

# Insourcing cleaning in ACT public schools

February 2022



## Why did we do it?

Employees in the cleaning industry are traditionally a vulnerable or disadvantaged workforce, characterised by a significant proportion of employees with low English language comprehension and work limitations imposed through visa restrictions.

Prior to the decision to insource school cleaning ACT public school cleaning services had been outsourced for many years, with each school managing its own cleaning contract(s) resulting in over 90 contracts held with around 24 contractors.

During this phase the ACT Education Directorate engaged with the union representing the workforce, United Voice (UV, now the United Workers Union) on a range of industry practices resulting in poor industrial and health and safety outcomes at ACT public schools. UV highlighted the importance of the fair and ethical treatment of this workforce, in line with the broader industrial approaches of the ACT Government.

Due to work initiated through the dialogue between the Directorate and UV evidence emerged that contractors may have been underpaying their staff in relation to rates of pay, superannuation, leave loading and leave accrual. Quality audits also found poor standards had not improved despite more rigorous contract management, audits, and communication with contractors. Rectification works were regularly needed due to the failure of the contractors to meet the standards specified in the contract.

Work Health and Safety audits found issues relating to use of chemicals, hygiene and cross-contamination. Issues continued to occur despite more rigorous contract management, audits, and communication with contractors.

In combination, outsourced cleaning services presented a high risk for the Education Directorate that would be both financially and ethically liable for the industrial practices in the private sector and suffer reputational damage due to these practices.

In June 2017, the Federal Court of Australia found that one of the providers contacted by the Territory to provide school cleaning, Phillips Cleaning Services, had breached the *Fair Work Act 2009* by failing to pay employees their ordinary rate of pay and appropriate leave loading. Phillips Cleaning Services was found to have underpaid 23 workers a total of \$255,415, with a further \$130,000 penalty and costs imposed on the respondents.

In response, the Directorate centralised its procurement and contract management model for public school cleaning, and significantly reduced the number of contractors to four in total. Procurement and contract management of school cleaning services was centralised, all contracts had the same start- and end-dates, and the number of providers and contracts was significantly reduced to improve oversight and consistency.

The Education Directorate invested significant additional resources and time in undertaking ongoing external audits and reviews relating to compliance with the *Fair Work Act 2009*, the *Work Health*

*and Safety Act 2011* and compliance with contractual obligations of the Territory. This was supported by expertise and advocacy from the union.

Despite these changes cleaning quality and compliance issues remained.

To address these concerns, the ACT Government investigated the insourcing of the public school cleaning to resolve these issues through direct employment and management in a way that supports the professionalisation of the school cleaning workforce and provides career pathways and skills development for a vulnerable workforce. This consideration was underpinned by an open and productive dialogue with UV.

In considering whether to insource school cleaning it was determined that this approach strongly aligns with the ACT Government's commitment to address insecure work by promoting job security for employees, minimise the use of sub-contractors, increase the use of direct employment of workers across the ACT Public Service.

Specifically for the Education Directorate, taking direct management of the cleaning function created a direct employment relationship with the school cleaning workforce and facilitated the development of a fair and productive workplace environment. This has supported improved cleaning outcomes and enabled innovations and contemporary industry methodologies.

Particularly during the COVID-19 pandemic, the insourced school cleaning service has been critical to the effective management of health and hygiene in public schools and has reduced the spread of viruses and minimised allergens and asthma triggers, thereby providing a safer environment for staff and students. The direct employment of school cleaners has ensured a stable and productive workforce and provided significant flexibility in responding to changing needs, such as the introduction of day cleaning activities.

### **How did we do it?**

In March 2019 the ACT Government decided that public school cleaning would be insourced from the beginning of the 2020 school year and be delivered through a workforce employed by the ACT Government and managed by the Education Directorate.

Specifically, the insourcing of cleaning services aimed to facilitate:

- Secure employment for an insecure workforce for cleaning services in ACT schools
- Increased ability for the Territory to manage risks (particularly relating to work health and safety)
- Closer oversight of the workforce and its performance in delivering better cleaning outcomes for ACT schools
- Enhanced ability to upskill the workforce through coordinated and targeted training opportunities
- Employment by the ACT Government would provide more affirmative options to increase diversity in the workplace and offer additional employment pathways to minority cohorts.

The Education Directorate established a centralised School Cleaning Service to provide cleaning activities for all public schools, with specialist activities such as carpet cleaning and hard floor maintenance also included in the scope of services provided to schools.

