

The Invisible Workforce: Employment Practices in the Cleaning Sector

Findings Report



**Equality and
Human Rights**
Commission



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Terminology

For consistency we have used the following terminology in this report:

- **Worker:** covers anyone working in the cleaning sector, with the main focus on cleaning operatives or ‘cleaners’.
- **Cleaning firm:** this covers cleaning firms that only provide cleaning services, and facilities management firms that provide cleaning in addition to a range of other services such as security, catering or waste management.
- **Client:** any organisation that outsources its cleaning services in the public and private sectors.

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Foreword

The cleaning sector contributes over £8 billion pounds to the British economy every year. It provides a vital service to us all ensuring our workplaces, hospitals, schools, transport and public spaces are clean and pleasant to use. Yet often this key service goes unnoticed and unappreciated. It is a largely invisible workforce of around half a million people.

Many firms now outsource cleaning, and similar services, such as security or catering, to specialist firms as a way to reduce their costs. This has led to the significant expansion of the industry, offering new business opportunities, but has also come at a price. Outsourcing may make services more efficient, but also puts a constant downward cost pressure on cleaning firms with a knock on impact on working conditions and pay.

Following reports of discrimination and reports that employers were not respecting employment law and standards, we wanted to understand more about working conditions in the cleaning sector, and what influences these.

We have gathered evidence from cleaning workers, firms that provide cleaning services, clients, trade unions, trade bodies and other relevant organisations. Cleaning firms were less willing to talk to us and we did not gather as much evidence from them as we had hoped. However, we are grateful for all of the

organisations and individuals we spoke to, or who submitted written evidence.

What is clear from our evidence is that many workers are treated well, enjoy their job and have their employment rights upheld. Some clients outsource their cleaning services in a responsible way offering longer contract lengths, paying the living wage and supporting daytime cleaning which offers workers more sociable hours. Since fairness, dignity and respect are values we all share, we would hope that such treatment was the norm.

Many workers, however, do not have their employment rights upheld. They may be bullied or discriminated against by supervisors, experience problems obtaining their pay, have excessive workloads, and are not treated with dignity or respect. Often this can be linked to procurement practices which focus mainly on reducing cost and overlook the negative impact this can have on staff turnover, absenteeism, productivity and the quality of service delivery.

To support the sector to improve employment and procurement practices our report also contains a number of recommendations, based on the good practice that we found. We have consulted stakeholders on these to ensure they are practical and achievable. We will also bring together representatives from cleaning firms, clients, trade bodies, trade

unions and other government bodies to form a taskforce. The taskforce will focus on key areas such as responsible procurement of cleaning services, improving awareness of employment obligations and sharing good practice. We hope that collectively we can improve working conditions, and ensure that businesses respect employment rights in the workplace.

A handwritten signature in black ink that reads "Mark Hammond." The signature is written in a cursive, slightly slanted style.

Mark Hammond

Chief Executive of the Equality
and Human Rights Commission

Executive summary

Our project examines employment practices in the cleaning sector in England, Scotland and Wales. The cleaning industry employs a higher proportion of female, ethnic minority and migrant and older workers compared to the average UK workforce.¹ We wanted to explore not only the extent of any unlawful discrimination within the sector, but also whether any wider poor employment practices had a disproportionate impact on these groups. Our key findings are:

1. Dignity and respect

Workers did not always feel they are afforded the same dignity and respect shown to others in the workplace. A significant number told us they are treated differently and worse than others, harassed and abused. Workers spoke of being ‘invisible’ and ‘the lowest of the low’. In most cases this was a result of the treatment by their supervisors, the client and the public.

2. Equality

Most cleaning firms had equality policies, and in some cases offered equality training to staff. Migrant workers reported difficulties understanding basic employment documentation

and some reported discriminatory treatment. Although most pregnant women were treated well, some reported poor treatment or even being sacked or dismissed as a result of their pregnancy. Word of mouth recruitment is a commonly reported route into the sector and in many cases this led to the informal segregation of the workforce by different nationalities.

3. Pay

Contract value determines what cleaning firms are able to pay workers. Low pay is prevalent across the sector with wages close to, or at, the National Minimum Wage. A significant number of workers experienced problems with the under-payment or non-payment of wages. In some cases failure to resolve this led to Employment Tribunal cases.

4. Access to redress

Many workers expressed concerns about changes to terms and conditions, perceptions of different treatment and non-payment of wages. Most of the cleaning firms have grievance policies and procedures of some kind. Workers were often not aware of these procedures, and many were scared of complaining in case they lost their job.

¹ ONS Business Population Estimates, which draw on HMRC tax data and Labour Force Survey data. Available at: www.gov.uk/government/collections/business-population-estimates.

5. Working hours, breaks and leave

We did not find widespread use of zero hours contracts except in the hospitality and leisure sector. Work intensification appears to be a growing problem with many workers reporting unrealistic workloads. Clients often did not provide adequate facilities for workers to take breaks, such as rest rooms. Some workers felt pressurised into coming into work when they were sick.

6. A safe working environment

Workers raised few health and safety concerns. All cleaning firms had health and safety policies in place, offered relevant training of some kind, and provided workers with the personal protective equipment they needed.

7. Trade unions and collective bargaining

We found no examples of outright prohibition on freedom of association and collective bargaining. We found a few examples of workers who said they had been discriminated against, or victimised, due to their membership of a trade union or similar organisation.

8. Forced labour

We found no indicators of forced labour such as the retention of documents, or threats of violence or denunciation to the authorities. Systemic under-payment of wages may be a sign of forced labour. Some workers perceived requests to work overtime as compulsory.

9. The impact of outsourcing

The vast majority of clients outsourced their cleaning services. Contracts often place cleaning firms under enormous pressure to deliver a high quality service at the lowest cost possible. This often has a negative impact on employment practices, affecting pay, the intensity of work, job security, training and working hours. Short-term contracts that are renewed frequently fail to encourage positive relationships developing between clients and cleaning firms and contribute to these pressures.

Conclusion and recommendations

Our evidence shows that while there is evidence of good practice in some areas, some employers in the cleaning sector are not complying with legal responsibilities. To support the sector we have made recommendations to the key bodies in the sector. Our recommendations focus on the most significant findings, and address the need to:

- Improve working conditions for cleaning operatives.
- Raise awareness of employment rights.
- Establish more responsible procurement practices.

We have also convened a taskforce to consider how to improve outsourcing and employment practices. The taskforce will focus on key areas such as responsible procurement, and treating workers with dignity and respect.

Introduction

In September 2013 the Commission launched a project to examine employment practices in the cleaning sector in England, Scotland and Wales.² The cleaning industry has an estimated turnover of approximately £8.1 billion annually and is ranked the third largest in Europe.³ We focused on standardised, non-domestic cleaning in the office, health, retail, transport and leisure sectors as these sectors are the four largest users of cleaning services.⁴

There is no sector-specific regulator, meaning potentially less protection than for workers in other low-wage, low-skills sectors. Initial evidence indicated a significant number of claims of discrimination and non-payment of wages in the sector, so we wanted to establish the nature and extent of any problems, and identify levers to deliver improvements. We wanted to explore not only the extent of any unlawful discrimination within the sector, but also whether any wider poor employment practices had a disproportionate impact on groups over-

represented in the sector such as women, migrant and older workers.

We also wanted to examine the impact of outsourcing on employment conditions in the sector. The cleaning industry's growth since the 1970s reflects the shift from in-house provision of cleaning services to the extensive outsourcing of cleaning to specialised providers. Academic studies show that outsourcing and contracting have a direct impact on employment practices and working conditions as outsourcing firms try to reduce their costs by lowering pay rates, increasing work intensity, reorganising work or creating a more flexible workforce.⁵ The way public and private sector clients manage their outsourcing of cleaning, therefore, has the potential to have a significant impact on working conditions.

Why equality?

The Commission was established by Parliament under the Equality Act 2006 to help make Britain a fairer place for everyone. We do this by helping to ensure

² Full terms of reference for our work can be found in annex 3.

³ Asset Skills Insight on Demand, 2011 as seen in 'A Quick Guide to contract cleaning'. Available at: www.thebuildingfuturesgroup.com/sector-skills-council/research/labour-market-information/quick-guides/.

⁴ Standardised cleaning covers hoovering, sweeping, washing and polishing floors, stairs and lifts, dusting and polishing desks and other hard furniture, emptying waste bins and baskets, washing up and cleaning office kitchens and appliances, cleaning lavatories, basins and mirrors, cleaning and dusting, and cleaning outdoor spaces, for example sweeping and hosing bin areas and car parks.

⁵ Grimshaw, D., Cartwright, J., Keizer, A. and Rubery, J. with Hadjivassiliou, K. and Rickard, C. (2014) *Coming clean: contractual and procurement practices*. Research Report 96. Manchester: Equality and Human Rights Commission. Available at: www.equalityhumanrights.com/publications/our-research/research-reports.

that everyone is protected against unfair treatment and has fair opportunities; by promoting and safeguarding the human rights we all enjoy; and by encouraging mutual respect between people of all backgrounds.

The cleaning industry employs an estimated 446,000 people, is predominantly female, and has a higher than average number of ethnic minority, migrant and older workers.⁶ Labour Force Survey data suggest 79 per cent of the cleaning workforce is female and 78 per cent work part time. In contrast, women account for 47 per cent of the UK workforce, and 27 per cent of jobs are part time.⁷ The sector employs a higher proportion of ethnic minority employees than across all sectors in the UK. In England, the ethnic minority workforce is 16 per cent of the total cleaning workforce, and up to 44 per cent in London, compared to 10 per cent in the UK workforce.⁸ Migrants make up an estimated 30 per cent of the total cleaning workforce⁹ compared to 15 per cent of the UK workforce.¹⁰ The workforce is

comparatively old, with those between 45 and 54 years accounting for 26 per cent and those aged 55 and over accounting for a further 22 per cent. Young workers (under 25 years) in comparison account for only 11 per cent.¹¹

We wanted to understand how employment practices might affect people who shared particular characteristics in a particular industry.

Our approach

The Commission is a UN-accredited national human rights institution responsible for promoting awareness, understanding and protection of human rights. We decided to look at the experience of workers in the cleaning sector through the lens of international standards on employment. The United Nations' Guiding Principles on Business and Human Rights is a global standard that sets out the expectation that all businesses should respect human rights in the way they conduct their activities.¹² The UK Government supports the UN Guiding Principles, and published a

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- 6** ONS Business Population Estimates, which draw on HMRC tax data and Labour Force Survey data. Available at: www.gov.uk/government/collections/business-population-estimates. We provide more information about the composition of the workforce in Annex 1.
- 7** Grimshaw, D., Cartwright, J., Keizer, A. and Rubery, J. with Hadjivassiliou, K. and Rickard, C. (2014) *Coming clean: contractual and procurement practices*. Research Report 96. Manchester: Equality and Human Rights Commission. Available at: www.equalityhumanrights.com/publications/our-research/research-reports
- 8** ONS (2014) Dataset A09: Labour market status by ethnic group. Available at: www.ons.gov.uk/ons/rel/lms/labour-market-statistics/june-2014/table-a09.xls
- 9** UKCES (2010) Skills for jobs: Today and tomorrow - Vol 2. Available at: www.ukces.org.uk/assets/ukces/docs/publications
- 10** ONS (2014) Dataset EMP06: Employment levels and rates by country of birth and nationality. Available at: www.ons.gov.uk/ons/rel/lms/labour-market-statistics/june-2014/table-emp06.xls
- 11** Asset Skills (2013) Future Trends: research report.
- 12** See www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

national action plan to implement them in September 2013.

We looked at employment standards in a number of key areas:

- Equality and non-discrimination at work
- Pay, including equal pay between women and men
- Access to redress
- Rest and leisure
- Privacy
- A safe working environment
- Freedom of association
- Participation in collective bargaining
- Abolition of forced labour.

The UN Guiding Principles are not, in themselves, legal requirements on business. However, in some of these areas, the standards expected of business have also been translated into domestic legislation and are legally binding obligations on business. For example, the Equality Act 2010 protects workers from discrimination, and the Health and Safety at Work Act 1974 helps ensure a safe working environment. Where there is a specific legal requirement on employers, we have highlighted this in our analysis.

Further information on our analytical framework based on these issues can be found in Annex 4.

Structure of the report

The findings of our report are based on the evidence we collected from cleaning firms, client organisations in the public and private sectors that outsource their cleaning, workers, trade unions and other organisations, and the two research reports we commissioned.¹³ Our findings are drawn from qualitative research, and are illustrative but not statistically representative of conditions in the cleaning sector.

We set out our findings in Chapters 1 to 10. We conclude in Chapter 11 with recommendations, to encourage better outsourcing and employment practices.

13 Sykes, W., Groom, C., Desai, P. and Kelly, J. (2014) *Coming clean: the experience of cleaning operatives*. Research Report 95. Manchester: Equality and Human Rights Commission and Grimshaw, D., Cartwright, J., Keizer, A. and Rubery, J. with Hadjivassiliou, K. and Rickard, C. (2014) *Coming clean: contractual and procurement practices*. Research Report 96. Manchester: Equality and Human Rights Commission. Available at: www.equalityhumanrights.com/publications/our-research/research-reports.



Chapter 1:

Dignity and respect

Fairness, dignity and respect are values we all share. Yet a lack of dignity and respect is an underlying theme that runs through our evidence from workers, and occasionally from cleaning firms too. It was often reported in the context of individuals and their work not being valued, and people not shown the same courtesy and consideration given to others.

In practice ensuring employees are treated with dignity and respect means that employers should have a dignity at work policy and make it clear that abuse and harassment of employees is not tolerated.

Our findings are:

- Workers feel they are looked down on, spoken to rudely, treated differently and worse than others, harassed and abused.
- Managers and supervisors, client employees and the general public were responsible for the poor treatment.

The value of cleaning work

Cleaning workers often reported that they took great pride in their work, and described it as honest and respectable. They also said cleaning wasn't difficult to learn, and this made the industry relatively easy to enter. Some interviewees

said they liked cleaning, were good at it and got satisfaction from the difference they could make in a workplace.

“I couldn't be any prouder than I am... Personally myself I give 100 per cent no matter what job I do. I've pride in my work.”

– Polish female employed in-house

However, most also saw cleaning as hard work; physically demanding and – of course – dirty and sometimes 'disgusting'. Some workers said that cleaning was under-valued and that without it workplaces and services would be unpleasant for other employees and customers. They were aware that many people viewed cleaning as a low status job of little value, which no one would do if they could avoid it.

Cleaning firms also felt the cleaning sector was not recognised or valued for the role it played in enabling other organisations to function. A small number felt that the industry image had improved in recent years as it tried to professionalise itself. All of the cleaning firms we spoke to told us they valued their employees.

“Sometimes you hear organisations talking about how people are our greatest asset. Well, people are our only asset. That’s all we have. So it’s important to us, therefore, how we treat them and how we deal with that.”

– Cleaning firm

Dignity and respect in the workplace

Many workers felt they were looked down on, spoken to rudely, treated differently and worse than others, harassed and abused by the client, supervisors, or members of the public. Some workers felt hurt, isolated and unhappy because of this.

A number reported that they were ignored, particularly by the client’s employees. People often did not acknowledge them, did not know their name, did not say hello, please or thank you. They often felt invisible, treated differently to other workers, and made to feel ‘the lowest of the low’.

“There is a misconception ... that we are ‘thick cleaners’ and intellectually inferior. People in clinical jobs – nurses, doctors, lab workers, admin ... tend to look down on us. The work is often hard and the lack of thanks and appreciation tends to make one somewhat insular leaving one deflated and ignored... Little do people realise how much they need us!”

– British male employed by cleaning firm, healthcare

“The attitude, you are cleaning and people just walk inside it when you are mopping and they don’t say excuse me. Or you just wash up and people ... throw down their cups and plates. You feel bad. They look at you with scorn, they don’t even say excuse me or hello.”

– Jamaican female employed by cleaning firm

“The [client] managers have got no respect for the cleaners... They look down on you... They’re rude and they don’t say please and thank you; they expect you to do stuff that they won’t do themselves. Like clean the toilet without gloves on; they wouldn’t do that. [At] break time they’ll watch you go in and have your break and they’ll watch you go out.”

– British female employed by cleaning firm

One worker commented that cleaning operatives were ‘the first to be blamed and the last to be thanked’. Cleaning firms also acknowledged this, stating that clients only notice when things go wrong. One cleaning firm said that in the absence of thanks, they take a lack of complaints as praise in itself.

Treatment by managers and supervisors

Workers acknowledge that it is part of the supervisor’s job to oversee their work and criticise or advise if necessary.

However, workers recounted many examples of supervisors who did not treat them with dignity and respect. This adversely affected their daily experience of work. Some workers said they felt powerless to challenge supervisors for fear of losing their job.

“We get no respect or support from our supervisors and the ward staff shout at us. This is because we are not regarded as human beings. We are afraid to complain in case we are sacked.”

– Czech female agency worker, healthcare

Workers felt humiliated when supervisors criticised in a rude way, by shouting at them, or in the presence of other workers or members of the public.

