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Department of Labour
TE TARI MAHI



Principles for the Property Services Industry

The interests of tenants, owners, cleaning contractors and workers in the Property Services industry are served by low turnover in cleaning staff, high levels of training and low levels of occupational illness and injury.

THE VISION

- A better cleaning industry will ensure that all parties collectively receive quality property services.
- The deliverer and recipient of quality property services stand to benefit from this document.
- A better cleaning industry will mean that building owners can plan on certainty in the labour costs underpinning service contracts if they know that sudden increases in costs will be avoided.

CHANGE IS ONLY POSSIBLE THROUGH AGREEMENT

An appropriately high standard of cleaning, together with the creation of good jobs capable of providing a fair reward for the effort expended, can only occur where cleaning contracts are designed to permit these results.

Workers in the industry NEED TO BE TREATED FAIRLY

Employees will enjoy secure employment with fair pay for reasonable work rates and safe working conditions.

SERVICE PROVIDERS/OWNERS MUST DISPLAY HIGH ETHICAL AND CORPORATE STANDARDS

Responsible organisations should bid for and win work based upon ethical principles.

- All parties will demonstrate an understanding for and a commitment to the values and standards of corporate responsibility adopted by their clients and commit to ensure safe, fair, and equitable working conditions for their own staff.
- Property owners also expect any contracted firm (whether providing professional services to either the tenant or the property owner) to recognize and commit to principles of corporate responsibility.

All parties agree that services such as cleaning and maintenance are essential to the good management of commercial properties.

The stakeholders in the building services industry are committed to working toward a quality focused cleaning industry:

- Where clients receive and pay for good service,
- Where reputable Service providers bid and win work based on fair contracting principles and reasonable reward, and
- Where cleaners enjoy good jobs with sufficient hours, fair pay, reasonable work rates and safe conditions.

RESPONSIBILITIES OF THE PARTIES

Service Providers – Cleaning Contractors

- (1) Service Providers who tender for cleaning contracts will take direct responsibility for the employment and supervision of cleaning personnel in the owners' buildings by:
 - Establishing transparent key parameters that define performance and accountability standards within contracts.
 - Ensuring a full and open level of communication is maintained with all clients.
 - Outlining in their tenders the key parameters that will define relevant performance levels and standards and promote adequate staffing levels and standards.
 - Treating their clients, employees and sub contractors fairly and ethically.

- (2) Service Providers must be backed with sufficient financial resources, to guarantee that the entitlements of employees will be met. Service Providers will achieve this through:
 - Assisting clients to develop service contracts that are ethically based, operationally feasible and financially viable.
 - Demonstrating that they are backed with sufficient financial resources to cover employee entitlements.

- (3) Service Providers will ensure that the remuneration and terms of employment of each employee for the duration of the contract will be consistent with the remuneration and terms of employment that reflect the industry standard. Service Providers will:
 - Establish minimum employment conditions for employees to ensure fair pay and working conditions for all employees
 - Engage employees on terms and conditions that are consistent with legislative requirements and are no less favourable than the wages and conditions as laid out in the existing industry agreement/s.
 - Work cooperatively with all employees (or their representatives) to ensure full and open communication between employees and employers.
 - Ensure that employee conditions and pay are fair for the work they are carrying out, in fulfilment of their responsibilities pursuant to the Employment Relations Act 2000;
 - Commit to disclose the information that will allow clients to verify that the terms and conditions of contracts are being adhered to at all times.

- (4) All parties will ensure that the protection of the freedom of association provisions of the Employment Relations Act (2000) are observed, including making specific provision to permit employees (where they so choose) to be collectively represented and to participate in the bargaining process. All parties will work to ensure that cleaners' freedom of association is enacted.
 - Service providers will be a current member of the Building Service Contractors Association of NZ (BSCNZ)
 - All parties recognise the right of all employees to freedom of association and representation as laid out in employment legislation and will not act to limit or impede any such rights.
 - All parties acknowledge the right of cleaners to join and participate in the SFWU as a recognized union representing the cleaning industry.

