



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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MISGUIDED UNION CAMPAIGN FOR OVER-AWARD PAYMENTS FOR CLEANERS

Some cleaners employed by Spotless have balloted for industrial action (mainly bans and stoppages) at 16 Spotless-cleaned shopping centres across Australia. Cleaners employed at some Glad and Assetlink-cleaned centres have also applied to Fair Work Australia for similar protected industrial action and this ballot closes on 7 December. This is part of United Voice's campaign to gain an over-award payment for shopping centre cleaners.

Despite the union's allegations about staffing levels and poor working conditions, this campaign (in the words of one union official) "is all about the money". That's not surprising since the shopping centres which will be affected by this campaign already provide better working conditions for cleaners than just about any other sector of the cleaning industry. The SCCA has also commissioned an independent comparison of the union's Clean Start Agreement (now more than four years old) and the recent 'modern award' (the *Cleaning Services Award 2010*). This shows that most Clean Start conditions are now picked up in the modern award and, in some areas, the modern award is more favourable than Clean Start. The cleaning contractors being singled out by the union are all very responsible contractors who adhere to the modern award, as well as to the National Employment Standards.

The cleaning contractors argue, and with good reason, that such claims for over-award payments are not the way the new industrial relations system is meant to work. If the union's claim that shopping centre cleaners are underpaid was true, then surely cleaners in all industries throughout Australia are underpaid. The union should therefore be addressing this through Fair Work Australia and the modern award so that the perceived injustice in pay is addressed for all of its members, and not just for a few. Shopping centre retailers, who will be forced to pay more for cleaning if the union's claim succeeds, also expect the union and contractors to adhere to the proper industrial relations processes.

The union has made much of its claim that the minimum wage for cleaners under the modern award is \$16.57 an hour. Very few cleaners at the shopping centres being targeted, however, are being paid the minimum wage. The majority of cleaners, once the various award allowances and penalties are added, are being paid more than \$20 an hour. To put this in perspective, the minimum rate for shop assistants is \$17.05 an hour. Many retail workers employed in the shops which comprise the shopping centre are being paid less than some of the cleaners who clean that centre.

We also reject the union's claim of a "race to the bottom" in shopping centre cleaning contracts. In the Work Choices era that may have been a genuine fear but the advent of Fair Work Australia, the National Employment Standards, the Fair Work Ombudsman and the modern award means the industrial relations environment is now very different. The major shopping centre owners now being unfairly targeted by the union have always insisted that the ability of a contractor to do a good job - to ensure a centre is clean, hygienic and attractive to customers - is just as important as the cost of the contract.

Shopping centre owners who engage the cleaning contractors are not shirking their responsibilities in this area. The SCCA is updating its *Principles of Fair Contracting* adopted in 2006. This time we are going much further and negotiating with the Building Service Contractors Association of Australia (BSCAA) a *Code of Conduct for Fair Service Provision in Shopping Centres*. It will be a requirement of the Code, when finalised, that cleaning contractors will have to demonstrate their willingness to adhere to the specific provisions of the Code before being invited to bid on contracts. It is doubtful, when this is in place, if any other sector of the cleaning industry will have imposed such rigorous requirements on its cleaning contractors and on themselves. If the union scoffs at this Code, this shows that its campaign really is "all about the money".