“I was mopping it and I had two signs up but people move them, and she [assistant manager] come on the ward and she said, ‘Get them signs up right now’, and spoke to me like I was a child. So I said people are moving them ... And she started shouting that bad I cried in the middle of me day, and that was in front of patients.”

– British female employed by cleaning firm, healthcare

A station worker recounted many incidents with his supervisor, when she doubted his honesty over needing to go to a hospital appointment, often being critical in front of other workers.

“Last week she talk to me in front of people, treating me very bad ... I just keep quiet ... I didn’t tell her it’s hurting me what you’re telling me... If you’ve made a mistake ... talk privately ... they’re hearing what she is saying to you and it’s embarrassing ... maybe, 16 persons listening ... about more than 15 or 20 minutes insulting ... and everyone looking at me and she was saying a lot of words.”

– Somalian male employed by cleaning firm, transport

One Spanish speaking respondent recalled supervisors in one hotel who were so determined to make the cleaners feel bad, they used a translation ‘app’ on a phone to find derogatory words in Spanish.

“Managers need to treat and respect people the same. Managers should not treat us as slaves.”

– Czech male agency worker, healthcare

Uniform

Many workers said employers provided them with some uniform items especially if they had contact with the public. Some workers felt that their uniform was a way of marking out cleaning operatives as separate and different from the rest of the workforce.

“We used to have good uniform, because the rules and regulations of the Underground says that everybody working in the Underground have to have one certain type... But last year the company decided to change the cleaner’s uniform ... at the back of the shirt we’re wearing now they write it, CLEANING... Very, very brightly coloured. You can’t hide who you are.”

– Nigerian male employed by cleaning firm, transport

Workers who wore the same uniform as other client employees were more positive and said it helped them feel part of the wider team. A worker at an overground station, when asked about the good things about his job, almost immediately mentioned his uniform.

“We have proper like gloves, hat, jacket – uniform ... only the names [on] the vest ... is the difference... You’d think I’m working Network or just working in customer service there’s no difference... Yea, it’s like you’re wearing like staff, and we’re wearing shirts, not suits but a shirt and tie and jacket and everything.”

– Somalian male employed by cleaning firm, transport

Interaction with the public

A few cleaners working in public settings like shopping centres or stations said they had been harassed and abused by

members of the public. One station worker said members of the public sometimes insulted him simply for being a cleaner:

“Sometimes somebody will see you and speak – ‘Go and find a good job’... Definitely if you’re a cleaner people don’t respect you. The way some people will talk to you is really, really sad... I feel really sad, but it’s part of human life.”

– German male employed by cleaning firm

Another worker spoke of children taking delight in making a disgusting mess in the toilets just after he had cleaned them.

“I do my job very, very clean ... in the toilet, five kids go and make it dirty, laugh at you, they take advantage if you are cleaner, a foreigner. They see you are cleaner, wait you go out for five minutes, when you come back you see a surprise!”

– Egyptian male employed by cleaning firm

Some respondents were upset that their managers had told them not to stray outside their cleaning role and not to interact with the public, even by responding to requests for directions. One respondent said the new cleaning contractor for the hospital had issued written instructions that cleaners were not allowed to speak to the public.

Valuing workers

Some workers felt valued by the client mentioned: being invited to workplace meetings with other staff; being treated by the rest of the workforce as an equal, 'like a worker, not a cleaner'; and sharing catering and rest facilities with other staff, including managers. These made respondents feel positive about their jobs.

"In the larger buildings ... they [cleaners] are very much part of the property team. So that when there is a briefing, when there is a change to our working practice or policies, they are actually brought in with our catering staff, with our onsite security staff and they are actually briefed on how to work and how to work together as a team."

– Client (Bank)

"We treat all of our suppliers and outsourced workers with respect. For example, our outsourced cleaners have access to all the same facilities in our shops, and are entitled to the same discounted food in our shops."

– Client (Retailer)

Cleaning firms told us of the steps they took to value their cleaning staff, ranging from incentives such as vouchers, to award ceremonies. Workers spoke favourably of these, and appreciated the attention cleaning firms and clients gave to their role.

"The service excellence awards, take place annually, and we have three categories for cleaning; cleaner of the year, cleaning supervisor of the year, and cleaning team of the year. We invite nominations from the entire business, from managers or account directors, and they then submit them to a judging panel, and then the team, or the nominees will come along, and the chief executive will present the awards. And it is done at Ascot, where we look after catering, so they have a nice lunch and a chance to meet colleagues from around the business, and it's a really lovely day. And you get some fantastic feedback from it."

– Cleaning firm

Even small gestures made workers feel valued: a supervisor reminding workers to take a break or making team members a cup of tea, a client sending out a letter of praise for a special clean, or a card at the end of the year were examples given in interviews.

"The whole department was given a voucher at Christmas to have a free drink and bacon or sausage sandwich. A small gesture in a very difficult time boosts morale and meant a lot."

– British female employed by cleaning firm, healthcare

Workers, cleaning firms and clients mentioned daytime cleaning as a positive improvement to the sector in recent

years. Daytime cleaning refers to cleaning services delivered during the working day rather than overnight. This offers significant energy and security savings for clients who do not need to keep their buildings open overnight.

Workers value daytime cleaning as it offers regular sociable hours, with opportunities for longer or full-time hours. This can reduce staff turnover for cleaning firms. Daytime cleaning also makes cleaning operatives more visible, and some felt more part of a team, and more appreciated by other people.

“(In our offices) we moved from evening cleaning to daytime cleaning to try and make the cleaners feel like they were part of the team. There was a perception that they weren’t doing a good job and there was no communication. Now I am updated weekly with scores of emails from people telling me what a great job they do because they are visible and we see them. But we did that in tandem with the London living wage. So not only are people more visible, their contribution is more widely recognised and they get that personal sense of I am doing a good job.”

– Client (Bank)

Conclusion

Everyone should be treated with dignity and respect in the workplace. Our findings show that cleaning operatives are often not treated with the same dignity and respect as other workers. They can be treated poorly by supervisors, the client or the public.

To treat workers with dignity and respect cleaning firms should:

- Develop and publicise dignity at work policies.
- Train supervisors and managers on how dignity at work policies affect their approach to management.

Clients should:

- Ensure all employees know that dignity at work policies extend to contracted workers.
- Ensure the public is aware of its dignity at work policies, and that harassment and abuse of staff are not tolerated.
- Provide adequate rest and changing facilities for contracted workers.



Chapter 2:

Equality and non-discrimination at work

Equality and non-discrimination in the workplace means that workers are not treated unfairly as a result of age, race, sexual orientation, gender, disability, religion or belief, pregnancy and maternity, marriage and civil partnership, or gender reassignment. In law these are called protected characteristics, and are protected under the Equality Act 2010. Cleaning firms and clients must take reasonable steps to protect workers against discrimination on any of these grounds. In practice this may include:

- Company policies to promote equality and fair treatment of workers.
- Monitoring of recruitment, promotion, training and grievances to ensure equal opportunities and fair treatment.
- Making reasonable adjustments for workers with disabilities.

Our findings are:

- Cleaning firms have policies in place to promote equality.
- Word of mouth recruitment is a commonly reported route into the cleaning sector, and can lead to informal, social segregation of different nationalities in different teams.
- Most pregnant women are treated well.

- Migrant workers experience communication difficulties, and employment documentation is not regularly translated.
- There are some examples of unfavourable treatment of some migrant, pregnant, older and disabled workers.
- Some supervisors and managers favour groups of workers and do not address complaints of bullying or harassment.

How is equality promoted in the workplace?

All the cleaning firms we spoke to told us their workforces were diverse in the range of nationalities, ages, and men and women. Many firms celebrated and valued the diversity, recognising the benefits of this to their business.

“We’ve got 169 different nationalities in our UK workforce at the moment. There are only 207 nationalities in the world. We’ve actually had, since 2007, 187 different nationalities. It is actually that diversity that gives us incredible strength in our organisation to get things done, to make connections, to bring a massive amount of cultural awareness into our organisation.”

– Cleaning firm

Cleaning firms told us of the actions they took to protect workers from discrimination. Most told us of the policies they have in place to promote equality and fair treatment of workers. These include general equality, bullying and harassment, pregnancy and maternity, and dignity at work policies.

Firms put these policies in their staff handbooks, on their intranet sites and on notice boards in communal areas. Some firms translated these policies into different languages. Most said they covered these policies, to some degree, during the induction process. Most client organisations told us that they would expect equality policies to be in place; some asked to see copies as part of their contract terms or annual audits.

Most firms we spoke to also collected data on their workers' protected characteristics, usually in relation to recruitment, but some firms also collected data relating to promotion, training and grievances. A small number of client organisations said they expected their cleaning contractors to have disaggregated workforce data, and to provide it when requested.

The larger cleaning firms also reported that they provided equality and diversity training. In most cases this was for the entire workforce, but in some it was only for those involved in recruitment, and supervisors or managers. One cleaning firm told us that all those responsible for the recruitment and management of disabled staff are aware of their specific responsibilities to make reasonable adjustments under the Equality Act.

A few cleaning firms did regular staff surveys which they were able to disaggregate by protected characteristic. This enabled them to identify if any specific group of employees had experiences different to the average. One firm used focus groups to encourage employees' feedback on equality matters.

Another cleaning firm said that they organised awareness raising campaigns on each 'strand' of equality (age, sexual orientation etc.). The campaigns included training sessions, and posters, postcards and flyers that were distributed to staff and put on noticeboards and intranets.

Recruitment

The cleaning sector recruits staff through a mix of formal and informal methods. Most of the large cleaning firms told us they used formal routes such as Jobcentre Plus, and advertisements online and in local shops. Some firms took speculative job applications or CVs via their websites and contacted applicants when vacancies arose. Firms that used formal routes then interviewed potential applicants. A very small number of cleaning firms used recruitment agencies to fill permanent or temporary positions. Most of the smaller cleaning firms told us they tend to use informal recruitment methods such as word of mouth.

Some firms had used formal recruitment methods but now relied on word of mouth following unsatisfactory experiences with job centre applicants. These firms had received large number of applicants from job centre advertisements, most of whom were unsuitable and only applying to meet

the requirements of their Jobseeker's Allowance. The firms said that they could not justify or afford the time needed to sift through all these applications, and word of mouth recruitment was more reliable and less time-consuming.

Firms relying on word of mouth said that they relied on existing employees to tell family and friends of vacancies when they came up. Workers also told us that they found out about vacancies and sometimes secured introductions with employers through friends, family and other personal connections.

“It’s who you know ... so now if there is a vacancy at my place and I don’t know any (man or woman who wants work), then I’ll call my friend – ‘There is a vacancy here, do you know someone (a brother Ghanaian or African) who wants a job?’ Then he’ll be connected. That is how it goes.”

– German male employed by cleaning firm

recruitment can lead to tension between different groups of workers defined by their nationality. Workers tended to recruit from their social networks, and for migrant workers, this meant people with the same nationality. This led to wholly Portuguese, Ghanaian or Columbian teams for example. Clusters of workers of a single nationality may make other workers in the minority feel excluded and outnumbered. Cleaning firms did not segregate workers by nationality, but word of mouth recruitment led to this outcome. This had an impact on relations between workers and could affect workplace cohesion.

“Translator: [She] feels like the less one, she feels different because ... they speak Spanish, they’re from the same country and a little bit ignore her; they try and be polite but they prefer person from their own country, they don’t say nothing personal.”

– Lithuanian female employed by cleaning company

Employers perceived a recommendation from a trusted employee as the easiest, lowest cost and lowest risk option for recruitment. In some cases, workers leaving a job would simply hand it on to someone they knew, with the employer ‘rubber stamping’ the arrangement. In other cases, employers might ask candidates to provide a CV and proof of their eligibility to work in the UK, as well as undergo an interview.

The evidence from workers and cleaning firms suggested that word of mouth

The practice of recruitment on the basis of word of mouth and recommendations made by existing staff, rather than through advertising, can lead to discrimination. For example, where the workforce is drawn largely from one racial group, this practice can lead to continued exclusion of other racial groups. It is therefore important to advertise the role widely so that the employer can select staff from a wider and more diverse pool. Before deciding only to advertise a vacancy internally, an employer should consider

whether there is any good reason for doing so. If the workforce is made up of people with a particular protected characteristic, advertising internally will not help diversify the workforce. If there is internal advertising alone, this should be done openly so that everyone in the organisation is given the opportunity to apply.

The right to work

The UK government requires employers to check that an employee has the right to work in the UK. Employers must check identification documents, such as passports, or relevant visas. Employers may face prosecution if they employ illegal workers, who do not have the right to work in the UK.

Cleaning firms and clients were concerned about their obligations around verifying employees' right to work, given a workforce of diverse nationalities. A number of cleaning firms told us of their difficulties verifying documents and the bewildering and growing amount of documentation that could be used to prove the right to work. Some had purchased specialist equipment to enable them to verify the authenticity of documents. Most wanted to check the right to work in a fair way that did not discriminate against any workers.

Clients were alert to the risk to their organisations of having illegal workers as part of their supply chains, even though they were not the direct employer. They asked for employment documentation as part of the contract conditions, or undertook audit checks to ensure that the workers employed by their contractors were legally allowed to work in the UK.

Migrant workers said the employers' checks on their status were a normal part of the recruitment process, especially for a large company. Workers viewed these checks as routine, ubiquitous, and generally fairly administered.

A small number, however, said they felt discriminated against and targeted by employers because of their ethnicity rather than their nationality. A few also felt that cleaning firms had used confusion about the right to work to withhold pay. They reported being sacked without pay because they did not have the right to work, despite having worked for a firm for some time.

Supervisors and managers

All workers we spoke to had supervisors or managers. A manager or supervisor was on site permanently for larger contracts with teams of cleaning staff. For smaller contracts, managers and supervisors might be based elsewhere, but visit the small cleaning team occasionally.

Some workers rarely saw their manager but said that channels of communication were nonetheless good. They were able to get hold of their manager easily by text, phone or email. Other workers complained about the remoteness of management and seldom saw their manager, or found it difficult to contact their manager who was based elsewhere.

Many workers spoke highly of their supervisors. Workers appreciated good supervision practices: a supervisor who checked that workers had the equipment they needed; asked whether there were

any problems; or provided support for dealing with difficult or abusive customers or patients.

“When I take someone on I always explain that I’m here to support them because at the end of the day without my cleaners we don’t have nothing here, they’re the ones that uphold the contract.

“[I tell them]... your supervisors ... are here to support you, they’re not just here to check your work, they’re here to assist you with any ... worries or problems or issues you may have. You have to make sure that your team is ... motivated in every aspect, if it’s emotion or physically, mentally all of that.”

Supervisor, cleaning firm

However, many workers gave accounts of supervisors who adversely affected their daily experience of work.

“I find a supervisor can make or break a job. Supervisors can be very intimidating... We had a supervisor who was just horrible and would pick faults with the least wee things and that aggravated (other relationships); people would be nit-picking each other and she’d walk away and leave everyone squabbling. It was terrible. But she disappeared and someone else came in and it’s a tremendous difference. She goes with the flow and so long as everyone does their job she leaves them alone.”

– British female employed in-house

Some workers complained about unequal treatment when supervisors favoured workers with a particular nationality by offering preferential shifts, or increased hours. A few workers reported that promotions also appeared to be on the basis of nationality rather than skills or experience.

“Some people get treated better, like somebody will get extra overtime ... ‘cos they are close to the supervisor and they’re good friends with them. And then you get the people who work their arses off and don’t get nothing for it because they not in anybody’s little group.”

– British female employed by cleaning company

A number of workers reported that they had received no support from their supervisor when they complained of bullying or harassment by other managers or colleagues. Some workers said they were bullied because of learning difficulties, mental health issues or speech impediments. One worker said that a manager had victimised and intimidated her after she had made an Employment Tribunal claim against the manager. Workers reported feeling vulnerable and insecure when supervisors took no action in response to complaints about racist abuse or bullying.

Some workers said they felt powerless to challenge supervisors for fear of losing their job. Some migrant workers’ lack of awareness of employment rights, and poor language skills left them particularly

vulnerable to mistreatment. Some felt their job was already precarious and that their supervisor was looking for an excuse to get rid of them.

The small number of supervisors we spoke were reportedly often paid little more than the cleaning operatives they managed, but said the job carried many more responsibilities. In some cases supervisors were untrained and not supported to do the job well.

Pregnancy and maternity

Most workers who were, or had been pregnant in their job, did not experience discrimination due to pregnancy or maternity. They were risk assessed and given lighter duties where possible (see Chapter 7 for more details). A small number, however, told us of experiences that would be likely to amount to discrimination on the grounds of pregnancy or maternity.

A few workers told us that they were sacked, suspended or threatened with dismissal when they informed their employer they were pregnant. One worker learnt on return from an agreed maternity leave that she was no longer an employee of the cleaning firm. Several workers reported that they were treated differently or unfavourably following the announcement of their pregnancy. This included withholding statutory maternity pay, failure to acknowledge complaints and grievances, and victimisation following the settlement of a claim of pregnancy discrimination. A few workers also reported poor treatment by colleagues when pregnant. One worker said that she

felt punished and excluded by colleagues when she became pregnant.