To facilitate this, Service providers will:

1. Provide to all new starters a union form and union promotional material as provided by the SFWU
 2. Where requested by an employee and where Service providers hold such details, Service providers will provide appropriate banking details for the employee if the employee pays their fees by automatic payment.
 3. Where requested, Service providers will deduct union fees from the wages of members of the SFWU each pay period. This also includes periods of time off work on paid leave. Service providers shall remit all deducted fees to the union not less than monthly on or by the 20th of the month following deduction. Such remittance to be made as a single bulk direct credit to the Unions bank account with an identifying reference. Service providers shall simultaneously forward to the Union via email where possible, or by post, a schedule detailing the name and address of the employee/s, value of this deduction; the employee's payroll number; the termination date of any employee who has left, and details of the period covered by the remittance.
 4. Facilitate the attendance of union members at union training as per the provisions contained in legislation.
 5. In accordance with the Employment Relations Act 2000, Service providers will allow union representatives access to places of work of cleaners. The union will follow all site, client, and building owner security procedures.
 6. Where there is a contract change and union members could be affected, then Service providers will notify the Union and ensure that the rights of employees are properly protected.
- SFWU will have the opportunity to attend group inductions as agreed by the parties.
 - Facilitate a one off opportunity for union representatives to meet with existing cleaners in paid time, for a meeting of no longer than 30 minutes to discuss union and industry issues clearly related to the development of the Principles for the Property Service Industry.

The meetings will be agreed as appropriate subject to;

- i. The Union will provide 14 days notice in writing
 - ii. The union will advise the names of the union official/s attending
 - iii. All site, client, and building owner security procedures will be strictly adhered to. These will be conveyed to the Union prior to the meeting.
 - iv. The meeting will be at a time that will cause the least disruption to the contractor, their client and their tenants.
 - v. Contractors will communicate meeting times and cleaners' personal choice to join the union to their employees.
- BSCNZ and or each contractor if they so choose will make a statement about the shared industry vision we have achieved and about their employees' personal choice to join a union which the SFWU may include in an SFWU publication.
- (5) Service providers will promote collective bargaining as a means of determining wages and conditions for cleaners in the commercial sector.

- (6) Service providers will have a satisfactory occupational health and safety record and observe the provisions of Health and Safety legislation to consult with workers, and to form occupational health and safety consultative committees.

Service providers will:

- Maintain a safe and healthy workplace for employees and clients
 - Comply with legislative requirements pertaining to health and safety in the workplace
 - Work cooperatively with individual clients and employees to identify workplace hazards and eliminate or mitigate the risks within their facilities.
 - Provide their employees with the appropriate training, supervision, equipment, and materials to enable them to perform their job safely and efficiently;
- Service providers will provide employees with appropriate training opportunities to enhance workplace skills, improve workplace safety and improve the quality of service delivery through BSCITO training, internal training, union training and industry seminars.
 - Service providers will provide suitable Public Liability Insurance in order to protect their clients' property.
 - Service providers will encourage a culture of innovation and continuous improvement, supported by all stakeholders.
 - Service providers will promote the Building Services Industry as an industry of choice for existing and potential employees based upon professional practice, ethical behaviour and fairness in all dealings.
 - Service providers will reduce their impact on the environment by use of the safest chemicals and cleaning practices available. Service providers will:
 - Undertake waste minimization practices on sites
 - Advise and support client waste management programmes.
 - Advise and support recycling initiatives pertinent to site activities.

- (12) Ensure site security for both client premises and employee and public safety, within the bounds of the companies' contractual responsibilities.

Service providers will ensure staff are vetted appropriately to improve the safety and security of all stakeholders.

- (13) Service providers will only employ subcontractors with the consent of their client and ensure that such sub contractors also meet the principles set down in this document.

Without negating its rights at law to engage in subcontracting and franchising arrangements to meet commercial requirements, Service providers are committed to maximizing the use of direct (that is company employed) labour where that is appropriate for the best business outcome. Contractors will ensure that franchisees and sub-contractors, when engaged, are remunerated in accordance with the industry agreement so as to deliver the same or very similar outcomes to those enjoyed by cleaners employed direct by contractors.

Unions – The Service and Food Workers Union Nga Ringa Tota (SFWU)

The SFWU is committed to:

- (14) The SFWU supports collective bargaining as a means of determining wages and conditions for employees in the cleaning industry.

The SFWU will consult with any building owners who adopt the Principles of Fair Contracting about proposed collective bargaining outcomes to determine their financial impact and agree on any necessary phasing in of cost increases so as to minimise the cost to those owners.