This centralised model was established to deliver high quality cleaning services to all ACT public schools with consistent cleaning standards, procedures, and equipment across all school sites. It also had the effect of relieving the burden of directly managing this specialist activity from individual schools.

The Directorate drew from UV's experience and expertise when designing many aspects of the insourced service model including the preferred cleaning equipment to be utilised (with a focus on minimising WHS risks), uniforms, roster design and the development of Work Level Standards for the workforce. In accordance with the ACT Government's Union Encouragement Policy, UV is provided with the opportunities to participate in all induction activities and plays a key role in the design of training activities offered to cleaners.

Under the insourced model, the Directorate wanted to offer employment to all current public school cleaners who met pre-employment checks and were legally entitled to work in Australia. This included permanent and ongoing employment for cleaners who were Australian citizens or permanent residents.

For cleaners who are in Australia on a temporary visa, their employment offer was consistent with their current right to work in Australia – up to a maximum of 5 years. United Voice provided an important conduit to the cleaning workforce to ensure that the needs and individual circumstances of staff were understood and addressed, as appropriate.

The Education Directorate, in consultation with United Voice and Chief Ministers, Treasury and Economic Development Directorate (CMTEDD), developed an amendment to the existing ACT Public Service Infrastructure Services Enterprise Agreement to facilitate the employment of cleaners in the ACT Public Service. This amendment established the job classification, Cleaning Services Officer, and the terms and conditions under which all school cleaners are employed. The amendment was subject to a successful staff vote during October / November 2021, with 93% of respondents voting in the affirmative.

In December 2019 the Head of Service for the ACT Public Service approved a Management Strategy, the first of its kind in the Territory developed under the *Public Sector Management Act 1994* to facilitate the employment of school cleaners engaged by private sector firms by providing an amended merit process.

This included the establishment of an Assessment Centre to facilitate a skills assessment for the existing workforce and to confirm other pre-employment conditions, including health assessments and visa requirements. The Union was an active participant throughout the design and delivery of the Assessment Centre and assisted the Directorate in managing staff through the process.

The Assessment Centre confirmed the identity and eligibility of each applicant, photographed everyone for security pass purposes, identified uniform needs and conducted a range of assessments including:

- Knowledge of cleaning activities,
- Appropriate use of equipment for Work Health and Safety purposes,
- Maintenance and safety checks for vacuum equipment, and
- Knowledge of the Public Sector Values.

The approved Management Strategy has been published to the Legislation Register and can be found at <https://www.legislation.act.gov.au/ni/2019-764/>.

To fill additional roles a tailored recruitment strategy was developed in recognition of the challenges that some of the existing industry workforce experience in seeking to enter public sector employment, including varying degrees of English language proficiency and temporary resident status.

All new roles, including supervisory and specialised cleaning roles, were advertised, and assessed using the standard merit-based recruitment process.

Training and induction were identified as high priorities for the transitioning workforce, along with new staff, and comprehensive site and WHS induction was provided, alongside training of any new equipment to be used as well as key information about the Education Directorate and the ACT Public Service more broadly.

The Directorate and union identified a range of mandatory training for cleaners to attend during the first year of employment. Apart from the proposed induction programs, mandatory training will include Work Health and Safety, Respect Equity and Diversity and Fraud and Corruption Prevention.

Training was modified to consider the limited English proficiency within the cleaning workforce through face-to-face delivery with language support and interpreting provided. UV have access to a range of language support staff and tools that assisted the Taskforce achieve this important outcome.

Consistent with the processes of the broader ACT Public Service, all cleaners have a Performance Development Plan to identify further opportunities for additional training and professional development within the operational constraints of delivering the insourced cleaning services.

### **What were the benefits?**

The Government's commitment to establishing an insourced cleaning service for individuals who have been classed as disadvantaged offers the Canberra community significant benefits.

Providing secure employment will have long term economic benefits to the ACT community by everyone's financial, health and psychological well-being through secure employment with the majority of cleaning staff being from minority and vulnerable groups.

The School Cleaning Service presents an incredibly diverse workforce with approximately 95% identifying English as a second language. This means that the Education Directorate has the second largest cohort of staff that identify as culturally diverse and equates to approximately 14.6% of this cohort in the ACTPS.

At any given time approximately 65% of the workforce are visa holders and traditionally find employment opportunities to be limited. This workforce presents challenges as most visa holders are limited to 20 hours per week placing a significant compliance burden on day to day operations.

