov.au/ArticleDocuments/584/Fleet-Cleaning-EU-redacted.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/584/Fleet-Cleaning-EU-redacted.docx.aspx)

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Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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