



Annual Paid Information Session on Workplace Rights for Cleaning and Security Services: FAQs for Contractors

The McGowan Government, as part of its suite of initiatives aimed at combatting wage theft, made a commitment to provide for an annual paid meeting with workers and the relevant union on government cleaning and security contracts. This commitment was made to assist workers to understand their employment rights.

The Department of Finance (Finance) has included a special condition of contract in its procurement templates for inclusion in contracts relating to cleaning and security services.

This special condition requires contractors to allow their employees to attend an information session on workplace rights conducted by the relevant union, at the ordinary rate of pay once per calendar year.

How will I know if the special condition is in the contract?

From 1 May 2023, the special condition should be included in all contracts valued at over \$50,000 for ongoing cleaning and security services (excluding services provided for schools and hospitals) for State Government agencies. The special condition does not have to be included in one-off services; for example, security for a single event.

The special condition was introduced on 1 May 2023 and, as such, will not appear in contracts released prior to this date.

If you are unsure if the special condition is in a Request, please contact the contact person listed in the Request.

When and where will the information session be held?

The logistics of the information session are to be determined between the contractor and the relevant union. However, wherever possible the intention is for the information session to be held on-site.

The union will advise the contractor that they wish to hold an information session pursuant to the special condition.

The union will provide sufficient notice to the contractor of its intention to schedule an information session.

The union and the contractor must find a reasonable time for the information session to be held which is acceptable to both the union and the contractor.

The contractor must not act to obstruct the information session being held or employees who wish to attend the information session.

Is travel time included?

The two paid hours allowed for in the condition is inclusive of travel to and from the session, where required.

What happens if there's no information session?

The union chooses if, and when, to program an information session.

The special condition allows for an annual paid information session.

The contractor is not in breach of the special condition if the union does not program an information session each year.

Who should attend the meeting?

Union membership is not a pre-requisite to attendance.

Attendance is open for all employees.

What if an employee doesn't want to attend?

The special condition requires a contractor to allow attendance of an employee at a meeting if the employee wishes to attend.

How will employees with limited/no English be managed?

Language considerations are part of the logistics of the information session and can be discussed with the relevant union. Ultimately, it is the relevant union's responsibility to ensure language considerations are accommodated.

What happens to the workload on the day of an information session?

The contractor should advise the agency of any anticipated changes to work undertaken on the day of the information session.

A level of reasonableness is expected from the agency with regard to any changes to work undertaken on the day of the information session. Finance guidance materials make agencies aware of this expectation.

What about sub-contractors?

The special condition requires the contractor to ensure that each of its contractors and subcontractors complies with the special condition.

Can the contractor share employee information with the union or vice versa?

The responsibility for ensuring maintenance of employee privacy rests with the contractor and the relevant union. Sharing of employee details needs to be managed on a case-by-case basis.

Contractors are expected to comply with all relevant laws, including those pertaining to privacy. If you have concerns about how best to maintain your employee's privacy, you should seek independent advice.

Who do I speak to if I have questions or concerns?

In the first instance, any issues that arise should be handled as a contract management issue between the agency and the contractor.

Depending on the severity of the incident and/or a reoccurrence, Finance may become involved. Finance may involve the Department of Mines, Industry Regulation and Safety in matters that relate to Industrial Relations.

Roles and Responsibilities

The roles and responsibilities of each party can be found at wa.gov.au