

WORKER ENGAGEMENT PROTOCOL

PURPOSE

The engagement of cleaners in the implementation of the Cleaning Accountability Framework (CAF) is essential in providing ongoing assurance that relevant CAF standards are being met in a building.

The purpose of this Protocol is to establish the principles and practices that inform this involvement of workers. It provides clarity for owners, facility managers, tenants, cleaning contractors and cleaners in CAF buildings, and for United Voice as the union representing cleaners.

This Protocol will operate for the life of the CAF pilot and be subject to review by CAF's Steering Committee at the conclusion of the CAF's pilot phase.

The relevant worker involvement element of the CAF three star standard underpins this Protocol and is included in Attachment A.

PRINCIPLES

(a) Cooperation

CAF is a multi-stakeholder cooperative framework. As such, all parties at a CAF pilot site will use their best endeavours to resolve issues identified as a result of worker involvement with CAF in a cooperative manner. All parties will work to ensure that CAF standards are being met and that recognition is accorded where this compliance can be demonstrated.

(b) Best practice

CAF's involvement with workers should identify and recognise 'better' and 'best' practices within the cleaning industry, as well as seek to address shortcomings.

(c) Existing rights and roles

While agreeing to work together cooperatively, all parties at a CAF site retain the ability to exercise their existing rights and roles. These rights and roles include, for example:

- the negotiating of industrial instruments,
- the resolution of industrial matters,
- the day to day running of a union,
- the carrying out by owners, facility managers, contractors and workers of their everyday business activities.

CAF in no way seeks to limit or replace the usual activities of the Fair Work Ombudsman and other regulatory/government bodies.

(d) United Voice involvement

United Voice, as a founding CAF Steering Committee member and the union representing cleaners with established workplace knowledge, will play an important role (detailed below) in piloting the worker involvement element of CAF.

In fulfilling this role, United Voice will follow the principles and practices established in this protocol. In particular, United Voice will seek to resolve any issues identified during CAF's pilot phase in a cooperative manner, recognising that one of the key purposes of the pilot phase is to work with owners, contractors and cleaners to ensure that CAF's certification scheme is workable.

The union will provide written notification to the cleaning contractor in advance of visiting a site. This notification will specify the dates and times of site visits and buildings to be visited and prior permission will need to be granted by the cleaning contractor. There may be times when United Voice must use formal Right of Entry powers to seek access to a workplace for the purposes of carrying out discussions with potential members.

The parties understand that United Voice and its representatives will be inviting cleaners to join the union. This may happen (by agreement with the contractor) at annual site meetings (see item (k) below) and in conversations with cleaners that occur during ongoing site visits (see item (m) below).

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(e) Independence, neutrality & integrity

CAF as an entity is independent of any one of its individual stakeholders and interest groups. As such, CAF should be presented to workers as an independent entity.

However, it is also recognised that to ensure the integrity of the information collected by CAF, workers will need the opportunity to speak with United Voice representatives and/or CAF workplace representatives without other parties present.

CAF worker representatives should be elected at a meeting of the cleaning workforce. It is likely that such representatives will (particularly during CAF's pilot phase) rely on the support of United Voice.

(f) Confidentiality

All information collected by CAF (or by United Voice acting in its role as a CAF Steering Committee member) through engagement with workers will only be used for CAF purposes. A CAF privacy statement is included at the end of CAF's three-star standard. Where worker or member information is collected by United Voice as part of its ordinary business, the usual restrictions and obligations under the Privacy Act and Fair Work (Registered Organisations) Act will apply.

(g) Evidence-based

CAF will seek to develop its certification scheme based on available evidence of what is workable and likely to enhance supply chain assurance in relation to labour standards.

Worker feedback will be important in creating this evidence base, as will the involvement of the CAF's research partners, the Centre for Management and Organisational Studies (CMOS) at the University of Technology Sydney. The involvement of CMOS in any engagement with workers will be by agreement with pilot participants.

(h) Transparency

The involvement of workers will help inform CAF's decision-making on whether to certify a site as CAF compliant. CAF's processes relating to auditing and certification will be transparent and are set out in the Guide to the Cleaning Accountability Framework Pilot.

(i) Scope

In engaging workers, the CAF, and its representatives, will be mindful of the scope of their role, and that CAF is focused on providing assurance in relation to its 'star standards'.

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PRACTICES

(j) Initial stakeholder meeting

In order to facilitate the CAF trial and/or implementation of the CAF standards at each site, a meeting will be convened by CAF between the Fair Work Ombudsman, the owner, facility manager, cleaning contractor (including subcontractors other than specialised cleaning services such as high window cleaning) and United Voice to discuss the role of each stakeholder and the implementation plan for the site. The purpose of the meeting is to ensure that all stakeholders understand and are in agreement on:

- the objectives and contents of CAF,
- the CAF pilot,
- stakeholder commitments under the code of conduct,
- the star standards, including evidence that demonstrates the site meets at least the three star standards and an agreed process for identifying and recognising four and five star practices at the site (e.g. through the use of a cleaner survey),
- the cleaning contractor providing their informed consent to United Voice inviting cleaners to join the union,
- the Worker Engagement Protocol and any other documents relevant to the implementation of CAF at a site level (e.g. dispute settlement procedure), and
- implementation of the worker involvement element of the three-star standard at the site.

(k) Annual site meetings

At each CAF pilot site, an annual meeting will be held with the cleaning workforce (including subcontractors and employees of subcontractors). This meeting will be arranged by the site facility manager and jointly convened at an agreed time and location by the building owner and/or facilities manager, cleaning contractor and United Voice. The cleaning contractor will communicate the meeting details to staff by issuing an invitation to the cleaning workforce and will provide a copy of the invitation and list of invitees to all CAF stakeholders involved in the meeting. The cost of holding the meeting will be covered by the building owner and built into the cleaning contractor - cleaners will be subsequently paid by the contractor to attend the meeting. The CAF meeting will run for one hour.