Migrant workers

The cleaning industry workforce has a high proportion of migrant workers especially in London. Migrant workers said they took cleaning jobs because entry requirements were low, and their home qualifications were not recognised in the UK. Some migrants found their poor English was not a problem as they did not have to do paperwork, or interact with people in a cleaning job.

Cleaning firms and clients spoke highly of their migrant employees. Cleaning firms saw the diversity of their workforce as an asset to the business. They acknowledged the communication challenges, but felt that the benefit outweighed the cost.

Some workers, however, reported tensions between migrant and British workers, or between different nationalities of migrant workers.

A British worker in Glasgow said that some clients specified they did not want migrant workers, and cleaning firms went along with this. Another British worker also from Glasgow believed their firm ignored local people in favour of migrants willing to work more cheaply. Migrants themselves recognised this too.

“I think because – this is going to sound awful – but I think some English people or British they don’t want to do that kind of job, and there’s nobody else that can do it, and the immigrant they need work, they come here to work.”

– Sudanese female employed by cleaning company

Some workers said they believed cleaning firms, or sometimes local management, favoured particular nationals. In a small number of cases workers had had a bad experience of local supervisors and management who tried to keep out particular nationalities. Some interviewees reported managers using denigrating language to describe national groups.

“And now ... it’s just me and two more colleagues from Brazil and Portugal, and now it’s 18 people from Columbia and they[management] try to remove the last one. They try to take everyone and leave just Columbians and I’m not really happy with this... They feel like – I don’t like you because you are Brazilian or you are Portuguese ...and I don’t think you’re working very well. They think they’re working better than everyone.”

– Brazilian female employed by cleaning firm

A small number of black migrants, especially those working in predominately white provincial areas, said they

encountered racism at work from white British colleagues and managers. Other migrants felt their willingness to work hard was resented by English colleagues.

“They didn’t like me. The difference between my culture and the English people is that we really like to work hard and we don’t care about how many hours and how high is our salary ... just to have a job and we are happy. They wasn’t really happy of this because they have their own system of work, little bit of chat, little bit of work.”

– Polish male employed in-house

Migrants felt that their poor English and lack of understanding of UK employment rights made them vulnerable to poor treatment. Some cleaning firms regularly translate all key documents into a variety of languages, but many do not. A few migrant workers said their employers used language barriers to avoid paying them in full. Others did not make complaints about a supervisor due to language problems and a sense of insecurity from being a migrant.

Flexible working

Many workers spoke favourably of the part-time working that cleaning offered. This enabled them to balance a job with studying, or family or caring responsibilities. A number of cleaning firms told us of their provision for flexible working: accommodating flexible working requests by providing flexibility in shift patterns and working hours; providing

care days for workers with family emergencies, and allowing employees to book leave days at short notice.

Reasonable adjustments

A small number of workers reported that their employer had failed to consider reasonable adjustments following ill-health. One worker reported that despite an occupational health assessment suggesting the worker met the definition of disability, the employer failed to discuss the reasonable adjustments needed. One worker reported that she was dismissed after a diagnosis of diabetes; while another was suspended without pay when he was diagnosed with Hepatitis C. One worker reported their supervisor pressured him to return to work full time, despite the GP recommending a phased return to work.

Age discrimination

The cleaning sector has a higher than average number of older workers. Most workers we spoke to did not report any unfavourable treatment as a result of their age. A small number of workers, however, did make allegations of age discrimination. In one cleaning firm a group of older workers (all 65 plus) were given notice to leave. No other workers were given notice to leave. The supervisor had told them that they were too old to work at 68 and would be sacked. They were then offered re-employment at £0.50 less per hour.

Conclusion

Cleaning firms and clients must take reasonable steps to protect workers

against discrimination. This means that workers are treated fairly and protected against any direct or indirect discrimination as a result of their gender, age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, marriage or civil partnership or sexual orientation.

Our evidence reveals a number of areas where firms may not be taking reasonable steps to protect workers from discrimination: the lack of fair and transparent recruitment practices, unfavourable treatment of some migrant, pregnant, older and disabled workers, and the poor behaviour of some supervisors and managers.

To remedy these firms should:

- Have open and fair recruitment practices that do not rely solely on word of mouth recommendations to ensure a wide range of individuals are able to apply for vacancies.
- Monitor the outcomes of recruitment practices to ensure that particular groups are not disadvantaged.
- Provide training for managers and supervisors in managing diverse teams, and how to support the needs of pregnant, older or disabled workers and prevent bullying and harassment.
- Provide comprehensible information for migrant workers if needed, on employment rights.
- Have fair and transparent processes for carrying out statutory immigration (right to work) checks.



Chapter 3:

Pay

Fair and just remuneration covers¹⁴ fair pay that offers workers and their families a dignified life. In this chapter we also cover equal pay: whether men and women are paid the same for the same work, or work of equal value. In practice fair pay means workers:

- Receive at least the National Minimum Wage.
- Are paid in full and on time.
- Have payslips that are clear and understandable.
- Receive holiday and sick pay.

Equal pay means that there is no pay differentiation based on gender.

Our findings are:

- Contract value determines what cleaning firms are able to pay workers.
- Low pay is prevalent across the cleaning sector with most workers paid at or close to the National Minimum Wage.
- Pay conditions are worsening with basic rates of pay decreasing, and overtime and weekend rates abolished.
- A significant number of workers have experienced problems with the under-payment or non-payment of wages.

- Some workers did not receive sick pay or holiday pay.
- Some clients and cleaning firms recognise the benefits of the living wage, and some firms submit minimum and living wage bids for contracts, but the final decision rests with the clients on the value of contracts.

Rate of pay

Workers we interviewed reported pay rates for private sector contracts ranging between £5.00 and £7.50 per hour; and for public sector contracts between £6.31 and £9.00. This suggests that some private sector workers are paid below the National Minimum Wage (NMW) of £6.31. Most workers are paid at or close to the NMW and rates are slightly higher in the public than the private sector. These rates are below the current Living Wage of £7.65 per hour for the UK (£8.80 in London); at or close to the NMW.

Most workers were paid by the hour, and on a monthly or fortnightly basis, directly into their bank accounts.

Cleaning firms also believed low pay rates were unlikely to change. They told us that contract value determines their pay rates, and that they are constrained by what the

¹⁴ Pay includes the base salary and any bonuses or other economic benefits that an employee receives during employment.

client will pay. As one put it, ‘We pay what we’re paid’. A number of firms said that they would like to pay their workers more, but the narrow profit margins in their contracts prevented this.

Client organisations told us that they are under pressure to reduce costs. Public sector organisations described the impact that significant budget cuts had had on the price they were able to pay for their cleaning contracts. Clients saw cleaning and facilities management contracts as an easy way to find cost savings, but did not consider the impact on cleaning firms and workers when contract values reduced but they expected the same level of service. Some cleaning firms believe that as cleaning is an intangible service, it is sometimes difficult for clients to establish the difference between lowest cost and value for money. A small number reported that clients incentivise their procurement departments with the savings they can achieve with contract values.

Our case study research shows that intensive competition drives pay downwards at the bidding stage of procurement and at successive renewal and break-point stages. Clients exerted strong cost pressures through formal contracting and informal discussions in all six case studies, resulting in the deterioration of wage levels in some, particularly where staff were not TUPE protected.

Equal pay

The right to equal pay relates to the pay of men and women for the same work or

work of equal value. We found no cases of men and women being paid differently for similar work.

We found some evidence of occupational segregation based on the perception that some jobs were ‘men’s work’. There was no clear evidence that this resulted in pay inequality or discriminatory recruitment. Occupational segregation, whether resulting from discriminatory recruitment practices or from a general perception of some jobs as being ‘men’s work’ and others as ‘women’s work’, increases the risk of unequal pay between men and women in those gender segregated occupations.

Many workers felt cleaning work was undervalued. A few argued that as a consequence they were underpaid relative to others they perceived to be doing work of equal value. This was a complaint made by (mostly female) hospital cleaning operatives about the better paid (mostly male) hospital porters.

Low pay

Workers were more concerned about low pay than any other issue. For the majority rates of pay have followed the statutory increases in the NMW.

Workers reported that they struggled if their cleaning salary was the main source of income. They had little leeway or safety net after paying bills and other essential outgoings. Some respondents said they worked over 45 hours a week in order to make ends meet.

“I have to do 48 hours a week, because ... my husband has to take (the children) to school and pick them up again ... so if me and my partner (cannot both) do job... Because the money is not enough so if I don't do a lot it's going to be difficult.”

– Liberian female employed by cleaning firm

A few workers in the hospitality industry were paid piece rates: a rate per caravan or per hotel room. A small number of workers with experience of hotel cleaning said they had an hourly rate, but in practice it was dependent on cleaning a set number of rooms, which they regarded as unrealistic in their contracted hours. Unrealistic piece rate targets meant that the effective hourly rate was well below the NMW.

One cleaning operative was told that her hourly rate was £6.19, but later found that this applied only if she could finish four rooms in an hour. In practice her speed depended on the type of room, how dirty it was and if it was a daily clean or a check-out changeover clean. Her pay slip recorded her hours as finishing at the agreed time of 2.00pm, but in practice she had to work as many hours as necessary to finish the rooms.

Most workers were on contracts for set hours, with overtime available sometimes. A few had had experience of zero hours contracts, and had moved to permanent set hours status, generally with different employers, when they could. One worker

told us that with zero hours he did not know what he would be earning from one month to the next, and that his salary often did not cover his living costs.

Worsening conditions of pay

Workers appeared stoical about low levels of pay overall, but were less sanguine about the perceived tightening up of pay conditions across the industry. They reported:

- Basic rates of pay going down in some jobs.
- Overtime and weekend rates being abolished.
- Overtime being allocated to temporary or ‘bank’ staff who were not eligible for higher rates (and the higher rate then being unavailable to permanent staff).
- Paid breaks abolished.
- Shift patterns rearranged to reduce statutory breaks.
- Basic contract hours cut in order to reduce the holiday pay bill, and hours over this paid at standard rather than enhanced rates.
- More work being ‘squeezed’ into shifts, and shift lengths being reduced without a concomitant reduction in the work to be done.
- Being expected to set up for work before the start of their shift and put away equipment after the end of their shift but not being paid for their time.
- Payment of wages changed from fortnightly to monthly, causing cash flow problems.

Workers associated worsening conditions with cleaning contracts changing hands. This usually affected new, rather than existing often TUPE protected employees – but not always. Some respondents said that pay for existing employees was protected for a 12 month period after a cleaning contract had been awarded. Some felt that protected conditions could be a double-edged sword if managers or supervisors wanted to streamline costs and started looking for excuses to ‘let go’ of more costly TUPE protected workers.

Workers in large, traditionally ‘public sector’ settings such as hospitals, voiced these fears most often. They had often experienced several changes of contractor, and were aware that different groups of employees were on different rates linked to when they joined.

Cleaning firms told us of the logistical difficulties of having a multi-tiered workforce with different pay and terms and conditions. One firm reported 16 different sets of terms and conditions, which made annual leave arrangements or payroll difficult, for example different start dates for the annual leave calculations. A number also told us that different pay rates could cause tensions between different workers doing the same job.

Our case studies suggested that TUPE regulations protected pay from market pressures for TUPE protected staff; five of the case studies had some staff on TUPE protected pay. In three cases cleaning firms had not adjusted pay of non-TUPE staff to

match that of TUPE staff, creating unequal pay rates for staff doing similar work.

Living wage

Unsurprisingly workers view the payment of a living wage, as one of the most positive changes to the sector in recent years. The living wage is currently £7.65 per hour for the UK (£8.80 in London). The hourly rate is calculated according to the basic cost of living¹⁵ in the UK and updated annually.

Both workers and cleaning firms spoke of the benefits of the living wage. Workers felt that a wage that reduced the need for additional jobs to make ends meet reflected their hard work.

Cleaning firms told us that they benefited from reduced absenteeism and staff turnover. Some firms reported that since paying the living wage their turnover has reduced to less than 1 per cent. This has a positive impact for clients, who also reported that payment of the living wage has led to an improved service, with higher productivity rates. Most clients who paid the living wage did so because they themselves were an accredited living wage employer. This commits them to paying a living wage to both their directly employed and contracted staff such as cleaning operatives.

Continued...

¹⁵ To find out how the Living Wage is calculated please see www.lboro.ac.uk/research/crsp/mis/thelivingwage/.

“From the contractors point of view it’s [a living wage] actually quite a benefit. You are not getting the [high] level of turnover and churn, so you’re not continually having to recruit.”

– Senior Procurement Manager,
Client (Bank case study)

However cleaning firms’ ability to pay a living wage is dependent on the contractual terms set by the client. A number of the cleaning firms told us they were living wage accredited service providers. This status requires the cleaning firm to pay all their own staff the living wage, and to always offer a living wage bid alongside every market rate bid submitted to all prospective and current clients. This means the client always has the choice to implement the living wage at the point of tender.

Cleaning firms that submitted dual bids told us that more often than not, however, the client will go for the cheaper option. Several cleaning firms said that if they win the contract at the market rate, they always try to convince the client to pay the living wage at a later date. Often this occurred when a relationship had developed between the cleaning firm and client, and the cleaning firm was able to demonstrate the quality of the service they offered.

“They [new clients] don’t think or believe that there is any benefit to them or to their businesses in paying the living wage, so they don’t do it. So we try to convince our existing clients who already know and trust us that there really is a value to them if all our staff are paid a decent wage; the living wage. We all benefit from the loyalty, feelings of self-worth, commitment to the job, added responsibility, flexibility, etc. which are more likely from employees who are paid a wage which can reasonably sustain them. In 2010 less than 10 per cent of our clients paid us at a level where we could pay the living wage. We are now in a position where 90 per cent of our clients pay the living wage.”

– Cleaning firm

Most of the cleaning firms we spoke to were not accredited service providers. Some stated that while they were strong supporters of the living wage, they were nervous about submitting living wage bids in case it ‘priced them out of the market’.

According to the cleaning firms we spoke to, banking and professional services such as accountancy and law firms were more likely to pay the living wage than other sectors. A few cleaning firms told us that they specifically target clients in these sectors because they were more likely to demand, and pay for, a premium service.

A number of public sector bodies also pay the living wage. This occurred in central government departments and local authorities but there was no

overall consistent approach across the public sector.

A few clients acknowledged the challenges of building in increases to the living wage over the lifetime of a contract. This is not unique to the living wage, however, as clients and the cleaning firms still need to accommodate increases in the National Minimum Wage over the lifetime of the contract.

The majority of clients, however, told us that they did not stipulate pay rates in their cleaning contracts, other than a requirement to pay at least the minimum wage. This seemed particularly the case in the retail sector, where a number told us they did not feel it was their place to set pay rates for another business. A few clients told us they varied their contract values according to location, with London contracts paying the most. These were not at living wage levels, however.

“In situations where we decide to outsource, we insist on good employment practices from our suppliers. That includes ensuring employees are treated fairly, paid promptly and in full, engaged and consulted with fully in respect to any proposed changes that may affect them. However, we do not set pay rates well above market levels for sub-contractors or suppliers. To do so would be an inappropriate interference with the core responsibility of another business and would also be inconsistent with the pay policy we adopt for our own employees.”

– Client (Retailer)

A few local authorities despite being strong supporters of the living wage reported that they cannot mandate the payment of living wage for their cleaning contractors. The European Commission has stated that public bodies cannot require contractors to pay their employees a living wage as a condition of participating in a tendering exercise or through a contract performance clause. Public bodies can, if they wish, still encourage contractors to pay their employees a living wage. However, they cannot treat contractors who say that they will pay employees engaged in the delivery of a contract a living wage any more favourably than those contractors that say that they will not.

Our findings also reveal client agreement to pay a living wage may not be long lived. A few cleaning firms have reported that in the last year they had seen an increase of contracts reverting to minimum wage rates when the contract came up for renewal. Clients often attributed this to the need to make cost savings. Some cleaning firms were sceptical about this.

Continued...

“There’s a lot to value within the cleaning industry ... probably clients don’t see that because they just see it as cleaning and that’s sad because they’ll probably invest a lot of money on Christmas parties ... outings and all of this, and they wouldn’t mind throwing money at that, but when it comes to talk about the London living wage they’ll put ‘buts’ in there ... it might be a lot of money and at the end of the day, every day that you come into your office and you find it clean, it’s due to the cleaners and when you have high expectation it’s only right that you’re paying the right money for it. What gets me is when you know you’re paying £6.31 minimum and you’re still demanding a 5 star cleaning standard.”

– Cleaning firm

A few workers also reported that despite the cleaning company being awarded a Living Wage contract, the wage increase had not been passed on to employees. This was not a criticism of the living wage, more a reflection on the unscrupulous actions of a small number of cleaning firms.

In one firm workers were paid the living wage but then expected to pay back the difference between living wage and minimum wage in cash to the employer. So while on the surface it looked like the firm was paying the living wage the workers were no better off.

