



# FACT SHEET

## Information for the contract cleaning industry

The Portable Long Service Benefits Scheme began on 1 July 2019 to ensure eligible workers in the community services, contract cleaning and security industries can accrue long service benefits based on time in their industry, rather than with a single employer.

The Portable Long Service Authority administers the scheme.

### What is contract cleaning work?

Under the Portable Long Service Benefits Scheme (the scheme), the contract cleaning industry is where employers are contracted to carry out cleaning work by a third party and employ workers to perform this work.

Cleaning work, for the scheme, is work that has, as its main function, the bringing of premises into, or keeping of premises in, a clean condition.

Premises can include part or all, of any land or structure and include a swimming pool and their surrounding grounds.

### What is **not** contract cleaning work?

Cleaning work that is not covered by the scheme includes:

- cleaning of things that are mobile (e.g. aircraft, boats, cars, trains and caravans)
- removal of waste from commercial waste receptacles
- cleaning and maintenance of grounds surrounding a building or house
- gardening work and the removal or alteration of vegetation
- cleaning a building or house under construction

### Who is a contract cleaning employer?

Victorian employers that are engaged in the contract cleaning industry and employ at least one other person to undertake cleaning work, must register with the Portable Long Service Authority.

This includes employers that employ workers to perform cleaning work on behalf of another organisation engaged in the contract cleaning industry.

### Contract workers

Self-employed workers performing cleaning work for another person or organisation can choose to register for the scheme. They will be required to meet employer obligations and will receive entitlements to portable long service benefits as a result.

### Who is **not** an employer?

The following are not employers for the scheme, even if they have workers performing contract cleaning work:

- Federal or state government departments or agencies
- Local governments or other public statutory bodies
- Entities with a governing body appointed under an Act of the Commonwealth or State

### Who is a contract cleaning worker?

To be eligible for portable long service in the contract cleaning industry, workers must be employed by an employer for the scheme as outlined earlier, including self-employed contract workers.

They may perform other work for their employer, but cleaning work must make up the majority of their regular role.

Eligible workers include apprentices, casuals and any individuals with employment agreements requiring them to learn cleaning work.

### Who is **not** eligible for portable long service?

Any workers already registered with CoINVEST cannot be registered with the Portable Long Service Authority.

Workers employed by employers that don't meet the requirements for registration with the Authority are

not eligible for portable long service, even if they are undertaking contract cleaning work.

Workers employed under the following awards are not eligible for the scheme:

- the Manufacturing and Associated Industries and Occupations Award 2020
- the Vehicle Repair, Services and Retail Awards 2020
- the Airline Operations Ground Staff Award 2020
- the Waste Management Award 2020

### Employer obligations

Registered employers must submit quarterly returns to the Authority in October, January, April and July each year.

Quarterly returns are completed through the employer portal and employers will need to provide details for all eligible workers during the reporting period, including:

- the hours worked and ordinary pay received by each worker
- any long service leave taken by a worker
- any workers who stopped working for the business

Based on this information, a levy will be calculated that employers must pay. This levy will cover the cost of future portable long service claims by eligible workers.

### Case studies

#### Michaela and the Springfield Meals Association

Michaela works for Springfield Meals Association, that provides meals to the elderly. Michaela cleans the building where the Association operates.

#### Outcome

The Association is not engaged in the contract cleaning industry and does not provide its staff to provide cleaning work for other people. Therefore, Michaela does not work for an employer engaged in the contract cleaning industry and is not eligible for the scheme.

#### Providing additional labour to a contract cleaning company

Labour Hire Solutions Pty Ltd provides labour hire for other companies engaged in the contract cleaning industry, such as Cleaning Services Pty Ltd.

When Cleaning Services Pty Ltd requires additional staff to perform cleaning work for its clients, it engages Labour Hire Solutions Pty Ltd to procure, mobilise and manage the additional staff. The additional staff then perform cleaning work on behalf of Cleaning Service Pty Ltd for its various clients.

#### Outcome:

There is no contract of employment or otherwise directly between the additional staff and Cleaning Services Pty Ltd. Therefore, Labour Hire Solutions Pty Ltd is an employer for the contract cleaning industry and their staff are eligible for the scheme.

#### Restaurant staff performing cleaning work

Yum Diner operates a restaurant and function centre. They employ a number of staff who are required to perform cleaning work at the restaurant, including cleaning floors and tidying up.

#### Outcome:

While the staff perform cleaning work, as a restaurant and function centre, Yum Diner Pty Ltd is not engaged in the contract cleaning industry and cannot be an employer for the scheme. Their staff would not be eligible for the scheme.

### Further information

Learn more about portable long service by visiting [www.plsa.vic.gov.au](http://www.plsa.vic.gov.au), calling 1800 517 158 or emailing [enquiries@plsa.vic.gov.au](mailto:enquiries@plsa.vic.gov.au).

The information provided in this fact sheet is general in nature and provided to assist you understand the Portable Long Service Benefits Scheme. The information does not constitute legal advice and should not be relied upon as such. You should obtain legal advice about your obligations or benefits under the Long Service Benefits Portability Act 2018 (Vic) and the Long Service Benefits Portability Regulations 2020 (Vic) and how these laws apply to you.

*This fact sheet was issued in October 2020 and is based on legislation and regulations in operation at that time.*

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