The purpose of the meeting will be to:

- present the workforce with agreed information on CAF,
- inform the workforce that they are working on a CAF pilot site and explain what this means,
- provide an opportunity for each stakeholder (owner and/or facilities manager, contractor and United Voice) to make a presentation or positive statement about CAF,
- provide a positive statement from the cleaning contractor and any subcontractors that there will be no victimisation of cleaners who report potential breaches to the CAF workplace representative, and no victimisation of the CAF representative for the reason of them carrying out their duties, and
- hold a 15 minute session with the cleaning workforce without their employer/site manager present (the owner will be invited to remain in the room for this session) for the purposes of:
 - allowing the workforce to ask any questions and/or raise any concerns,
 - inviting cleaners to join United Voice (where the cleaning contractor has provided prior consent)
 - providing an opportunity for the owner to make a statement about the importance of worker involvement in ensuring that the standards are being met and identifying if there are any breaches,
 - distributing agreed surveys to the cleaning workforce seeking their feedback on the standards at their site, and
 - allowing the workforce to make written nominations for a CAF workplace representative at their site (term to last for 12 months)

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(l) **New starter meetings**

The CAF workplace representative will be given the opportunity to meet with new starters for at least 15 minutes at an agreed location. The purpose of this meeting is to:

- present the workers with agreed information on CAF,
- inform them that they are working on a CAF pilot site and explain what this means, and
- explain how the CAF star standards must be monitored by workers.

(m) **Ongoing site visits**

United Voice may visit the CAF pilot site to support CAF workplace representatives and cleaners in the implementation and auditing of CAF standards. As per (d), above, the union will provide written notification to the cleaning contractor in advance of visiting a site. It is anticipated that during the CAF trial period there will be regular site visits by the union to support the work of the CAF representative and to ensure the worker involvement element of the 3 star standards is being implemented.

(n) **CAF representative training and ongoing support**

United Voice will offer training for CAF workplace representatives. The purpose of this training will be to:

- provide the representatives with agreed training material,
- develop their conversation and representation skills,
- provide them with copies of CAF documents relevant to their site to enable them to understand the star rating and standards that their site is certified under, and
- provide them with any other information that they need to perform their role.

The employer of the CAF workplace representative will pay them for all time spent at training (with a maximum of two training sessions per CAF representative per year with each training session to be paid as ordinary work hours for that employee for the day).

CAF workplace representatives will be provided with ongoing support. During the pilot phase, this may involve ongoing site visits by United Voice staff. Such visits will be subject to broad agreement with the site owner, facility manager, and cleaning contractor, as outlined above.

As agreed by the CAF Steering Committee.

17 November 2016

ATTACHMENT A: WORKER INVOLVEMENT ELEMENT OF CAF THREE-STAR STANDARD

6) WORKER ENGAGEMENT¹

Workers/employees are sufficiently educated about CAF standards so that they can provide reliable verification that their employer is complying with the CAF standard

Cleaning contractor to:

- ensure employees are aware of their right to freedom of association
- ensure that a United Voice accredited CAF representative is given paid opportunity (suggested 15 minutes) with each new starter to conduct a CAF education session at an agreed location (this may be off-site by agreement if that suits the contractor's operations)
- provide reasonable paid time off (maximum of two training sessions per CAF representative per year) for CAF representative to attend United Voice training in CAF. Each training session will be paid as ordinary work hours for that employee for the day.
- provide reasonable paid time² off for CAF representative to perform CAF-related responsibilities (e.g. discussing concerns with workers and subcontractors)
- provide reasonable access to relevant information to enable the representative to make informed decisions (e.g. the presence of subcontractors / ABNs).

Owner/facilities manager to:

- facilitate an annual paid meeting at each site where United Voice or a CAF representative is invited to address all workers on the CAF requirements (this meeting will be jointly convened at an agreed time and location by the building owner and/or facilities manager, cleaning contractor and United Voice).
- provide cleaners with an agreed CAF information statement at the annual meetings (this statement will contain details of the relevant award or agreement, pay rates etc and will be distributed annually at the on-site meeting, and updated annually in consultation with the contractor and the union).
- ensure that contractors are meeting their obligations to involve workers in CAF
- fund the annual mass meeting and the CAF-related worker costs agreed under this standard (include in costs of contract)

Task: To ensure that contractors, facility managers and owners are meeting their obligations to provide workers with information about freedom of association, CAF, and the election of a CAF representative.

PROCESS: Auditor to

- certify that they have received joint statement from contractor, facility manager/owner and United Voice (at first instance, CAF representative in due course) confirming compliance with this requirement
- check random sample of personnel records to ensure FWIS given to new employees (as per 1B above)
- check attendance records in relation to CAF education sessions
- obtain statement signed by United Voice or nominee noting that employees are educated about CAF standards and that any workplace concerns related to non-compliance have been addressed
- be provided with copies of CAF training materials/ training dates and records of attendance
- receive standard (pro forma) report from CAF representative addressing items contained in standard/ feedback from workforce (audit to use this as a guide for areas that may require further examination).

1 See CAF Worker Engagement Protocol for more details of the principles and practices behind this element of the standard. The Protocol includes a consent form for contractors to complete.
2 Paid time to be confirmed for full scheme. Worker engagement element to be tested in cooperation with owners and contractors during CAF pilot phase.