

Responsible

Procurement

of Cleaning  
Services



Equality and  
Human Rights  
Commission

# Responsible Procurement of Cleaning Services

## Introduction

In August 2014, the Equality and Human Rights Commission (the Commission) published its report *The Invisible Workforce: employment practices in the cleaning sector*<sup>1</sup>, which set out our findings on employment practices in the cleaning sector in England, Scotland and Wales.

We found that outsourcing and contracting have a direct impact on employment practices and the working conditions of cleaning operatives. Procurement is often driven by lowest price; this puts cleaning firms under enormous pressure to deliver a high quality service at the lowest cost possible and this may have an impact on employment conditions of their largely female and migrant workers.

The Commission's role is to promote and enforce the laws that protect our rights to fairness, dignity and respect. The Commission convened an industry-led taskforce to consider how to use the procurement of cleaning services in the public and private sectors to drive improvements in the working conditions of cleaning operatives.

## Developing the procurement principles

The taskforce developed the Responsible Procurement Principles for public and private sector client organisations that outsource and buy in cleaning services. Suppliers are the organisations which supply contracted workers to clean for the client, sometimes along with other facilities management services. The principles are based on the experiences of client organisations, suppliers of cleaning services, industry associations and trade unions.

We encourage client organisations to consider applying the Responsible Procurement Principles to their contracts to support fair employment practices. These principles complement best practice procurement guidance from the Chartered Institute of Procurement and Supply (CIPS)<sup>2</sup> and assume that client organisations are complying with the relevant procurement standards and regulations.<sup>3</sup> To measure improvements over time, clients may find it helpful to use best practice benchmarking tools.<sup>4</sup>

# The Responsible Procurement Principles

The Responsible Procurement Principles are a guide for public and private sector client organisations that buy in cleaning services from cleaning or facilities management suppliers. The way in which you procure cleaning services may have a direct impact on employment practices and working conditions of the supplier's workers. Incorporating these guidelines into your procurement and contract management practices will help ensure that suppliers comply with their legal obligations as employers and meet good practice standards.

1. When deciding on the length of a contract, bear in mind that a longer contract term, with the option of extension if justified by performance, is likely to encourage a supplier to invest in workforce development and give greater job stability for its workers.
2. Your tendering process should be open and transparent and your specification should clearly set out your requirements, your selection criteria and their weighting. Your selection criteria should recognise the value of technical and professional competence and the quality of service in addition to cost. Selection criteria should also consider broader issues such as fair treatment of contracted workers and compliance with health and safety requirements, which contribute to the successful delivery of a service and reduce reputational risk and liability to you and your supplier.
3. Wherever feasible, you should commit to considering Voluntary Living Wage tender proposals (or Voluntary London Living Wage tender proposals for services delivered in London).<sup>5</sup> Make clear that you accept Voluntary Living Wage tender proposals and explain how you will compare these proposals against others that you receive.
4. Consider specifying in your conditions of contract that you will review or audit your suppliers to ensure that cleaning operatives receive:
  - The correct remuneration;
  - Clear information about their contracted hours;
  - Their employment rights including those set out in any collective agreements.

*Continued overleaf.*

# The Responsible Procurement Principles continued

## An employee is entitled to:

- A written statement of terms and conditions of employment.
- Be paid at least the National Minimum Wage.<sup>6</sup>
- A wage statement or pay slip.
- Paid holidays.
- Statutory or contractual sick pay when off sick.
- Paid time off work for ante-natal visits.
- Not work more than 48 hours a week (unless individual employees have agreed to opt out under the European Working Time Directive).
- Have rest breaks.
- Return to work after maternity, paternity or parental or adoption leave.
- Safe and healthy working conditions.
- Complain about poor treatment without being victimised.
- Be accompanied at a grievance or disciplinary hearing by a trade union representative or colleague.
- Receive payment when travelling from one work assignment to another for the same employer.

Where contractors offer only contracts without guaranteed hours, encourage your supplier to adopt contracts which provide workers with more regular and certain full or part-time hours.

**5.** As a part of the tender process, you should:

- Review details about a supplier's training and / or development plans for their workforce.
- Specify whether you require the supplier's workers to participate in your training sessions, for example, your induction or customer service training.

**6.** Consider specifying in the conditions of contract that you will annually check that:

- The supplier ensures contracted workers have the right to work in the UK, and complies with the *Code of Practice for employers: avoiding discrimination while preventing illegal working*; and
- The supplier ensures there is no slavery or human trafficking in the workforce, and if required by law, submits an annual slavery and human trafficking statement.

*Continued overleaf.*

# The Responsible Procurement Principles continued

**7.** Consider specifying in the conditions of contract that your supplier should have a sub-contracting policy and that you reserve the right to periodically monitor its effectiveness. Your supplier should ensure that sub-contractors:

- Comply with employment and equality law, contractual agreements and abide by any relevant collective agreements.
- Should not avoid their obligations as an employer by insisting that their workers register as self-employed.

**8.** As a condition of the contract, you should ensure suppliers have equality, bullying and harassment, grievance and other appropriate workplace policies in place and comply with them.

**9.** As part of the selection process, you should ensure that the supplier has appropriate grievance mechanisms in place. You should also have a mechanism to enable the supplier's workers to raise any concerns about your workplace and staff.

**10.** Your organisation should commit to treating the supplier's workers with dignity and respect when on your premises.

This may include:

- Providing appropriate facilities such as lockers, changing facilities and rooms to store cleaning equipment.
- Allowing access to the same facilities as client employees such as staff canteens, rest rooms and vending machines.
- Telling your staff that your equality policies, and bullying and harassment policies apply to your supplier's workers.

You may wish to take further steps to make contracted cleaners feel more included in your workplace, such as:

- Invitation to staff events;
- Access to trade union representatives in your workplace;
- Inclusion in award or recognition schemes; and
- Access to internal job vacancies.

However, as these may give rise to extended TUPE rights, or have tax or other implications, you should seek specific legal advice before proceeding. You should also agree with the supplier about including such initiatives for their staff.



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