A number of workers also told us of reductions to staffing levels when the

living wage was introduced. So while the pay rate was higher, the workload was also higher. One worker in London reported that when the London living wage was introduced the number of cleaners was halved, so one cleaner had to do the work of two for the higher pay.

Under-payment or non-payment of wages

A striking feature of our evidence was the number of complaints about the under-payment or non-payment of wages. A substantial number of workers stated that they had experienced problems receiving their pay in full and on time. Of these, a sizeable minority told us that these problems happened regularly. In some cases, there appeared to be a systemic under-payment of wages. One trade union told us they had taken legal action against a number of cleaning contractors about the non-payment of wages.

Unclear payslips sometimes exacerbated this. Workers did not understand how pay was calculated, and if they had been paid the correct amount. This was particularly so for migrant workers whose English was limited.

For low paid workers a small under-payment could have a big impact on their ability to pay their rent, mortgages or utility bills. A few reported that under-payment of wages induced indebtedness, and pushed them further into poverty. Some reported having to borrow money from family, friends or payday loan providers to cover the gap in their pay.

“I am having difficulty getting my wages. This is a problem, which has been ongoing throughout the term of my employment lasting 9 months. Given that I live in poverty at the best of times delayed payment can have a significant impact resulting in having to walk to the university, which is quite some distance away, as well as go without food for the day. Direct debits have to be cancelled also and this can also make life difficult and add pressure for example when citations come regards late payment of council tax. I am now having difficulty in getting the holiday pay I am legally entitled to.”

– Worker (Anonymous)

Workers did not find it easy to resolve problems with pay. They told us that it was time-consuming and stressful. In some cases they were not sure how to do this as they did not know who to contact.

“In my working place, it happens all the time. You work so-so hours a week and they want to pay you, they take one, two or three hours away, and you go to the office and complain ... ‘We’ll sort it out, we’ll sort it out’... Then it’s going to go on your next payday. Sometimes they don’t pay you anymore; it’s happened to me several times. You keep going to them for that hours, then you’ll be scared maybe you are troubling, then they’ll tell you to stop the job, so you just let it go. It’s happened to me several times.”

– Nigerian male employed by cleaning firm

A number of workers reported that pay issues were only resolved when they began formal grievance proceedings, including submitting a claim to an Employment Tribunal. Data from Employment Tribunals reveals that some successful pay cases were for as little as £55. Taking cases to Employment Tribunals involves cost, time and stress for the employee and employer, which might be avoided by redress at an earlier stage.

A few client organisations told us that they had intervened to resolve pay problems at the request of a cleaner. Clients said that workers did not regularly report concerns to them, but when they did it was usually about pay. Workers told us that the involvement of a third party, such as the client, meant that pay issues were resolved in a more timely way.

A small number of workers reported that they did not try to resolve pay problems

fearing being labelled a troublemaker, or losing their job. Two workers reported being sacked as a result of complaining about not being paid in full and on time.

Other pay issues

A small number of workers reported not receiving any sick pay, or not the full amount.

A significant number of workers reported that they were paid less holiday pay than the number of days taken, or employers refused to pay for time off. In both cases, cleaning firms had told these workers they were not entitled to sick or holiday pay despite being permanent employees.

Migrant workers in particular did not query this as they were unaware of their holiday or sick pay entitlements.

“I have been working for the company for 5 years now, and have not [got] an employment contract... I get fortnightly payslips where my hours, hourly rate and holiday pay is shown. But it is not clear to me why and how the holiday pay is deducted from my wages as it has not been explained to me by the director. I am extremely unhappy that there is no contract for my employment, as I am constantly afraid to be fired, as this has happened on many occasions with my other co-workers. Also the unclear payslip bothers me a lot, and the director of the company is never welcoming to explain any of my queries.”

– Latvian female employed with cleaning firm, cleans buildings

Few workers reported unauthorised deductions from their pay usually for uniforms or accommodation. Workers complained that uniforms were unnecessarily expensive, for example £96 for two polo shirts. Some reported that accommodation was cramped and dirty.

One trade union told us that cleaning operatives in the transport sector had to bear the cost of travel between different sites. Contract cleaners did not receive the same travel benefits as in-house staff and had to pay for their own travel while working. The union had taken industrial action over cleaners having to pay for their travel costs while going from one cleaning site to another. The cleaning company had then given assurances that workers could claim back the travel expenses, but workers still experienced long delays.

Conclusion

Our findings reveal that many workers are paid in full and on time, and experience few problems accessing holiday or sick pay. Most are paid at the National Minimum Wage and some are paid the living wage.

However, a significant number of workers are not paid in full, or do not receive the holiday or sick pay they are entitled to. Non-payment of wages can induce indebtedness of workers, and in extreme or systemic cases, is an indicator of forced labour.

To remedy these problems cleaning firms must:

- Pay workers at least the National Minimum Wage.
- Resolve problems with pay promptly. Regular under-payment or non-payment of wages is a breach of workers' employment contracts.
- Comply with their obligations under employment law and pay workers the holiday and sick pay they are entitled to. This should include providing workers with clear information on entitlements to holiday and sick pay and leave in their statement of terms and conditions of employment.

Given the positive impact of the living wage on worker livelihoods, and on the quality of service and reduced labour turnover, we encourage clients to:

- Consider encouraging cleaning firms to pay living wage rates by ensuring the contract value covers the cost of this.
- Monitor that cleaning operatives receive the payment.

Chapter 4:

Working hours, breaks and leave

Rest and leisure covers working hours, overtime, breaks, holiday and sick leave. In practice this means, employers should:

- Not require employees to work over 48 hours per week regularly.
- Ensure workers have on average at least one day off for every 7 day working period.
- Respect workers' rights to take public and annual holidays: most workers who work a 5 day week should have a minimum of 28 days paid leave each year.

Our findings are:

- Most workers do not experience excessive working hours.
- The hospitality and leisure sectors use zero hour contracts, but this is more limited in other sectors.
- Work intensification leads to unrealistic workloads, which prevent workers from taking breaks, or requires them to work additional hours at no extra pay.
- Clients often do not provide appropriate rest facilities for workers for breaks.
- Employers and workers are unclear about whether workers are entitled to holiday or sick pay as part-time employees.

Working hours

The majority of workers did not report working excessive working hours regularly exceeding 48 hours per week. Most were permanently employed working part time for less than 30 hours a week. Most workers welcomed extra hours, but some said they were expected to work extra hours if required, whether or not they wanted to.

“With the interview ... they will be asking you, are you looking for more hours, yes or no. You definitely say ‘yes’, because if you say ‘no’ they won’t give you the job.”

– Ghanaian male employed by cleaning firm

A number of respondents had more than one job to create a full working day or to earn enough. One respondent had three different cleaning jobs in different locations with the associated disadvantages of a long working day and high travel costs:

“It is not easy, going to two or three places to make up your 8 hours but what can you do? If I get all the hours in the same place I will be happy. But 2 hours here and 3 hours there makes the day very long and there is too much petrol costs.”

– Ghanaian male employed by cleaning firm

We did not find widespread use of zero hours contracts. However, lack of understanding of the term, lack of employment documents and language barriers may mean that our evidence does not reflect how widely these contracts are used. Zero hours contracts were more widely used in the hospitality and leisure sector, than any other.

Generally where cleaning firms used zero hours contracts, they tended to be for short-term or temporary work, for example, providing cleaning services after concerts, festivals or other events. Many workers had experience of these contracts early on in their cleaning careers, using them to gain entry to the sector before securing permanent positions.

These arrangements suited some people, such as students, but were not a first choice for most. Mainly this was because of the lack of income security and poorer terms and conditions of employment; for example, no holiday pay.

Most permanent cleaning operatives said their working weeks were relatively predictable. Shifts on some jobs changed on a weekly or fortnightly basis, but many

said they had the chance to say which days and times they wanted or were willing to work.

Work intensification

Many workers complained about their unrealistic workloads, rather than excessive hours. They felt that clients and cleaning firms regularly under-estimated the amount of hours or staff needed to do a particular job. As a result cleaning operatives had to work at a very fast pace for hours without a break, and this added to stress (discussed in Chapter 7).

“Assess the amount of work that one person can do; it is not humanly possible to do everything they ask of you in such a short time, for years. It has consequences on your health.”

– Bolivian female employed by cleaning firm

A few individuals stated that they regularly worked additional hours for no extra pay to complete their work. This reduced their hourly pay to below the National Minimum Wage rate. When asked how they might improve their roles, a significant number of workers stated that a more realistic workload would require increased hours or more workers assigned to each contract.

Continued...

“Ideally there should be 8 people working on a shift, but it is often not the case and regularly on Saturdays there are only 4 or 5. They have to do the same job irrespective of the number of workers. Instead of cleaning 5 or 6 vehicles (which is ok), they have to do up to 12 in the same time. We have to finish by 4.30am for the [train line] to start.”

– Ecuadorian male employed by cleaning firm, transport

A few cleaning firms described the pressure they faced from clients to increase productivity while reducing costs. Often their only solution was to reduce the number of staff or number of hours worked on each contract. Sometimes cleaning firms could make cost savings with new equipment, but for most, increasing work intensity for their staff was their only option.

Breaks

Breaks during the work day are important, especially for physically demanding jobs. The Working Time Directive states that at a minimum workers are entitled to 20 minutes rest if they work 6 hours or more, 11 hours rest between working days, and 24 hours off every week or 48 hours every fortnight.¹⁶

Most workers said they were entitled to 15 to 30 minute breaks every four to five hours. Those working shifts of less than 4 hours were seldom entitled to take breaks.

In some cases breaks were paid. Some workers said that pay for breaks had stopped with the takeover of cleaning contracts, and that employers had re-arranged their shift patterns and so reduced their hours to cut out the need for breaks, or increased the qualifying number of hours for breaks.

“We need more time to take a break. We are constantly on our feet so therefore a 10 minute break for a 5 hour shift isn’t enough. By the time I am an hour into my shift my legs are aching and burning.”

– Mixed race female employed by cleaning firm, healthcare

Some workers said they had nowhere at work to comfortably take a break. A number of cleaning firms confirmed this, telling us that despite their request for rest facilities, some clients did not provide this. In some cases workers took their breaks in the cleaning cupboard with the mops, buckets and chemicals. One cleaning firm said that for one contract their workers had to use an unheated portacabin in the car park, which had no running water, lighting or kitchen facilities. A trade union told us that cleaners in the transport sector only had access to rest rooms, which were dirty, unsafe and infested with mice.

Others workers said that they did not take their breaks or cut them short as they otherwise could not complete their work. A few said that they were actively

¹⁶ www.acas.org.uk/index.aspx?articleid=1373

discouraged from taking breaks, and that there was constant pressure for them to be busy the whole time. One worker reported that she was dismissed after challenging the lack of break entitlements.

“We have nowhere to take proper rest breaks – they took our staff room away and now we have to use the closest canteen. By the time we get there we don’t have much break left and soon have to leave to get back to the ward on time.”

– Czech female agency worker, healthcare

Holidays

Most workers on permanent contracts said their contracts included a set number of days of paid holiday leave each year. Full-time contracts usually allowed for 28 days holiday, which sometimes included bank holidays.

A few workers had been told by their employers that they were not entitled to holiday leave or pay despite being permanent employees, because they worked part time. It is, however, a legal requirement that all workers, including those working part time, receive at least the statutory minimum paid holiday in proportion to hours worked.

Migrant workers were more likely to report confusion over holiday pay. A few stated that they received no explanation as to how holiday leave was calculated. Some did not understand how their holiday entitlements were calculated on their payslips.

Some workers said their employers discouraged them from taking holidays by making it difficult to book holiday time. A few respondents said that as a result they had lost their paid holiday and not received pay in lieu.

“Whenever you phone up to book your holidays, it’s always a problem. You are supposed to get holidays by rights, but they say they can’t find anyone to cover. But they still won’t pay you for holidays, they say ‘I will get back to you’ until the holiday (entitlement) has run out. Then they say ‘the holiday has passed, you let your holiday go’.”

– Jamaican male employed by cleaning firm

Some workers said that they had to find cover for their holiday leave. A few reported they were not allowed to take longer than a week at any one time. Some migrant workers said that this meant they could not visit their home country as short visits did not justify the cost of travel.

A few cleaning firms said managing holiday leave was difficult if a contract (such as cleaning a shop out of hours) relied on one worker and there were no others to provide cover. One firm told us that they have a small pool of staff to cover holidays, sickness or training, which meant that they could accommodate holiday requests with no disruption to their service.

Continued...

Sick leave

Some workers said that if they were sick, they had entitlements to company arrangements or statutory sick pay. Others said that there were no such arrangements. Workers were often unclear about what would happen if they were sick. They did not know their entitlements and had not tried to find out.

Many respondents said they avoided taking sick leave because they didn't want to lose pay, or be labelled as sickly or as a shirker, and possibly jeopardise their job. Even when ill they went work, or took as little time off as possible.

“She doesn't trust you if you are sick, sometimes she gives like you are lying. The way she talks, it is very hard. It's like when you are sick you are lying ... I had a gall stone, I was having ultrasound – all that. Still she say to me ‘you are lying, you are not sick’.”

– Somalian male employed by cleaning firm

Workers described how companies were reluctant or found it difficult to provide cover for a sick employee.

“Sometimes when you ring up and say you're ill and they can't get anyone to cover you, you've got to come in. Or if I am at work and I am ill I've got to stay there. I can't just go home because there is no one to cover me until my shift ends. So I have been at [the supermarket where I worked] ill and they wouldn't let me go home... I got hold of my manager at [the cleaning company] ... and he couldn't find anyone to cover, so I couldn't go. I actually had food poisoning ... and as soon as I left I threw up outside. They couldn't let me go home ... but I didn't do anything ... I just sat in the staff canteen.”

– British female employed by cleaning firm

One respondent said that she had rung the company when she was 'very, very sick' and had been told she had to work because she had not given advance notice of her illness.

“You must come to work otherwise you are going to get a letter from the company, and the third letter – sack'. She said you must phone us 24 hours before.”

– Portuguese female employed by cleaning firm

A small number of workers spoke very positively of their manager or supervisor's support when they were off work sick. They had clear arrangements to report

being ill, received sick pay in full and on time, and were offered the support they needed when they returned to work.

“I broke my hip last year and my immediate managers and supervisors treated me really well and fairly, which I expect they do to everyone.”

– British female employed by cleaning firm, healthcare

“It was a particularly amazing experience for me that after 6 month’s sick leave, the manager of the hotel came to me herself with an offer of a new job.”

– Polish female employed by cleaning firm, hospitality.

Conclusion

Our evidence reveals that the majority of workers did not experience excessive working hours. However we found evidence of unrealistic workloads, lack of appropriate facilities for breaks and inability to take holiday or sick leave. We also found evidence that zero hours contracts were used in the hospitality sector despite workers having regular working hours.

To uphold workers employment rights and improve working conditions cleaning firms should:

- Have appropriate staffing levels so that workloads are realistic and do not place undue stress on workers.
- Build appropriate breaks into their calculations of staffing resources and hours.
- Provide workers with a statement of terms and conditions, which clearly sets out holiday and sick pay entitlements.
- Respect workers’ rights for paid holiday and paid sick leave and have arrangements in place to provide cover for holiday or sickness absence.
- Use guaranteed hours rather than zero hours contracts where the workforce has regular working hours.

Clients should:

- Provide access for workers to appropriate facilities for taking breaks, including rest rooms and staff canteens.
- Avoid commissioning services that rely on the widescale use of zero hours contracts.
- Commission services that identify minimum service level demands which enable cleaning firms to offer more regular working hours.

To support greater awareness of employment rights government should consider how the Pay and Work Rights helpline could be promoted more effectively, especially to migrant workers.

Chapter 5:

Solving problems and redress

Access to redress means that workers are able to raise concerns or grievances at work and have these addressed in an appropriate and timely manner, with access to appropriate support if needed. Supporting workers' access to redress may include:

- Access to human resource advice or open forum meetings with managers.
- Grievance, whistleblowing and speak up policies in place and communicated to workers.
- Confidential multilingual helplines so that workers can report issues which they may not feel comfortable raising directly with a manager.
- Regular staff surveys to gather workers' views and help firms identify problem areas before they become serious.

Our findings are:

- Workers regularly expressed concerns about changes to terms and conditions, different treatment compared to colleagues, and non-payment of wages.
- Most cleaning firms allow workers to report concerns through a supervisor. Some firms also have confidential helplines or use staff surveys to identify problem areas.

- Many workers were not aware of how to raise concerns. In some cases they feared losing their job if they complained.

Workplace problems

We asked workers to tell us about their overall experience at work rather than specific grievances. Many workers had complaints: these ranged from isolated issues in a work situation which satisfied them, to issues which were a major and pervading source of stress.

Many complaints covered:

- Changes to terms and conditions, especially pay.
- Holidays, hours and shift patterns and breaks.
- Perceptions of different treatment such as less favourable working conditions, shifts, or access to overtime compared to other colleagues.
- Non-payment of wages.
- Poor quality protective equipment and delays in supplying protective clothing and equipment.
- Health problems and injuries from using cleaning chemicals. Overbearing behaviour by managers and

supervisors, which in some cases extended to bullying, harassment and victimisation.

