



Government of **Western Australia**
Department of **Finance**



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

Guidance for Agencies

February 2024



Background

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 all 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. The inclusion of the special condition in relevant tender documentation is mandated through [General Procurement Direction 2023/01 Annual Paid Information Session for Government Cleaning and Security Contracts](#) issued 1 May 2023.

Special Condition

The special condition was introduced into Finance Request templates from 1 May 2023.

The special condition can be found at wa.gov.au.

Scope

The special condition does not apply retrospectively to contracts entered into prior to 1 May 2023.

In Scope	Out of Scope
State Agencies subject to the Procurement Act 2020 (WA)	Government Trading Entities (GTEs)
Procurements with an estimated contract value of \$50,000 and above	Procurements with an estimated contract value below \$50,000
Ongoing cleaning and security services only; for example, cleaning services to be provided at a designated site over a 12 month period.	One off cleaning and security services; for example, security for a single event
	Facilities management contracts
	Cleaning and security services for schools and hospitals

Where the estimated contract value is less than but approaching \$50,000, and there is the possibility that offers will be over the \$50,000 threshold, the special condition should be included.

Programming of Information Sessions

The special condition provides for an annual information session.

The union determines the programming of the information sessions across all relevant contracts in scope of the condition.

The contractor is not in breach of the special condition if the union does not programme an information session for a particular contract per calendar year.

Specific Meeting Logistics

A level of reasonableness is expected from all parties with respect to the special condition. Reasonableness must be applied by both the contractor and the union when organising the information session.

Meeting logistics are the responsibility of the union and the contractor.

The union should advise the customer (the agency) of the information session details once finalised between the union and the contractor.

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.

Attendance

All contractor employees may attend the information session.

Union membership is not a prerequisite for attendance at an information session.

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

Cost Implications

There has been no evidence to suggest that the special condition will have a significant cost impact on agencies.

Contract Management Issues

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

Further information and advice

Agencies can seek further advice from Finance by contacting the Commercial Procurement Policy team ProcurementAdvice@finance.wa.gov.au.