

14 January 2022

Attention:

Senate Select Committee on Job Security
Department of the Senate

By Email:

Dear

Senate Select Committee on Job Security, Questions on notice - Public Hearing, 8 December 2021, Canberra

I refer to Spotless's appearance before the committee on Wednesday, 8 December 2021 and to Spotless's responses to questions on notice, which were provided to the committee on 23 December 2021.

In reply to the additional written questions on notice from Senator Sheldon, Spotless provides the following responses:

Question 1(a)

The *Fair Work Act 2009* (Cth) (**FW Act**) prescribes the circumstances where Spotless is required to pay redundancy to its workers. Spotless is not required to pay redundancy pursuant to s 119 of the FW Act where the employment of a worker on a maximum term contract terminates due to the effluxion of time (i.e. where the contract terminates on the outer limit date on which both parties agree that the employment will end).

Question 1(b)

The 2014 memorandum does not express the view, as contended by Senator Sheldon, that Spotless would move a cleaning worker in permanent ongoing work, to a maximum-term contract, to deliver a financial benefit. My reading of the memorandum is that it describes a hiring practice that was intended to apply only to new employees who were engaged to service a specific client contract and whose role was not ongoing. The use of maximum term contracts of employment was at that time (and remains today) a legitimate and lawful form of engagement, particularly so, in circumstances where an employer engages an employee to perform a role that is not ongoing.

Question 1(c)

Downer Group acquired a controlling interest in the Spotless business in August 2017, after which time it began a process of integrating the Spotless business into its existing operations. Spotless's policies and procedures, including those relating to recruitment and selection, were superseded by those of the Downer Group in or around June 2019. The policies and procedures of the Downer Group are known as 'The Downer Standard'. The Downer Standard prescribes the way we work across the Downer Group, including the businesses operated under the Spotless brand.

Question 2

Permanent ongoing contracts	515
Maximum or fixed term contracts	1621
Casual contracts	2417
Other (please specify – eg. Subcontractor)	0*

* Spotless does not engage sole traders to perform cleaning work. Where Spotless subcontracts cleaning work it only enters into services contracts with legitimate, independent businesses. Where

subcontractors are utilised to perform cleaning work, it is generally for the purpose of performing specialised work (e.g. graffiti cleaning) or to service rural and regional areas where Spotless does not have a business presence.

Please contact me if you have any questions.

Yours sincerely,

Anthony Jukes
General Manager, People and Culture
Downer Group - Facilities and Asset Services