Redress

Most cleaning firms had grievance policies and procedures. They communicated these to staff, often as part of the induction process.

Some firms told us of the formal procedures they had to enable staff to raise concerns about workplace issues. This included telephone helplines, annual staff surveys and internal audits, which included interviews with workers.

“In 2013 [our company] introduced staff surveys which are used to gather information on a range of subjects, including the make-up of the workforce, responses and attitudes towards equality and human rights issues, and levels of job satisfaction among employees. Surveys can be designed so that responses can be analysed according to membership of equality group or other relevant factors.”

– Cleaning firm

On larger contracts a number of cleaning firms had a permanent representative at the client site, which enabled workers to raise concerns face to face rather than by phone or email. Workers and clients saw this as a positive approach.

“The cleaners have somebody they can turn to that’s here on a day to day basis. Because one of the things that we found ... you might have a cleaner going in and doing a few hours here in an evening and then a few hours there in the morning and they’re working on their own. They don’t have a supervisor or anybody to hand that they can pop in and see or even call if something goes wrong or if they’ve got any questions. So that’s why we have them on site.”

– Client (Law firm)

Other cleaning firms, particularly the smaller ones, adopted a more informal approach. Workers could raise grievances directly to supervisors, or more senior managers if the concern was about a supervisor. Some allowed workers to raise concerns directly with human resources (HR). One firm said their HR manager regularly visited all their sites and knew all employees by name, making it easier for workers to raise concerns early.

A small number of very large multi-site client public and private sector organisations, such as supermarkets or hospitals, had formal grievance procedures available to their permanent employees and their contractors. Their grievance systems operated through helplines or a central HR email account. One large retailer carried out a staff survey, which included contracted workers.

Most client organisations did not have direct grievance procedures for contracted

workers. Instead they relied on informal approaches such as an open door to managers so that cleaners or cleaning firms could report concerns about the treatment of a cleaner by client staff.

Client organisations told us they considered inappropriate treatment of contracted workers by members of their staff very seriously. This happened infrequently, but they thoroughly investigated such allegations and took disciplinary action if appropriate.

“In the 2 years that I’ve looked after the contract there’s been two instances. One seems fairly trivial but actually it was completely out of order. Somebody had left an apple core in a desk with a post-it note advising the cleaner that they needed to put it in the bin. Which was completely out of order because our cleaners are here to ensure they have a clean office environment, not to pick up and dispose of litter behind [by our] staff members and that person was dealt with.”

– Client (Bank)

A small number of clients reported that on occasion cleaning workers had reported problems with their employer to them. Usually this followed several unsuccessful attempts by the worker to resolve problems about correct pay directly with their employer. The involvement of the client appeared to lead to swift resolution.

Some workers said they were more likely to take an issue first to the client when

they felt their relationship with the client manager was better, and more accessible than their local supervisor or area manager from the cleaning firm.

Factors inhibiting access to remedy

Despite the processes cleaning firms and clients have to support access to redress, workers told us why they often did not make complaints.

Many workers did not know how to make complaints or whom to speak to. A significant number could not think of any routes available to them at work to address problems they might want to discuss.

Workers in public sector settings (even if employed by private contractors) were most likely to have been given, and to have retained, information about grievance procedures. Many were confident they would be able to rely on these procedures if necessary, and some had done so.

In private sector settings it was more common for respondents to assume that their first (and possibly only) internal route to redress was through their immediate supervisor or manager. Some workers had not needed to raise a problem with a supervisor or manager, many had chosen not to, and many did not think they would get anywhere even if they knew who to complain to.

Most workers never saw managers senior to their supervisor, and had no address or telephone number beyond their local supervisors. This created difficulties for workers whose complaint was with their supervisors.

Many workers did not report problems because they were too scared this might lead to losing their job and they tried to avoid angering their managers.

Some workers had been threatened that they would lose their job if they complained. One group of workers felt that their complaint about break entitlements directly led to their dismissal.

“She not discuss about that or complain because she’s afraid they’ll sack her from the job and she don’t want to get any conflict with supervisor ... She complained one time, the supervisor was upset and said you can resign your job if you don’t clean toilet.”

– Lithuanian female employed by cleaning firm

A small number of workers reported that they were victimised after they had discussed workplace problems with their managers. One worker reported that her manager intimidated her following a formal complaint. Others felt complaining would make their job more difficult.

“I used to go to work crying. When we complain, they punish us with more work. When you work at full speed, you can’t work anymore, then people don’t complain.”

– Bolivian female employed by cleaning firm, cleans office and student accommodation

Some workers believed their employers would do nothing to resolve issues they raised. A small number reported they had taken a grievance against their employer, but had been ignored and the employer took no action. Some felt that their employer would only take an issue seriously when an employee started formal legal proceedings such as an Employment Tribunal case.

Migrant workers did not seek redress as they often were unaware of their employment rights. They did not know that they were entitled to holiday leave or maternity pay, and in some cases were misinformed by their employers.

Some cleaning firms did not issue their workers with a statement of their employment terms and conditions. As a result workers felt they had no basis for a challenge.

“If I had any issue related to employment law, I would right away go to the CAB. But the thing is, half of the people working there in that industry they don’t actually know about CAB... Cleaners and low skilled employees [are vulnerable] because first of all they’re not aware of their rights, they’re not members of trade unions and mostly they work on a temporary basis.”

– Polish female employed by cleaning firm

Conclusion

Businesses should ensure workers are able to raise concerns in an appropriate and timely way, and that they feel confident their employer will address these.

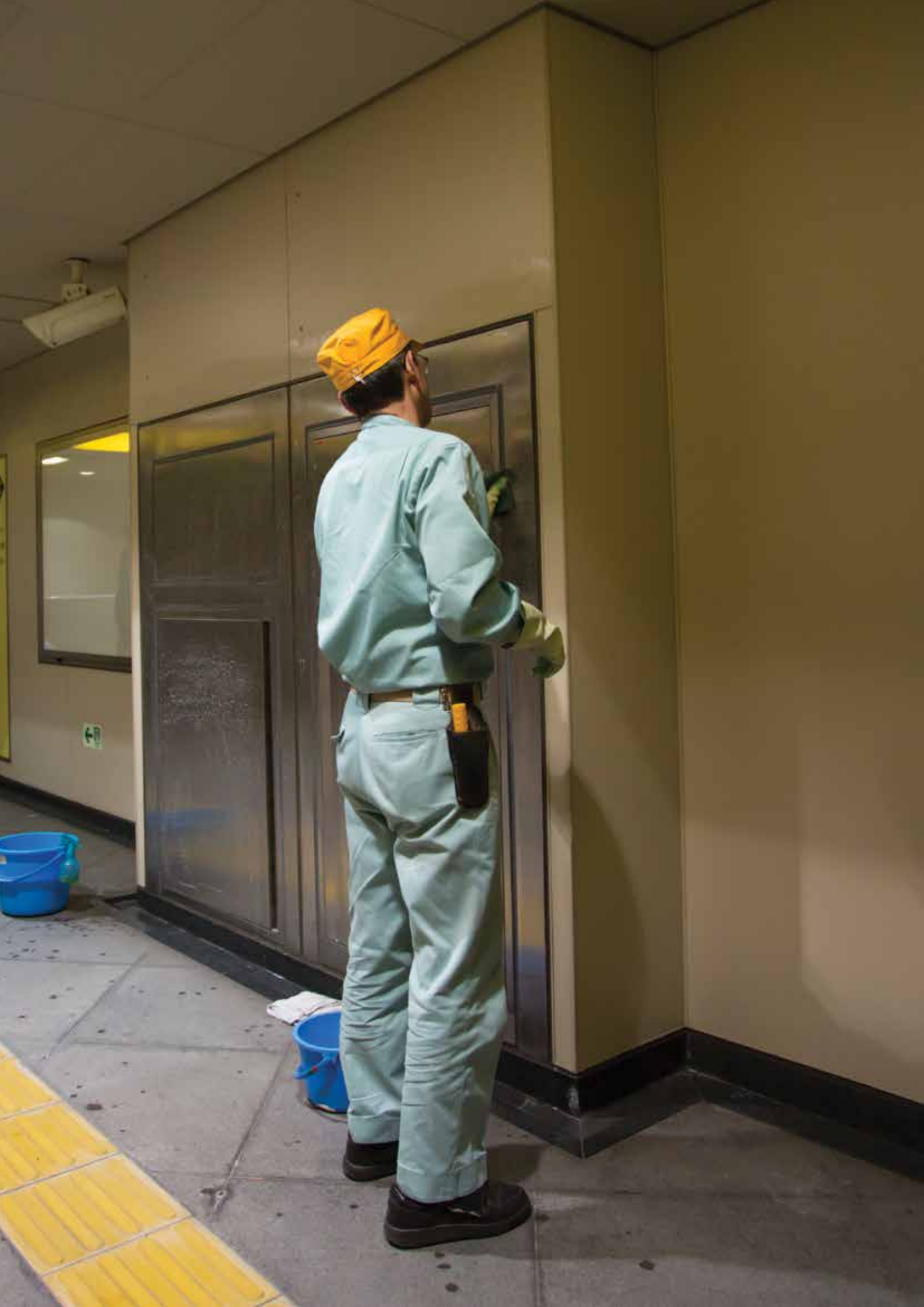
Our findings show that most cleaning firms we spoke to have grievance policies in place and procedures for workers to raise concerns. However many workers are not aware of these, or are afraid of raising concerns for fear of losing their job.

To remedy this cleaning firms should:

- Ensure they have confidential grievance and whistleblowing policies and procedures, and communicate these to employees so that employees know how to raise concerns.
- Investigate concerns thoroughly and communicate the findings to the worker.
- Monitor grievances to help them identify and prevent poor practices that have a negative impact on workers (e.g. unlawful discrimination) and take effective action to deal with them when they do occur (e.g. investigating bullying incidents).

Clients should make their grievance mechanisms accessible to contracted workers such as cleaning operatives.

To support greater awareness of employment rights government should consider how the Pay and Work Rights helpline could be promoted more effectively, especially to migrant workers.



Chapter 6:

Trade unions and collective bargaining

Workers have a legal right to join trade unions and participate in collective bargaining. Collective bargaining refers to the process where workers, represented by a union, negotiate and reach agreement with their employer about employment conditions such as pay, hours or TUPE transfers.

Our findings are:

- Trade union membership is low in the sector, though more likely in public sector settings.
- Very few workers were discriminated against or victimised due to their trade union membership.
- Collective bargaining occurs infrequently but is not prohibited by employers.

Trade union membership

Our evidence showed low levels of trade union membership across the cleaning sector, except in public sector settings, such as healthcare or transport where they were higher. The low level of unionisation may be related to many operatives working in isolation or in small groups. Workers did not appear to know much

about what unions do or how to contact one, and worried that an employer might regard union membership as an indication an individual was a ‘trouble maker’. Some respondents said their pay made even low trade union membership rates too costly.

We found very few examples of workers who said they had been discriminated against, or victimised, due to their membership of a trade union or similar organisation. One worker felt that he was treated worse as a union representative but did not explain this. Another stated he wished to join a trade union, but was afraid, but did not explain why.

Several trade unions representing cleaning operatives in different sectors submitted evidence to us. Some reported that workers were often refused access to trade union organisers. One union stated that it had taken a number of cases to the Employment Tribunal for members dismissed due to trade union activities. Another union said employers in the hospitality sector were unwilling to agree formal recognition arrangements and it had also won Employment Tribunal claims following victimisation of its members for trade union membership.

Collective bargaining

We found no examples of employers prohibiting collective bargaining. However the factors affecting trade union membership also inhibited collective bargaining. Many workers found it hard to imagine bargaining over their pay or conditions, and assumed an employee accepted what he or she was offered or left the job.

A few workers referred to regular formal meetings between the workforce and management which provided advance notice of (but not consultation on) changes, or was a forum to air grievances. The majority of workers, however, had no similar opportunities to meet with management.

Cleaning firms and clients

Cleaning firms and clients were aware there was little trade union representation in the sector. Cleaning firms said that trade union membership was often specific to individual contracts, and was most likely in the public sector. Contracts in the private sector usually had non-unionised staff.

Some cleaning firms spoke highly of their relationship with the trade unions. They saw them as a useful 'go-between' for senior management and workers and said they helped workers with grievances and identifying training needs. One cleaning firm said that shop stewards were a central part of their communication with workers.

Clients, especially in the private sector, often did not know if their cleaning

operatives were unionised, particularly if only small numbers of cleaning operatives were on site. One client, a retailer, stated that a cleaning firm with a unionised workforce might be a barrier to winning contracts.

Conclusion

Overall our evidence shows that while there are low levels of trade union membership in the cleaning sector, the majority of workers are not prevented from joining organisations like these. Cleaning firms and clients could consider how they can improve access to trade union organisers.

Chapter 7:

A safe working environment

Everyone is entitled to work in environments where risks to their health and safety are properly controlled. Businesses do this by complying with domestic health and safety legislation. For example through:

- Providing adequate protective clothing and protective equipment to prevent risk of accidents or adverse effects on health.
- Ensuring their workers receive regular and documented health and safety training.
- Undertaking risk assessments of pregnant workers and taking reasonable steps to remove risks or find suitable alternative work.

Our findings are:

- Workers raised few health and safety complaints. Complaints related to workplace stress, and skin and breathing problems due to cleaning products.
- Cleaning firms have health and safety policies and provide relevant training and appropriate personal protective equipment.
- Most pregnant women are properly risk assessed.

Views on health and safety in the workplace

Workers usually reported that they did not feel exposed to risk or hazard in the workplace. They recognised that safety procedures were important for aspects of their job such as lifting heavy objects, or handling machinery or chemicals.

“You have to be very, very careful. The chemicals have got a big sign ... with the cross and everything saying ‘Poison’, and you have to be very careful... You know the liquids ... are poisonous and ... would harm the skin, so you have to cover your hands.”

– British female employed by cleaning firm

Workers carrying out standard cleaning tasks in offices, for instance, regarded their work as an extension of the cleaning they did at home and as relatively harmless. But some respondents said their employers expected them to do risky jobs such as unblocking toilets, or disposing of hypodermic syringes without proper equipment or protective clothing. Some said they had not been shown properly

how to operate machinery such as buffering machines.

Workers carrying out specialist cleaning services in hospitals were aware of personal health and safety risks. In most cases they had received more structured and in-depth training and felt able to carry out their work safely.

Cleaning firms and client organisations told us they took health and safety seriously. All cleaning firms we spoke to had health and safety policies, which they communicated to workers and refreshed regularly. Policies covered lone working, chemical awareness and treatment of pregnant workers.

A number of client organisations incorporate health and safety matters into their contracts with cleaning firms. Most clients audited their contractors on health and safety and levels of cleanliness, or asked contractors to provide copies of the health and safety policies and procedures.

A few cleaning firms and clients also provide broader wellbeing programmes, for example, to provide support for mental health conditions, or drug or alcohol dependency.

Training

Cleaning firms told us they provide health and safety training to workers on issues such as chemical use, bending and lifting, and safe use of electrical equipment.

Firms included training as part of the induction process and gave handbooks containing the policies to all employees. Some cleaning firms regularly refreshed

their training, through short presentations on a specific aspect of health and safety. Some had training DVDs available in different languages. A number used pictorial guides, which helped migrant and other workers whose English language or literacy skills were poor. A number of firms, for example in office cleaning, relied on informal training where new recruits observed other workers, as workers were less likely to need to use dangerous chemicals.

Two clients reported that they stipulated health and safety training as part of their contracts with cleaning firms. These specified what training workers should be given, and how often it should be refreshed.

A small number of clients included contracted workers in the health and safety training they delivered for their own directly employed workforce. This ensured that everyone working on their premises had the same knowledge of health and safety issues, and was important where roles might involve contact with customers or the general public, for example in the retail or healthcare setting.

Workers told us that, at its most basic, training was specific to an actual job, and was delivered by other operatives already doing the work. It might cover topics such as what chemicals to use, and gloves to wear. This approach was typical in small office settings.

Other workers described comprehensive training, which covered general cleaning processes, and specialist subjects like hygiene and health and safety. Employers

might require workers to demonstrate that they had worked through and were familiar with the contents of training booklets. In some cases, especially in the health sector, training could lead to NVQs and similar qualifications. In general, hospitals and other public sector settings offered more comprehensive training.

Few workers complained about the lack of health and safety training, and felt they had been adequately prepared to do the work. A small number felt they hadn't received enough training about chemical use. Migrant workers, unsurprisingly, were more likely to report that they hadn't fully understood their training as it had not been delivered in a language they understood.¹⁷

Personal Protective Equipment

Cleaning firms told us that they provided workers with the appropriate Personal Protective Equipment (PPE) needed to do their jobs. Some told us that they undertook spot checks to ensure workers were using the PPE properly. A few felt that it was difficult to enforce the wearing of PPE when they were not present at the workplace; that they had to trust the workers to take some responsibility to protect themselves.

One cleaning firm told us of how they involved workers in the choice of PPE, for example road testing and selecting the gloves the company bought.

