

Melbourne cleaners to get \$50,000 back-pay

5 June 2014

Sixteen cleaners in Melbourne's north-west suburbs are to be reimbursed more than \$50,000 after an investigation by the Fair Work Ombudsman found they had been underpaid.

The employees were short-changed amounts ranging from \$135 to \$8668 in the 12 months to September last year.

They were paid a flat hourly rate which did not meet the minimum provisions of the Cleaning Services Award 2010.

The Fair Work Ombudsman discovered the underpayments when it audited the employer, Jorgensen Property Services Pty Ltd, as part of a national cleaning services pro-active compliance and education campaign.

The company provides maintenance and cleaning services at Taylors Lakes, Newmarket and Niddrie.

It employed fourteen casual and two part-time employees who were not receiving the minimum rate of pay, penalty rates for weekend and public holidays or overtime.

Almost half the cleaners were found to have been underpaid more than \$2000 over the 12-month period, with some owed amounts totalling \$7511, \$6944, \$6297, \$5082, \$2800 and \$2581.

Jorgensen Property Services Pty Ltd co-operated with the Fair Work Ombudsman during its investigation and agreed to repay all outstanding entitlements under an instalment plan.

The company has also joined the Victorian Employers' Chamber of Commerce and Industry to assist with its future workplace relations compliance.

As part of an Enforceable Undertaking it has signed with the Fair Work Ombudsman, Jorgensen has also agreed to take all reasonable steps to ensure it meets its workplace obligations in future.

The company will also write to the affected employees expressing its sincere regret for the contraventions and apologising for its conduct.

In April, the Fair Work Ombudsman announced that Kingsford-based Fleet Cleaning Pty Ltd in Sydney had also signed an Enforceable Undertaking after an audit last year revealed that 53 former and current employees had been underpaid more than \$40,000.

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 all Enforceable Undertakings are available on the Fair Work Ombudsman website at www.fairwork.gov.au (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.

Find out more:

- [Jorgensen Property Services Pty Ltd Enforceable Undertaking \(DOCX 111.2KB\) \(www.fairwork.gov.au/ArticleDocuments/722/enforceable-undertaking-jorgensen-property-services-pty-ltd.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/722/enforceable-undertaking-jorgensen-property-services-pty-ltd.docx.aspx) (PDF 1.2MB) (www.fairwork.gov.au/ArticleDocuments/722/enforceable-undertaking-jorgensen-property-services-pty-ltd.pdf.aspx)

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Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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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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