- (15) The SFWU will pursue discussions to address the industry issues identified and, if necessary, negotiate variations to existing employment agreements between employers and SFWU to address these issues.

- (16) The SFWU will establish, in agreement with the BSCNZ, a dispute settling procedure which provides for the voluntary settlement of disputes between employees who are SFWU members and employers. Where settlement cannot be reached or agreed the dispute will be referred to the appropriate authority.

Prior to taking any action against a contractor for breach of any collective agreement or other labour law, the SFWU will first consult with the appropriate building owner or owners, or their representatives. All parties to this agreement will act in an appropriate manner towards other parties.

- (17) The SFWU will have representation on the BSCITO Board and be consulted about BSCITO training content for cleaning staff to ensure that workers in the industry understand the obligations of all workers to maintain high standards of service and a secure environment.

Building Owners

Owners, wanting to promote and protect best practice standards and being conscious of the needs of the industry to maintain its financial viability, will:

- (18) Support productive employment relationships through the promotion of good faith in all aspects of the workplace environment and of the employment relationship, consistent with the objectives of the Employment Relations Act 2000.

- Support a fair labour market, pay and workplace conditions for employees.
- Support the fair and equitable treatment of employees.
- Recognize that employment relationships between employers and employees must be built on implied mutual obligations of trust and confidence, as well as the legislative requirement for good faith behaviour pursuant to section 3 of the Employment Relations Act 2000.

- (19) Recognize and promote the right of employees to bargain collectively should they choose to do so.

- (20) Support the existence of practical mechanisms for the voluntary settlement of disputes.

- (21) Support safe workplaces and practices.

- (22) Support the development of, in consultation with all parties, a protocol to determine appropriate tendering processes and work practices needed to ensure a high standard of cleaning, and a low level of occupational illness and injury

- (23) Support the development of, in consultation with the SFWU and Service providers, a process of ensuring that all cleaning staff are professionally trained to do their jobs in the safest and most efficient manner.
- Support the development of, in consultation with the SFWU and Building Service Contractors, a jointly administered fund to support appropriate training and education for the industry's workforce, and to establish standards of best practice in the industry, especially with respect to occupational health and safety.
- (24) Encourage Service providers to deliver appropriate quality services in a productive and innovative manner.
- (25) Expect its Service providers to comply with all their legal responsibilities and contracted obligations as employers and corporate citizens.

Industry Relationship / Working Together

- (26) BSCNZ, representing cleaning Service providers, PCNZ, representing owners, and the SFWU, representing their members, are jointly committed to developing and maintaining a positive working relationship.
- (27) BSCNZ takes pride in its members being employers of choice in the cleaning industry. PCNZ takes pride in being a body of responsible building owners. The SFWU takes pride in organising and representing New Zealand cleaners.
- (28) Together we commit to working toward a quality focused cleaning industry:
- Where clients receive and pay for good service,
 - Where reputable Service providers bid and win work based on fair contracting principles and reasonable reward, and
 - Where cleaners enjoy good jobs with sufficient hours, fair pay, reasonable work rates and safe conditions.
- (29) BSCNZ, PCNZ and the SFWU agree to discuss the development of:
- Industry Guidelines around appropriate standards of cleaning. The parties acknowledge that such guidelines can only be implemented with the co-operation and agreement of contractors, property owners and the union.
 - Professional standards which create a more stable workforce and promote the cleaning industry as a job of choice.
 - Training standards which enhance employee skills and competence, workplace health and safety, and the quality of service delivery.
 - Practices at times of contract change which enhance the job security of individual cleaners in line with the provisions in part 6A of the Employment Relations Act (Amendment).
- (30) BSCNZ and the SFWU commit to pursuing discussions to address the industry issues identified and, if necessary, to the negotiation between BSCNZ members and SFWU of variations to existing agreements to address these issues.
- BSCNZ and SFWU commit to discussions about subcontracting/franchising issues in the cleaning industry.
- (31) The agreement represents the true intentions of the parties. It does not constitute or should be construed as an agreement or contract subject to enforcement by either party or any third party in any NZ court or agency or any non-governmental agency. Either party may withdraw from the agreement by giving written notice to the other parties of its decision to do so.