This helped ensure that the PPE was suitable and involved operatives in purchasing decisions.

In most cases, workers said cleaning firms provided them with necessary protective clothing, gloves and masks; although some complained that it was not good quality or renewed often enough. In a few cases, respondents said cleaning firms hadn't provided appropriate equipment or they had bought their own to get the level of protection they wanted.

“The manager he say we need plastic glasses. Where are our glasses? We said OK, but where is it? We wait for the delivery but nothing, nothing.”
– Bolivian male employed by cleaning firm

They attributed chemical burns to their skin to the lack of PPE (gloves and goggles in particular).

Some workers spoke positively about the specialist PPE they were given such as specialist kits for cleaning up blood or vomit, which ensured there was no risk to themselves.

Pregnancy

All of the cleaning firms we interviewed told us of their policies and procedures to accommodate pregnant workers.

¹⁷ The Health and Safety Executive state: ‘Employers have a duty to provide comprehensible information to workers – this does not have to be in writing, or necessarily in English’. This could include: asking an employee who speaks good English to act as an interpreter, using non-verbal communication to get the message across, for example DVDs or pictorial guidance, or providing written information in a relevant language. See www.hse.gov.uk/migrantworkers/employer.htm#training.

All firms stated that they undertook risk assessments as soon as women informed them of a pregnancy, and might repeat this at stages throughout the pregnancy. It was usually the line manager's responsibility to ensure that risk assessments took place.

Most told us they gave pregnant workers lighter duties following a risk assessment. This could involve general office duties, or lighter cleaning duties, such as dusting and polishing, rather than vacuuming. Where it was not possible for firms to find lighter duties some put pregnant women on paid leave for the rest of the duration of their pregnancy.

Workers who had experienced pregnancy while working reported varying levels of employer support. Some worked in settings where policies were clear and well implemented, their work was assessed and adjusted as appropriate, maternity leave was dealt with smoothly, and supervisors and colleagues were also supportive and considerate. Others remembered a less satisfactory experience. Some told us that employers did not always do risk assessments, others that they had to work with harmful chemicals throughout their pregnancy.

“They don't really care, they not treat me real well and I am really unhappy at that time. They don't care about if you are carrying the heavy things ... I work 8 months because I want the money, was really quite difficult... You can get an infection... and because I was pregnant as well and I was scared and I ask not to clean any more toilets, and sometimes the managers don't understand the point.”

– Brazilian female employed by cleaning firm

One hospital cleaning operative said when it came to her own pregnancy she was not well treated, despite policies being in place. She knew that pregnant workers should have a full safety assessment but she did not receive any. In one instance her supervisor directed her to work on a ward knowing that she was pregnant and patients had an infectious disease.

“They tried putting me on a ward with norovirus. Knowing I was pregnant it was the housekeeper of the ward who told me to go off the ward... She said to me – what are you doing on here, you can't be on here. But my supervisor sent me knowing that that virus was on there.”

– British female employed by cleaning firm, healthcare

Continued...

When workers without personal experience of pregnancy were asked how pregnant workers were treated in their workplace, again views varied. Some said they knew operatives who had been given modified duties, and supported through and after leave. One commented that people on zero hours cannot get work when they are pregnant. Another said that pregnant women would not have much chance of getting work with some of the cleaning agencies.

Incidents

Respondents commonly complained of skin and breathing problems brought on, or exacerbated, by cleaning products.

They also reported injuries such as needle stick injuries in health settings, glass cuts, back strain, broken ribs and bruising and health conditions aggravated by work such as arthritis and joint problems.

“I had an accident at work when I was doing the doors as you come in to (Supermarket X). Instead of stopping the (automatic sliding) doors I had to do them while they were moving. They expect you to do that. As the doors slide back I got my arm trapped. I had two bruises and if I hadn’t got my arm out it would have been broken.”

– British female employed by cleaning firm

Managers responded in different ways. For example, in two examples of needle stick injuries described by our interviewees,

they reported that managers took the injuries very seriously and followed set procedures to deal with them.

Other workers said they had reported incidents or health conditions, but that managers had ignored them.

“I had one night off (after hurting her back emptying bins) because it was hurting so much. I was told there was going to be an investigation into it, or health and safety were going to come and have a look, but I never heard anything back from it.”

– British female employed in-house

Another worker said that her manager had told her she had to continue using cleaning products that irritated her skin, as the company bought its cleaning products in bulk to supply all its contracts. Some workers did not report injuries, others tried to conceal them for fear of losing hours or their job, as they felt their employer would not be sympathetic and might hold it against them.

Other respondents experienced considerable stress at work. Anxiety about job security, pay, heavy workloads and pressure to complete work, or relationships with supervisors or colleagues contributed to their distress.

One cleaning firm thought the recession had had a negative impact on the wellbeing of its staff. It reported that client organisations had cut their budgets and this resulted in pressure on cleaning

firms to reduce their costs and do more for less, meaning that cleaners were under pressure to work more quickly. This added to already heavy workloads, and exacerbated conditions such as repetitive strain injury (RSI).

Security

Workers are more likely to work alone at night or early in the morning than some other occupations, which can pose a security risk to individuals.

A few cleaning firms reported that they tried to avoid contracts where cleaning operatives would be working alone. Others noted that lone working was a regular issue for their staff, for example, in the retail sector; one worker would be responsible for cleaning a shop after it had closed.

A number of cleaning firms had specific policies on lone working, which set out what actions workers should take to ensure their own safety, such as not using lifts if they were the only person in the building. Others included contact numbers for supervisors or other managers in case of emergencies.

Workers did not report regular concerns about personal security. However, some respondents did not like working alone in buildings and worried about possible assailants, or being injured with no-one around to help. Some workers were nervous about travelling to and from work at night when the streets are empty, or being in empty car parks out of hours.

Conclusion

Businesses have a responsibility to ensure workers have a safe working environment. This means that workers are given appropriate training and personal protective equipment where required.

Our findings show that most workers had no health and safety complaints. A small number of workers did not receive appropriate health and safety training, particularly on the use of chemicals. Language barriers for migrant workers may prevent understanding of training. A small number of pregnant workers were not risk assessed or given lighter duties.

To remedy these and ensure all workers have a safe working environment employers need to:

- Provide all workers with appropriate health and safety training, especially on how to prepare and handle chemicals.
- Take steps to overcome any language and literacy barriers for migrant and other workers by providing training in pictorial or DVD format or in different languages.
- Treat pregnant workers appropriately, and take steps to safeguard their health and safety including undertaking risk assessments.

Chapter 8:

Forced labour

Forced labour refers to any work or services which people are forced to do against their will under threat of punishment. Indicators of forced labour include:

- Induced indebtedness, for example, charging recruitment fees or inflated deductions from wages for uniforms or accommodation.
- Deception or false promises about types and terms of work.
- Withholding and non-payment of wages.
- Retention of identity documents or other valuable personal possessions.
- Compulsion, that is an order to work, backed up by a credible threat of a penalty for non-compliance against the worker, their friends or family.

Migrant workers may be particularly vulnerable to forced labour as they may not be aware of their employment rights.

Our findings are:

- We found no evidence of obvious examples of forced labour such as retention of documents or threats of violence.
- Some workers perceived requests to work overtime or on bank holidays as compulsory.

- Many workers experienced non-payment or under-payment of wages, but in the majority of cases this did not appear to be deliberate or systemic.

Incidences of forced labour

We found no obvious examples of forced labour such as employers retaining employees' documents, threatening violence or denouncement to the authorities.

One cleaning operative entered the UK lawfully with assurances from a recruitment agency about standards of accommodation and work, which proved false. On arrival the worker was able to move from the job and accommodation. Another worker told us that the employer provided accommodation, but it was expensive, dirty and cramped and for multiple occupants per room. This type of accommodation is often synonymous with exploitation, though there was no evidence to suggest it in this case.

Another example of possible exploitation was described by two female migrants who were told to meet a man at a train station, who worked for a cleaning company and employed them 'off the books'. He paid them via someone else's pay slip for long hours at well below the minimum wage. He took copies of their status

documents but they never received written employment terms or contracts in return.

In some cases workers perceived requests to work overtime and on bank holidays as compulsory and were worried they might lose their job if they refused.

Employment documents

Migrant workers' lack of awareness of employment rights makes them more vulnerable to exploitation. Migrant workers we interviewed regularly complained that their employers did not issue them with an employment contract, or that the contracts were only in English and they did not understand what they were signing or what their pay, hours, or holiday provision was. A small number of workers stated that their employer exploited those workers that did not speak English. They were not given holiday or sick pay despite being permanent employees, and experienced problems receiving their full pay.

“We are taken advantage of being from foreign countries and not knowing all the rules and rights. I think a lot of change is needed in the recruitment process; written contracts need to be given to people where the working hours and pay are set before starting work and things like holiday and sick pay are explained clearly.”

– Latvian female employed by cleaning firm

Non-payment and withholding of wages

A significant number of workers reported repeated problems with receiving their wages on time and in full. This may have been due to problems clocking in and off, or poor payroll systems. In some cases, it appeared systemic, and so would be an indicator of forced labour.

Clients and cleaning firms

The cleaning firms we spoke to directly employ most of their cleaning staff. This reduces the likelihood of exploitation compared to sectors which rely on agency workers. Some cleaning firms translated all key employment documentation where needed, and quickly resolved pay disputes. Most told us that overtime was voluntary and workers were free to turn it down.

Few client organisations actively took steps to identify and prevent forced labour in their contracted workforce. Only one client, a retailer, regularly ethically audited their cleaning contractors against the Ethical Trading Initiative's Base Code,¹⁸ which covers forced labour. The ETI Base Code is founded on the conventions of the International Labour Organisation (ILO) and is an internationally recognised code of labour practice.

Continued...

¹⁸ See www.ethicaltrade.org/eti-base-code.

Conclusion

Businesses must ensure that workers are not subject to forced labour. This means that workers are able to enter into and leave their employment freely, and are not pressurised into taking overtime.

Our evidence did not reveal any serious examples of forced labour. However we did find a significant number of workers experiencing problems receiving their full pay, and few employers provided employment documents in a language migrant workers could understand.

To minimise the risk of forced labour firms must:

- Resolve pay problems quickly and review payroll processes which may lead to under-payment of wages.
- Issue all workers with an employment contract.
- Provide comprehensible information for migrant workers on their employment rights.

Clients should:

- Look at how they audit and inspect cleaning firms, and consider the use of ethical audits or similar tools, which assess workers experience in the workplace against internationally accepted labour standards such as the ETI base code.

Chapter 9:

Forced labour

Privacy in the workplace covers the way employers use and protect personal information they gather from their employees. It also covers monitoring done by CCTV, or of email or phone calls. In practice this means employers:

- Follow data protection rules whenever storing or using employees' personal information.
- Advise workers where CCTV is in place and whether emails or phone calls are monitored.

Our findings are:

- Overall workers reported few concerns about privacy issues.
- Some clients did not provide changing facilities so workers had to change into and out of uniforms in front of each other, which some felt violated their privacy.

Workers experiences

Workers expected to give their employers some personal information on recruitment, such as documents about their right to work in the UK, bank details and home contact information.

We found two examples of improper use of personal details. One worker

had her identity stolen and suspected a supervisor might have sold or shared her details. Another worker complained that a supervisor shared some of her personal health information with other employees.

Cleaning operatives accepted the fact that they were monitored by CCTV at work and most felt it made them safer. One worker said she felt the CCTV was a record safeguarding her if anything went missing and she was under suspicion. Some workers felt that employers used CCTV to monitor their work and check cleaners were not taking breaks.

None of the workers we spoke to reported intrusive personal searches. One trade union told us, however, of cases of where workers were locked in offices whilst their lockers and bags were searched outside the office.

A number of workers reported that they did not have areas to change in, or lockers to store their bags. They felt this violated their privacy as they had to change into and out of uniforms in front of each other.

Some cleaning operatives felt that they were 'watched' more than other employees. They felt that cleaners were overseen by everyone else, and were liable to be accused, if not of dishonesty, then of laziness, poor work, or time-wasting, on the least pretence. Several workers

reported that receptionists or security guards would report them for using their phones, having a cigarette, or taking a break.

Conclusion

Our findings show that overall workers had few concerns about privacy. Workers accepted they were monitored by CCTV and most felt it made them safer. The lack of changing facilities meant some workers had to change into their uniforms in front of each other.

To support privacy in the workplace clients should:

- Advise workers of where CCTV is in use and what the images will be used for.
- Provide adequate changing facilities for workers.



Chapter 10:

The impact of outsourcing

Our findings demonstrate the impact outsourcing has on cleaning firms and their employment practices. However, our findings also show that responsible procurement practices can improve working conditions through the payment of the living wage or daytime cleaning. This chapter is drawn largely from one of the companion research reports carried out for this project, on contractual and procurement practices.¹⁹

Academic studies show that outsourcing and contracting have a direct impact on employment practices and working conditions. Procurement is driven by lowest price, and this puts outsourcing firms under enormous pressure to tender a bid and deliver a high quality service at lowest cost possible. Outsourcing firms can try to reduce their costs and improve their profit margins by reducing pay rates, increasing work intensity, reorganising work or creating a more flexible workforce. This can worsen the terms and conditions of work for employees.

Academic research also shows that outsourcing fragments workplaces. Whereas previously a workforce may have had consistent employment conditions with a single employer, now a workplace contains many workforces with different terms and conditions employed by many employers tied to a client firm through contracting and procurement relationships. This makes unionisation more difficult too. Rather than one collective agreement with a single employer, unions need to gain recognition agreements and negotiate separate collective agreements with each employer.

Labour market regulations play an important role in limiting the downward effect of procurement practices on pay. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)²⁰ are the most relevant. These protect employees' rights when the organisation or service they work for transfers to a new employer, for example the change of ownership of a business, or through subcontracting.

19 Grimshaw, D., Cartwright, J., Keizer, A. and Rubery, J. with Hadjivassiliou, K. and Rickard, C. (2014) *Coming clean: contractual and procurement practices*. Research Report 96. Manchester: Equality and Human Rights Commission. Available at: www.equalityhumanrights.com/publications/our-research/research-reports.

20 TUPE provides consultation rights for workers and protection of pre-transfer terms and conditions of employment (pay, holidays, sick pay), excluding pension conditions. The consequence is that a subcontractor must take over the employment contracts of all workers deemed to have been employed in the delivery of the relevant activity immediately before the transfer. New rules allow for renegotiation of collectively agreed terms and conditions one year after the transfer 'as long as the overall change is no less favourable to the employees involved' (Acas 2014).

To help us understand how outsourcing affects working conditions in the cleaning industry, and whether it reflects the general trends identified in academic research, we commissioned six case studies. These reflect the impact of outsourcing cleaning services in different sectors, in public and privately owned organisations and across England, Scotland and Wales. The case studies were designed to explore key features of procurement and contracting practices, rather than be representative of the sector. The case studies analyse procurement and contracting practices in:

1. An **airport in England** under mixed public–private ownership with an outsourcing contract that started in 2012
2. A **college in Scotland** with a contract for cleaning services since 2008
3. A **hotel in Wales** that outsourced in 2004 to the present company
4. A **hospital in England** that outsourced in 2001 as part of a large Private Finance Initiative to construct and service new buildings
5. A **local authority in London** that outsourced in 2012
6. A **bank in London** that outsourced in 2010.

The research report and summaries of the case studies can be found at: www.equalityhumanrights.com/publications/our-research/research-reports

The impact of the client and contractor relationship

In each case study the decision to outsource was driven by client efforts

to reduce costs and extend workforce flexibility. The airport faced increased competitive pressures, and wanted to amalgamate a series of facilities management contracts into one. The college wanted a more flexible workforce and to shift the managerial and monitoring responsibility to a contractor. The hotel head office decided to outsource across all its facilities to reduce costs. The hospital was required to outsource its cleaning services as part of the Private Finance Initiative (PFI) intended to ensure value for money services. The local authority needed to reduce its costs and decided outsourcing would be more cost effective. The bank also decided that outsourcing would be more cost effective and allow the bank to shift managerial responsibility for terms and conditions to a contractor.

The contracting and procurement relationship is rarely a one-off transaction. Instead, client organisations often try to develop trusting relationships with their contractors over a longer period of time. In our case studies the clients tried to develop stable relationships with their contractors as reflected in the length of the contracts. These ranged from 3 years to 5 years. The hotel and college had renewed their contracts every 3 years but kept the same contractor. The PFI contract was 35 years and renewable every 10 years. Clients and cleaning firms saw longer contracts as a way to develop relationships essential for good service delivery.

In a very competitive market like cleaning, the client is likely to be the dominant partner deciding the contracting rules and how to monitor performance.

All the case study contracts specified agreed cleaning outputs and prices and the clients regularly met with their contractors and inspected services. Relations ranged from transactional to partnerships. The hotel contractor described a transactional relationship of continual negotiation where ‘one says “you are not paying for that” and the other says “that’s not included in your contract”’. In the airport case study, the client monitored the costs and performance of the contractor in detail.

“When we get the costing in for the contract... I know how much everybody earns and I know what the profit margin is.”