Of the 272 cleaners who transitioned in February 2020, 262 continue to work for the service (representing a retention rate of 96.3%). Of these, 119 have been provided with permanent employment and 180 hold temporary contracts to the extent of their current working rights.

All 165 CSO1 staff are contracted to the extent of their current working rights or until 30 June 2022.

Secure government employment has provided the workforce with several additional benefits including access to a range of leave provisions. For the 2020-2021 financial year a total of 42,000

hours of leave has been taken, including 18,000 hours of personal leave and 12,500 hours of annual leave. This represents 8.9% of the total cleaning hours provided.

Providing a safe workplace has been a key focus for the School Cleaning Service. Since 1 February 2020 the School Cleaning Service has overseen 1,779 individual site inductions, staff have received Education Directorate induction and training courses (WHS, Reportable Conduct, Occupational Violence, Keeping Children and Young People Safe and Code of Conduct) and the appointment of Health and Safety Representatives from within the cleaning workforce to provide avenues for staff to raise matters of concern.

Supervisory staff have also been provided training in first aid, testing and tagging of electrical equipment, Microsoft Office applications and behavioral de-escalation.

Competency based training has been established for operational cleaning duties (currently 37 different functions), supported by standard operating procedures and safe method work statements where practical, with a view to have these formally accredited as units of training.

Each school is assigned an amount of cleaning hours (per day). The number of cleaning hours are based on type of school, size of school, number of students and is consistent with the approach to cleaning hours under the contractor model. In each school, a standard range of cleaning tasks are performed by the cleaners each day and each week.

Where schools are used by hirers or community groups, cleaning arrangements are changed and/or hours of cleaning added to ensure that the school is cleaned and ready for school use. Maintaining a workforce of trained and skilled staff has allowed the School Cleaning Service to quickly adjust cleaning arrangements to meet demand, removing the need for the renegotiation of contracts or paying excessive penalties for additional cleaning services.

The emergence of the COVID-19 pandemic in February 2020 demonstrated the value of a government employed workforce capable of responding to evolving conditions. The School Cleaning Service was able to rapidly adapt and redeploy its workforce to address the changing needs of schools. This saw the introduction of day cleaning across all schools and the establishment of 'Deep Cleaning Protocols' to respond to schools that have been identified as an exposure site by ACT Health.

In addition to this the insourcing of school cleaning aligned with Government commitments to:

- address insecure work
- promote job security for employees
- minimise the use of sub-contractors
- increase the use of direct employment of workers across the ACTPS
- review outsourced services and return these to direct ACT Government provision where a beneficial outcome to the community can be demonstrated.

In addition, it removed risks to the Territory including:

- being made liable for contractor failure to pay employee entitlements
- lack of compliance with the *Work Health and Safety Act 2011*.

## **COVID-19**

In response to the significant economic impact caused by restrictions implemented due to the Covid-19 pandemic the ACT Government established the Jobs for Canberrans (JFC) initiative.

The JFC initiative provided financial support to establish employment opportunities for members of the Canberra community who impacted by restrictions and who were not eligible for any other government support.

The initiative supported the employment of 140 additional FTEs equated to 252 additional cleaning staff working in ACT public schools.

When JFC funding ceased the ACT Government committed additional funding to maintain day cleaning operations in schools. Cleaning staff perform duties to minimise the risk of transfer of infectious diseases during school hours. Staff focus on cleaning and sanitising High Frequency Touch Points. Areas of focus are entries, hallways, administration areas and teachers' spaces, transitioning to cleaning student desks in classrooms between 3.30pm and 5.30pm.

With increasing cases of COVID-19 the School Cleaning Service developed and implemented a Deep Cleaning Protocol. This approach requires a detailed and thorough clean and disinfection of potentially contaminated areas in a school. This work is undertaken by a team of cleaners who have completed specific training in the techniques, chemicals, and safety requirements to perform these duties. The deep clean is a comprehensive approach of mechanical cleaning and chemical disinfection and is completed before staff and students return to the impacted location.

At various stages ACT public schools have been utilised by ACT Health to support the Government's COVID-19 response. This has included the establishment of testing centres, vaccination hubs and staging points for various covid related activities. The School Cleaning Service provides cleaning support to enable these activities to occur, including the provision of a deep clean after ACT Health have vacated the space to prepare for the return of staff and students.