– Airport E, contract manager

“We are on a site where the client is looking at us 24/7... The client is on our doorstep ... so we have to make sure we are delivering to their expectations. There is no hiding.”

– Clean A1, contract manager, airport

However both regarded the contract as a partnership to produce a positive customer experience.

“It’s about working together to make it safer for everybody.”

– Clean A1, contract manager

The impact of outsourcing on pay

With price driving the selection of a contractor, followed by client demands for further cost reductions during annual budget negotiations, contractors responded with low pay policies.

Cleaners’ pay varied across the six case studies but the National Minimum Wage set a boundary to the downward pressure on wages. The cleaning companies in the airport and hotel paid some or all of their directly employed staff the minimum wage of £6.31 while the bank and council paid the London living wage of £8.80. In all cases the cleaning companies linked their pay rates to the fee earned in local contracts.

Labour market regulations played an important role in limiting the downward effect of procurement practices on pay and by creating ground rules for employers. In five of the cases, staff were transferred from the client to the contractor and pay and conditions were protected by TUPE regulations. For example, the airport transferred 70 staff. The college transferred 30, and the hotel had transferred its entire cleaning staff. The hospital had transferred 500 workers and the council 75 to their contractors.

TUPE protections had a positive impact on protecting pay and conditions, but meant that there was no pay consistency in the workforce. In the airport, for example, staff transferred from the previous cleaning contractor were paid £7.50 per hour, those transferred from the original in-house airport team, all on a night

shift, were paid £9.50, and all other staff were paid £6.31. Clean A1, the airport contractor, did not plan to harmonise pay upwards to the TUPE rates. Only TUPE staff at the airport, council and bank received enhanced pay for overtime and unsocial hours. None of the cleaning firms, other than the hospital contractor, paid an increment for experience or qualifications.

The two public sector case studies, the hospital and the council, demonstrated the impact of unionisation in preventing outsourcing being used to undermine pay. At the hospital, trade unions led a long campaign against multiple tiers of pay among outsourced workers, resulting in the Two-Tier Code, which encouraged parties to agree harmonised conditions.²¹ As a result the entire cleaning firm's staff at the hospital enjoyed NHS terms and conditions, including basic pay of £7.33 with three pay points for progression. At the council, unions had negotiated the living wage prior to outsourcing and TUPE'd staff carried this over, and this was also adopted by the contractor. The bank decided to adopt the living wage as part of its corporate social responsibility approach and following public pressure. The hospital, council and bank all attributed low staff turnover to the relatively high rates of pay.

The impact of outsourcing on working time schedules

Several clients used procurement to create a more flexible workforce to

reflect peaks and troughs of activity. For example, the airport required 24 hour cleaning coverage and relied largely on full-time staff. The hotel needed rooms to be cleaned in the morning so they could be sold for occupation later in the day, and the contractor employed more staff working fewer hours each day to meet this. The college and bank shifted from out of hours to daytime cleaning to reduce the cost of keeping buildings open overnight, and to increase managerial control over staff.

Other than the airport, most cleaning companies relied largely on part-time staff to give them the flexibility to meet client needs. Shifts could be very short, ranging from 1 to 4 hours. Cleaning firms also used zero hours (with no guaranteed hours) and agency workers to provide flexibility, and to avoid paying enhanced pay due to TUPE staff for early morning, evening, night and weekend work. For example: the airport, bank and council used zero hours contracts for new recruits, for cover and to manage seasonal variations; the national policy of the cleaning firm at the hotel was to employ all its workers only on zero hours contracts. The hospital contractor relied on temporary work agency staff for flexibility as this allowed it to pay below NHS rates for up to 12 weeks. The bank, airport and college could not use temporary work agency staff due to security requirements. Only the college made no use of zero hours or temporary agency workers.

²¹ The Two-Tier code was introduced in 2003 to regulate the employment benefits of new staff recruited by contracted providers of outsourced public services such as cleaning. It was abolished in 2010 and replaced with 'Principles of Good Employment Practice', available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/62089/principles-good-employment.pdf.

The impact of outsourcing on employment security

Procurement puts pressure on a cleaning firm's pay and work intensity requirements which can mean low quality service, low work commitment and high turnover of staff. The renewal of contracts, whether for the incumbent cleaning firm or a new contractor, and annual budget negotiation mean that pay and the organisation of work is always under pressure.

TUPE protected job stability in all six case studies to a degree as all of the cleaning firms took on staff under TUPE transfers from the previous employer. Many of the TUPE staff were still in employment at the airport, the bank, the council and the hospital. However just one of the original TUPE workers remained working at the college and at the hotel. For the college, the reorganisation of work following outsourcing seems to have led to high turnover of the original staff. For the hotel, the original transfer had happened 10 years before. At the council and college the cleaning firms had reduced the size of the workforce to reduce their costs, and all sites had reorganised the way cleaning was undertaken.

Labour turnover was low in the bank, council, hospital, airport and, following the initial reorganisation, in the college too. This was most likely due to the relatively higher pay at these sites due to living wage

and NHS Two Tier wage provisions. The hotel had a high turnover of staff.

In all cases the workforce tended to be local, reflecting the local ethnic mix or was reliant on women with childcare responsibilities who preferred part-time work. Only the hotel and college cases used migrant workers extensively; in the hotel local workers may have been reluctant to accept work on a zero-hours basis, particularly if they were on benefits.

Positive impacts on pay and working conditions

Given the client's dominant role in the contracting relationship, it is able to indirectly influence its contractor's human resources (HR) practices and employment conditions at the contracting stage and during the life of a contract. This can have a positive impact on workers' experience.

Some clients used procurement to specify HR practices and employment conditions by inserting 'obliged job quality' requirements into contracts. For example, clients included requirements for contractors to meet employment law (hotel), living wage clauses (bank, council), a preference for certain training standards (college), requirements for a contractor to adopt equality practices (college) and health and safety standards (airport, hospital). The college assessed whether prospective contractors could comply with the Public Sector Equality Duty.²²

22 The Equality Act 2010 sets out the Public Sector Equality Duty which applies to most public authorities. It also applies to organisations carrying out a public function. Public bodies must show due regard for equality where relevant when they procure goods or services. This means they must consciously consider the need to: eliminate discrimination, advance equality of opportunity, and foster good relations. For further information please see 'Buying Better Outcomes: Mainstreaming Equality Considerations in Procurement', available at: www.equalityhumanrights.com/sites/default/files/publication_pdf/buying_better_outcomes_final.pdf

One of the reasons the college awarded the contract to a larger cleaning firm was because it assumed a larger firm would be more able to implement equality legislation to the same standard as the College.

“That’s why we only tend to have larger firms go through to award because you aren’t going to see small firms go through because typically they don’t have that [implementation of equality policies]... They have to have a proper equality policy and enforced. It’s got to be exactly the same as we would apply to our own staff.”

– College, procurement manager

Client organisations may also share expertise in human resources practices and training with their contractor firms to ensure they adhere to a company ethos and meet company standards. For example, the airport incorporated its contractor workforce in its training provision, employee recognition schemes and its approach towards team-working. Managers believed this improved customer service and provided greater job fulfilment for individuals.

“We are trying to have a culture where everybody feels they contribute to the running of the airport and that they are needed.”

– Clean A1, contract manager

In the hospital, the client also tried to integrate contractor staff. It required all its domestic cleaners to attend an induction on hygiene and use of chemicals run by NHS staff, and it ran an induction on NHS codes of conduct.

“When you have a regular employed domestic who feels part of the ward team then standards are higher.”

– Hospital E, facilities manager

Where training practices meet the specific needs of a client, then the contractor workforce may benefit by developing a wider skillset and access to career paths across the client organisation. In the hospital it appeared common for cleaning firm staff to move into jobs in housekeeping and infection control which were employed directly by the Trust.

“The one they love to bits. She is going to work for the Trust [in infection control]. She is such a good domestic... And now they have given her a job. That happens quite a lot because they mentor them, prune them ... and then the next minute all the good ones seem to move on and you can’t stop that.”

– Clean C, contract manager

Continued...

Other examples of good practice drawn from our wider findings include:

- Cleaning firms providing tender proposals for contracts at both the market rate (often minimum wage) and at a living wage rate.
- Clients setting the contract value to cover the costs of paying workers a living wage and including living wage clauses in contracts.
- Clients introducing daytime cleaning to reduce their energy and security costs, and so allowing cleaning firms to offer workers regular sociable hours, with opportunities for longer or full-time hours.
- Clients integrating contractor workers into their workforce through involvement in the client firm's training, staff meetings and social events.
- Clients and cleaning firms valuing cleaning staff: in some cases this meant basic social niceties such as greeting or thanking individuals; in other cases, firms had specific events or awards to recognise good team work or performance.
- Clients and cleaning firms providing training that broadened skills and opened career opportunities: this included induction into a clients' policies and procedures, access to customer service training or to health and safety training leading to accreditation.
- Clients auditing and inspecting cleaning firms, especially using 'ethical audits' based on the Ethical Trading Initiative Base Code. These enable cleaning

firms and clients to identify and address problems in their workforce or workplaces.

These examples show that procurement practices can have a positive impact on working conditions for contracted workers, especially where there are regulatory controls or strong union protections.

Conclusion

Contractual and procurement practices can have a significant impact on working conditions for contracted workers. The constant pressure to reduce costs but maintain service quality often has a negative impact on employment conditions including pay, workloads, and job security. Short-term contracts that are renewed frequently prevent positive relationships developing between clients and cleaning firms.

Longer contracts, however, help clients and cleaning firms develop positive relationships that encourage investment in workforce development and greater job stability for workers. Using procurement processes to encourage better practice like payment of the living wage can help reduce staff turnover and improve service delivery for the client.

To support more responsible procurement practices, clients should:

- Use commissioning to encourage those providing cleaning services to pay the living wage.
- Extend the length of their contract to allow a more positive relationship to develop with the cleaning firm.

- Commission services that do not rely on the widescale use of zero hours contracts by identifying minimum service level demands which enable cleaning firms to offer more regularised working hours.

Public bodies when outsourcing cleaning services must:

- Comply with the Public Sector Equality Duty by paying due regard to equality in the procurement of cleaning services.
- Promote human rights through their procurement of cleaning services in line with the recommendations set out in the government's national action plan on business and human rights.

Chapter 11:

The way forward: recommendations

To support the sector first to comply with legal responsibilities, and also to meet the standards set out in the UN Guiding Principles on Business and Human Rights, we are making recommendations to the key bodies in the cleaning industry. Our recommendations focus on the most significant findings, and address the need to:

- Improve working conditions for cleaning operatives.
- Raise awareness of employment rights.
- Establish more responsible procurement practices.

Pay and holidays

Pay was the main source of concern for workers we spoke to, particularly where it involved the under-payment or non-payment of wages. Cleaning firms are often constrained in the pay rates they offer to workers by the price the client is prepared to pay for the contract. A number of workers did not know they were entitled to holiday, sick or maternity pay. Many reported problems taking leave due to the need to find cover, with some reporting an inconsistent approach to granting leave as a result of favouritism.

1. Cleaning firms are legally required to ensure they pay employees at least the

National Minimum Wage, including expenses, where applicable. It is good practice to clearly explain pay calculations, so payslips should be transparent and readily understood. In order to meet contractual liabilities to workers, payroll systems should be efficient, on time and accurate and payroll mistakes leading to the non-payment or under-payment of wages should be corrected promptly.

2. The living wage is an initiative increasingly supported by businesses and politicians. As a matter of good practice, we encourage clients to commission cleaning services at living wage rates and then to monitor that cleaning operatives receive the payment.
3. In order to demonstrate legal compliance, cleaning firms should provide all their employees with clear information on entitlements to holiday pay, maternity pay and sick pay. Cleaning firms should explain clearly to all employees the processes for applying for leave, or informing an employer of sickness absence. These processes must be applied fairly to all employees, in order to avoid the risk of unlawful discrimination.

Access to information

A number of workers did not have employment contracts. Many migrant workers, whose first language was not English, did not understand their employment contracts, or workplace communications and training. Workers with literacy or numeracy difficulties may also not understand written information.

4. Cleaning firms are legally required to provide workers with information about employment terms and conditions, workplace safety and other training materials. In order to ensure that all workers are able to understand this information, cleaning firms should consider the need to provide it in different ways, such as in translation, pictorial form, face to face training sessions or through interpreters.
5. To support greater awareness of employment rights, the government should consider how the BIS Pay and Work Rights helpline could be promoted more effectively, especially to migrant workers who may have a poor command of English and a poor understanding of their rights as UK workers.

Access to redress

Workers reported that they did not know how to raise concerns, and in some cases were afraid of doing so. Some workers raised concerns directly with the client, and reported that this often led to swift resolution.

6. Cleaning firms should ensure they have confidential grievance and

whistleblowing policies and procedures, and communicate these to employees so that employees know how to raise concerns. Firms should monitor grievances to help them identify and prevent poor practices that have a negative impact on workers (for example, unlawful discrimination and harassment) and take effective action to deal with them when they do occur (for example, investigating bullying incidents).

7. Clients should consider making their grievance mechanisms accessible to contracted workers such as cleaning operatives.

Inspections and audits

Most clients request that their cleaning contractors provide some information about their workforce. This ranges from copies of policies and information about training to thorough and systematic audits.

8. Client organisations should look at how they audit and inspect cleaning contractors. We advocate the use of ethical audits or similar tools, which assess workers' experience in the workplace against internationally accepted labour standards such as the Ethical Trading Initiative's Base Code.

Training

Our findings show that supervisors and managers have a significant impact on workers' perception of whether they are treated fairly and equally. Some supervisors managed their teams

effectively and fairly, others bullied individuals or treated them differently, and others failed to protect workers from bullying or discriminatory treatment by others.

9. Cleaning firms should provide supervisors and managers with training to enable them to manage teams in a way which ensures fair treatment, respects the dignity of workers, and allows workers to raise concerns.

Facilities

Workers and cleaning firms reported that some clients did not provide workers with appropriate changing or rest facilities, and in some cases prevented cleaning workers from using facilities for client staff.

10. Client organisations should consider giving cleaning staff access to change and rest facilities, including lockers, changing rooms and amenities, such as staff canteens, provided for other employees and contracted workers.

Recruitment

Word of mouth recruitment may open cleaning firms to the risk of claims of indirect discrimination. Our findings show that the cleaning sector is reliant on word of mouth recruitment, which may mean vacancies are not advertised. Word of mouth recruitment may lead to informal segregation, with different nationalities clustering in different teams, leaving some workers feeling excluded, isolated, and experiencing different treatment.

11. In order to avoid the risk of unlawful discrimination against potential applicants with particular protected characteristics, cleaning firms should use transparent systems for recruiting staff and monitoring the outcomes of their recruitment practices.

Health and safety

Some workers did not receive appropriate training for handling chemicals or machinery. Cleaning firms did not always carry out risk assessments for pregnant workers, or move them to lighter duties. Many workers complained of work-related stress.

12. The Health and Safety Executive should raise awareness of the existing guidance and support available to employers in relation to:
 - Use of chemicals.
 - Pregnancy and maternity work assessments.
 - Work-related stress.
13. Cleaning firms are legally required to take steps to safeguard the health and safety of pregnant workers, including: ensuring risk assessments address the risks to staff who are pregnant or new and/or breastfeeding mothers; and providing safe and healthy conditions for them to continue work, where possible.

Dignity and respect

Workers did not feel they were treated with dignity and respect. Many said they felt ‘invisible’ and were not acknowledged or thanked by the client’s directly employed workers.

14. Client organisations should consider what action they can take to ensure that cleaners are treated with the same dignity and respect as their own workforce. This could include improving their employees’ awareness that their equality, dignity in the workplace, and bullying and harassment policies cover cleaners, in the same way as any other employee.

Procurement

Clients should procure cleaning services in a responsible way. The constant pressure to reduce costs but maintain service quality often has a negative impact on employment conditions including pay, workloads, and job security. Short-term contracts that are renewed frequently prevent positive relationships developing between clients and cleaning firms. Public bodies have a statutory responsibility to pay due regard to eliminating discrimination and advancing equality when procuring goods and services through the Public Sector Equality Duty.

15. We encourage clients to consider entering into longer cleaning contracts to allow a more positive relationship to develop with the cleaning firm which can create the conditions for improved pay, better quality of service, increased job security and investment in training.

16. Public bodies are legally required to:
 - i. Comply with the Public Sector Equality Duty by having due regard to the need to eliminate unlawful discrimination and harassment, advance equality of opportunity and promote good relations when procuring cleaning services.
 - ii. Ensure that in the procurement of cleaning services they have regard to the rights conferred by the Human Rights Act.

Access to support

A number of workers reported that cleaning firms only took their grievances seriously when they started legal proceedings, such as taking a case to an Employment Tribunal. The introduction of fees for Employment Tribunal cases must not be a barrier to accessing justice for some of the lowest paid workers.

17. The Government should review the impact of:
 - recent and forthcoming changes to civil legal aid
 - reductions in capacity in the not-for-profit advice sector, and
 - the introduction of Employment Tribunal fees on access to legal advice and redress by low-paid workers in the cleaning sector, particularly on the enforcement of employment law rights in the Employment Tribunal.

Continued...

Checking right to work documentation

Cleaning firms reported that the system for checking an employee's right to work status was complex, and ever changing. A small number of workers felt that these checks were done in a discriminatory manner, on the basis of ethnicity rather than nationality.

18. Employers are legally required to have fair and transparent processes for carrying out statutory immigration checks, which do not unlawfully discriminate against prospective workers. We recommend that cleaning firms follow the advice in the *Home Office Code of Practice for employers: Avoiding unlawful discrimination while preventing illegal working*.

Next steps

The Commission will set up a taskforce comprising the key stakeholders in the cleaning sector. The taskforce will consider the findings of this report, identify practical examples of good practice and propose ways of embedding these across the cleaning sector.

Annex 1:

Methodology

Our evidence base consists of two research reports, submissions from individuals and organisations responding to our call for evidence, interviews and focus groups. To gain a balanced picture we sought evidence from cleaning operatives (workers), cleaning firms, organisations that outsource their cleaning services (clients), trade unions and other interested parties across England, Scotland and Wales. All information was given in confidence and anonymised for this report.

Two research reports

Our research reports use qualitative research methods, so our findings are illustrative but not statistically representative of conditions in the cleaning sector. This report draws heavily on the findings of the two research reports.

Our first report investigates the experience of workers.²³ It is based on in-depth interviews with 93 cleaning operatives across England, Scotland and Wales, in the office/retail, transport, healthcare and leisure sectors. The sample included adult men and women of all ages

directly employed by cleaning services clients in the public and private sector, or working for cleaning companies, employment agencies or facilities management companies of different sizes. The respondents provided general and specialist cleaning services. The sample consisted of British and migrant workers. A substantial minority of migrant respondents spoke little or no English, and required the help of interpreters in order to take part. Interviews were held away from the workplace.

Our second report²⁴ presents six case studies examining the contractual and procurement processes involved in outsourced cleaning services, and the impact this has on service contracts and employment conditions. The case studies are based on in-depth interviews with the client and cleaning providers in an airport, hospital, hotel, college, bank and a local authority. The interviews were with a senior procurement manager, contract manager and human resources manager in the client organisation and the cleaning company, and with a supervisor of cleaning workers.

23 Sykes, W., Groom, C., Desai, P. and Kelly, J. (2014) *Coming clean: the experience of cleaning operatives*. Research Report 95. Manchester: Equality and Human Rights Commission. Available at: www.equalityhumanrights.com/publications/our-research/research-reports.

24 Grimshaw, D., Cartwright, J., Keizer, A. and Rubery, J. with Hadjivassiliou, K. and Rickard, C. (2014) *Coming clean: contractual and procurement practices*. Research Report 96. Manchester: Equality and Human Rights Commission. Available at: www.equalityhumanrights.com/publications/our-research/research-reports

Our call for evidence

Our call for evidence gathered 443 written submissions. Of these, 424 were from cleaning operatives, 9 from cleaning firms, 3 from client organisations, 5 from trade unions and 2 from other interested organisations. The submissions were based on response forms available in English, Polish, Portuguese and Spanish.²⁵ The forms asked stakeholders their views on issues such as the treatment of cleaning operatives in the workplace, their access to employment documentation; the impact of contracts on cleaning firms' recruitment and employment practices, and the actions of clients to support cleaning firms to promote equality and human rights, or attach specific conditions to their contracts.

We asked for examples of good practice from all respondents. We were also interested in their suggestions on actions, which might improve practices in the sector.

Interviews and focus groups

We interviewed 15 firms and 16 clients to help us better understand their perspectives and the economic choices they both faced.

We also organised eight roundtables and focus groups across England, Scotland and Wales to gather evidence from stakeholders including Citizens Advice, civil society, trade unions, regulators, case workers and other organisations who

provide support to cleaning sector workers such as migrant associations and legal advice centres.

Lack of evidence from cleaning firms

We received relatively little evidence from cleaning firms in our call for evidence. We made repeated efforts to contact cleaning firms for interview but were ignored or rebuffed.

We spoke at events organised by the British Cleaning Council, and the British Association of Cleaning in Higher Education. The Cleaning and Support Services Associations,²⁶ and British Institute of Cleaning Science also promoted our work to their members.

Our research report providing six case studies is a partial remedy for the absence of cleaning firm views. However interviews and written submissions would have made their perspectives clearer and may have identified more examples of good practice.

²⁵ See www.equalityhumanrights.com/about-us/our-work/key-projects/cleaning/are-you-working-in-the-cleaning-sector

²⁶ Now called the Building Futures Group, see www.thebuildingfuturesgroup.com/.

Annex 2:

The role of the Equality and Human Rights Commission

The Commission was established by Parliament under the Equality Act 2006 to help make Britain a fairer place for everyone. We do this by helping to ensure that everyone is protected against unfair treatment and has fair opportunities; by promoting and safeguarding the human rights we all enjoy; and by encouraging mutual respect between people of all backgrounds. If everyone, regardless of background, has an equal opportunity to fulfil their potential in their work and in their day to day life, Britain will be more successful and more prosperous.

The Commission is an independent non-partisan body that uses its powers to support and promote laws and practices that help make our society fair for everyone. As guardian of the laws that protect fairness, dignity and respect, we use our strategic enforcement powers to ensure the law is working as intended. We undertake a range of interventions to ensure that everyone receives fair treatment, holding organisations to account for meeting equality and human rights standards.

As a UN-accredited national human rights institution we are responsible for promoting awareness, understanding and protection of human rights. This includes the UN Guiding Principles on business and human rights, and international human rights conventions, such as those covering human rights in the workplace, drawn up and overseen by the International Labour Organization.

In the employment market we want to create a fairer Britain based on an equal playing field where all respect equality law and human rights.

We want to make sure that:

- the legal and regulatory framework governing the employment market effectively respects equality and human rights,
- businesses are aware of their responsibilities in the workplace, and
- contractual and procurement processes do not hinder the fair treatment of employees.

Annex 3:

Terms of Reference

- To examine recruitment and employment practices in the cleaning industry and the extent to which these practices promote and protect equality and human rights for workers.
- To work with relevant stakeholders to identify and implement practical solutions to any problems identified.
- To identify good practice in relation to promoting equality and human rights in recruitment and employment in the cleaning industry and work with stakeholders to disseminate this across the sector and other similar sectors.
- To examine the role of inspectorate and regulatory bodies, including professional regulatory bodies in promoting equality and human rights for workers in the cleaning industry.
- To sharing relevant learning from previous Equality and Human Rights Commission work with this sector.
- To raise awareness of human rights and their relevance to the workplace, particularly among businesses in this sector.

Annex 4:

Equality and Human Rights framework

We decided to look at the experience of workers in the cleaning sector through the lens of international standards on employment. The United Nations' Guiding Principles on Business and Human Rights is a global standard that sets out the expectation that all businesses should respect human rights in the way they conduct their activities.²⁷ The UK Government supports the UN Guiding Principles, and published a national action plan to implement them in September 2013.

The UN Guiding Principles are not, in themselves, legal requirements on business. However, in some of these areas, the standards expected of business have also been translated into domestic legislation and are legally binding obligations on business. For example, the Equality Act 2010 protects workers from discrimination, and the Health and Safety at Work Act 1974 helps ensure a safe working environment.

To help the cleaning sector understand the areas we were interested in we identified the 10 employment standards most relevant to the cleaning sector. These were taken from a list identified by the UN Special Representative for Business and Human Rights, John Ruggie, as particularly relevant for businesses.²⁸

1. Freedom of association

Freedom of association refers to the legal right of workers to set up and to join organisations to promote and defend their interests.

Positive indicators:

- Workers are able to establish and join organisations of their own choosing such as trade unions or work associations.
- Businesses voluntarily recognise a trade union and actively engage with them.

²⁷ See www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

²⁸ Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, 2008, 'Protect, Respect and Remedy: a Framework for Business and Human Rights'. Available at: shiftproject.org/sites/default/files/Ruggie-report-7-Apr-2008.pdf

Negative indicators:

- Workers are discriminated against or victimised due to their membership of a trade union or an association when you recruit, employ or dismiss employees.
- Agency labour or contractual work is used to hinder the right to freedom of association and collective bargaining.

2. Equal pay for equal work

Men and women doing equal work and work rated as of equal value are entitled to equal pay.

Positive indicators:

- Men and women paid at the same rate for the same work or for work of equal value.
- Equal pay policies and transparent pay scales in place.
- Employers commit to closing a pay gap if one does exist.

Negative indicators:

- Paying women at a lower rate than men either for the same work or for work of equal value.
- Employment Tribunal cases/grievances regarding equal pay.

3. Organize and participate in collective bargaining

Collective bargaining refers to workers being able to negotiate together with others to reach jointly acceptable agreements about employment conditions.

Positive indicators:

- Workers are able to negotiate with management regarding employment conditions.
- Workers are consulted on proposed changes to employment conditions, or pay.
- Regular meetings between management and workers to discuss concerns and proposed changes.

Negative indicators:

- Dismissals, demotions, transfers and refusals to hire against trade union officers and members.
- Refusal of access to trade union organisers.

4. Equality and non-discrimination in the workplace

Everyone is equal before, and under, the law, and has the right to be protected against any direct or indirect discrimination in the workplace.

Positive indicators:

- Workers are not directly or indirectly discriminated against, on the grounds of their gender, age, religion or belief, marriage or civil partnership, race, disability, pregnancy and maternity, gender reassignment, or sexual orientation.
- All employment opportunities are equally open to all workers.
- Managers (particularly those responsible for recruitment and

first line management) receive role appropriate training on equality.

- Recruitment and promotion processes are transparent and clearly communicated to workers.
- Training opportunities are open to all workers.
- Any incidents of discrimination, victimisation or harassment are addressed in a timely and transparent manner.
- Lessons are learnt from incidents of discrimination, victimisation or harassment and relevant practice/ policy improved.
- When recruiting, agencies and employers do not ask about workers' health or disability (e.g. through pre-employment questionnaires) beyond what they need to know for them to be able to do particular work.
- Workers are confident in reporting incidents of discrimination, victimisation or harassment.

Negative indicators:

- Migrant workers are paid less than British workers.
- Pregnant workers are dismissed/not given further work when managers are advised of the pregnancy.
- Pregnant workers are disciplined or required to do extra work following absence from work due to pregnancy-related illnesses or antenatal appointments.
- Workers are segregated according to language/ethnicity/nationality.

- Migrant workers are less likely to be directly employed than British workers/ receive less favourable terms and conditions.
- Workers are recruited by informal means such as word of mouth.
- Job adverts can only be seen by particular groups, for example in a Polish language publication only.
- Workers are victimised for raising issues regarding discrimination or harassment or for giving evidence in support of another person's complaint.
- Agencies are used which mainly/ only supply workers from one particular nationality.
- Workers of a particular nationality are recruited because they 'fit in' better with the existing workforce or have a better work ethic than other nationalities.
- Discrimination occurs because someone is associated with another person with a protected characteristic e.g. married to a Latvian.
- Work that is perceived as difficult, dirty or dangerous is allocated to workers of a particular age/nationality etc.

5. Just and favourable remuneration

Workers have fair and favourable pay that offers them and their families a dignified life.

Positive indicators:

- Workers receive at least the National Minimum Wage.
- Workers are aware of what deductions

from their pay are, and these are only carried out in limited circumstances. These must not reduce the pay below the National Minimum Wage rate (except a limited amount for accommodation), even if permission has been given.

- Deductions from wages are not carried out as a disciplinary measure.
- Payslips are clear and easily understood by workers.

Negative indicators:

- Charging excessive recruitment fees.
- Delayed or non-payment of wages, and allowing wage arrears to accumulate.
- Deception in the calculation and payment of wages, including wage deductions.
- Charging excessive rates for accommodation and transport (particularly where accommodation is poor quality, cramped etc.).

6. Abolition of forced labour

Forced labour refers to any work or services which people are forced to do against their will under the threat of some form of punishment.

Positive indicators:

- Migrant workers provided with written contracts of employment in language that they easily understand.
- Workers are able to enter into and leave employment voluntarily and freely, without the threat of a penalty.

- Workers are not threatened or pressured into accepting or staying in a job.
- Overtime is voluntary.

Negative indicators:

- Induced indebtedness (by falsification of accounts, charging recruitment fees inflated deductions to wages (e.g. for PPE, excessive interest charges, etc.).
- Deception or false promises about types and terms of work.
- Withholding and non-payment of wages.
- Retention of identity documents or other valuable personal possessions.
- Psychological compulsion, i.e. an order to work, backed up by a credible threat of a penalty for non-compliance. Threats can be against individual employees or the workforce as a whole or against worker's friends or family and include:
 - Financial penalties
 - Physical violence
 - Denunciation to authorities (for undocumented migrants)
 - Exclusion from future employment opportunities
 - Removal of rights or privileges
 - Shift to even worse working conditions.
- Employers use practices that restrict a worker's ability to terminate employment, for example:
 - Withholding employee identity documents, including passports

- ❑ Imposing financial penalties on workers
- ❑ Delaying or halting wage payments, or
- ❑ Threatening workers with violence.

7. A safe work environment

All workers are entitled to work in environments where risks to their health and safety are properly controlled.

Positive indicators:

- Businesses demonstrate respect for the right to a safe work environment when they comply with domestic health and safety legislation. For example, businesses must demonstrate respect by:
 - ❑ Ensuring that workplaces, machinery, processes, and chemical or biological substances under their control are safe and without risk to health
 - ❑ Providing adequate protective clothing and protective equipment to prevent risk of accidents or adverse effects on health
 - ❑ Being prepared for emergencies and accidents
 - ❑ Ensuring their workers receive regular and documented health and safety training
 - ❑ Ensuring access to clean toilet facilities and to drinking water
- Where businesses provide accommodation to employees, they must ensure it is clean, safe, and meets basic needs.

- Pregnant workers have a detailed risk assessment and reasonable steps are taken to remove risks or find suitable alternative work.

Negative indicators:

- Dirty, unsafe working environments.
- Lack of appropriate PPE (dirty, torn/broken, wet, used by multiple users).
- Workers required to pay for PPE.
- Lack of health and safety training, particularly around heavy lifting/use of chemicals.
- Workers feel unsafe working on their own, especially at night. Little action is taken when complaints are made.

8. Rest and leisure

Rest and leisure covers working hours for adults and younger workers, overtime and holidays. These also contribute to a safe working environment.

Positive indicators:

- Workers not regularly required to work over 48 hours per week.
- Workers are voluntarily able to 'opt out' of the 48 hour week restriction if they wish.
- Workers should have at least 1 day off for every 7 day period on average.
- During the working day workers should have a break of 20 minutes if their daily working day is more than 6 hours long, and a minimum rest break of 11 hours between finishing their job and starting the next day.

- Employees only have to work overtime if their contract says so.
- Workers' rights to public and annual holidays are respected. Most workers who work a 5 day week should have a minimum of 28 days paid leave each year.

Negative indicators:

- Breaches of working time regulations e.g. failure to ensure 20 minute rest breaks every 6 hours, 11 hours rest between working days and uninterrupted 24 hours without any work each week or 48 hours each fortnight.
- Workers forced to sign the 'opt out'.
- Workers not given adequate toilet breaks.

9. Privacy

Privacy in the workplace covers the storing and sharing of personal data, and monitoring of communications and work sites.

Positive indicators:

- Data protection rules are followed whenever personal information is stored or used. This might include recruitment and employment data, or customers' data from orders/payment.
- Workers are advised where CCTV is in place and where other monitoring may take place (emails/phone calls).
- A data protection policy is in place.
- A written policy on searches exists and is effectively communicated to workers

Negative indicators:

- Workers are not informed where surveillance is happening.
- CCTV is used as a mean to control staff.
- Personal data (bank details, addresses etc.) are passed on to other organisations without the workers permission.
- Intrusive searches of workers and their bags/lockers carried out without proper regard to privacy.

10. Access to remedy

Workers are able to raise concerns, report grievances and whistleblow in an accessible way. Issues are dealt with fairly, in a timely manner with access to appropriate support where needed.

Positive indicators:

- Confidential multilingual helplines in place.
- Regular staff survey's conducted of all workers.
- HR surgeries/open forum meetings with senior managers.
- Grievance and whistleblowing/speak up policies in place and communicated to workers.

Negative indicators:

- Workers unable to raise concerns due to the lack of appropriate channels.
- Workers fearful of raising concerns due to previous reprisals such as being sacked/given no further work.
- Workers threatened about the consequences of raising concerns.



Contacts

This publication and related equality and human rights resources are available from the Commission's website: www.equalityhumanrights.com.

For advice, information or guidance on equality, discrimination or human rights issues, please contact the Equality Advisory and Support Service, a free and independent service.

Website: www.equalityadvisoryservice.com

Telephone: 0808 800 0082

Textphone: 0808 800 0084

Opening hours:

09:00 to 20:00 Monday to Friday

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Questions and comments regarding this publication may be addressed to: correspondence@equalityhumanrights.com. The Commission welcomes your feedback.

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