



Code of Conduct for Fair Service Provision in Shopping Centres

January 2012

Preamble

This Code of Conduct was developed by the Shopping Centre Council of Australia (SCCA), which represents Australia's major owners and managers of shopping centres, and the Building Service Contractors Association of Australia (BSCAA), which represents building service companies including service providers for cleaning. This Code has been developed to reflect emerging industry best practice, including experience overseas, and as part of that we have examined and adopted relevant provisions of the *Responsible Property Services Code* developed by the Canadian Shareholder Association for Research and Education.

This Code of Conduct replaces the *SCCA Principles for Fair Contracting* adopted on 22 November 2006.

Members of the SCCA acknowledge their responsibility to provide a safe, clean, convenient and pleasant environment for the enjoyment of shoppers, retailers, staff and other visitors. This requires our service providers, including those involved in cleaning, maintenance and security, to be committed and conscientious in their contracted duties and to hire well-trained and dedicated staff to clean, maintain and secure our shopping centres.

The SCCA's members recognise and commit to high standards of corporate responsibility and expect their service providers to do likewise. In particular, we support, and expect from our service providers, the payment of fair wages; the provision of appropriate conditions of employment; and the provision of a safe working environment.

The SCCA's members expect their staff to treat the employees of services providers fairly and with respect. We expect service providers to also treat their employees and contractors fairly, and with respect, and to abide by federal and state employment awards, standards and laws. This also ensures the availability of qualified staff and minimises costly labour disruption and employee turnover. We also expect service providers to specifically commit to the *Principles of Fair Service Provision* contained in this Code of Conduct, which are directed at ensuring a productive, safe, fair and equitable working environment for their employees and contractors.

This Code of Conduct will be adopted by SCCA members and current and potential service providers through the tendering process. The Code will be monitored by the Code Administration Committee (refer to section 9).

Administration of the Code

1. Requests for proposals and invitations to bid for cleaning services may include a copy of this Code of Conduct.
2. All service providers shall agree to comply with this Code.
3. Service providers shall outline in their tenders the key parameters that will define relevant performance levels and standards and provide adequate staffing levels to achieve these performance levels and standards. These responses will specifically address the specifications as defined in the bid documentation.
4. Service providers shall, on request, demonstrate that they have sufficient financial resources to cover employee entitlements, including all leave and superannuation payments.
5. Service providers shall, on request, commit to disclose information that will allow SCCA members to verify that the terms and conditions of contracts are being met.
6. SCCA members will have regard to this Code, and to a service provider's ability to comply with the provisions of the Code, when evaluating tenders.

Monitoring and Compliance

1. Service providers shall establish procedures and mechanisms to encourage compliance with the Code by all hired subcontractors.
2. Service providers shall establish monitoring procedures and mechanisms to investigate complaints, as well as auditing procedures to ensure compliance with the Code.
3. Individual SCCA members may also establish monitoring procedures to determine compliance with the Code.

The Principles of Fair Service Provision

SCCA members support responsible property services and contracting practices. In this regard, they require service providers, contractors and subcontractors to:

1. Responsible Employment Standards

- 1.1 Honour the letter and spirit of federal and state employment standards and labour laws.
- 1.2 Properly classify employees for the purpose of employment conditions and entitlements under the applicable Federal or State employment standards (including under the *Fair Work Act 2009*; the National Employment Standards; and the relevant Modern Award).
- 1.3 Not engage in 'sham contracting', where there is an intention to avoid compliance with relevant employment awards and standards, including the avoidance of legal minimum rates of pay, entitlements and other benefits as specified in the relevant employment awards and standards.

2. Fair Wages, Benefits and Entitlements

- 2.1. Pay employees fair wages, benefits and entitlements based on award rates, as determined by the type of property, comparable job or trade classifications, applicable to Federal or State Employment Standards and the scope and complexity of services.
- 2.2. Ensure payroll systems are in place to ensure wages and benefits are administered and paid in full, on the due date.
- 2.3. Comply with all jurisdictional labour laws governing wage requirements.

3. Working Hours

- 3.1 Comply with applicable laws and industry standards regarding working hours, overtime, and hours free from work, and ensure that employees do not work excessive hours or hours detrimental to an employee's health or safety.

4. Working Environment and Conditions

- 4.1 Provide a safe and hygienic working environment, recognizing the specific conditions relevant to shopping centre maintenance and operations, and be proactive in identifying risks and hazards and improving workplace health and safety to prevent accidents and injury.
- 4.2 Ensure working conditions in shopping centres conform to the standards set in relevant occupational health and safety regulations.
- 4.3 Provide employees with the appropriate induction, training, supervision, uniforms, cleaning equipment, personal protective clothing and equipment, and materials to enable them to perform their job safely, hygienically and efficiently.
- 4.4 Where cleaners are required to wear uniforms, ensure sufficient supplies are available to enable reasonable rotation.

5. Occupational Health and Safety

- 5.1 Comply with all relevant occupational health and safety and workers compensation laws and policies.

6. Bullying, Harassment and Discrimination

- 6.1 Treat employees and sub-contractors with respect and dignity.
- 6.2 Prohibit any form of bullying, harassment, intimidation or discrimination on the basis of age, race, gender, sexual orientation, colour, national or ethnic origin, religion, marital status, family status, citizenship status, veteran status and disability.
- 6.3 Provide employees with a confidential and secure means of raising grievances, complaints or workplace issues with their employer and ensure

they are not punished or prejudiced for using confidential grievance procedures.

- 6.4 Inform all employees (and contractors) of procedures to deal with bullying and harassment and provide information for confidential reporting channels.

7. Consultation Regarding Workplace Change

- 7.1 Service providers will notify employees (and contractors), where the service provider has made a definite decision to introduce major changes in production, program, organisation structure or technology that are likely to have significant effects on employees.
- 7.2 Service providers undertake to consult employees and contractors in a timely manner on measures which may mitigate adverse effects flowing from such decisions.
- 7.3 Where a decision is made by a service provider to relinquish a contract, or a service provider receives information that is likely to bring about a change of contract, the service provider is required to comply with obligations set out in the Modern Award.


8. Freedom of Association

- 8.1 Supports the right to freedom of association, where employees have the right to join any employee association of their choice, or not to do so.

9. Code Administration

- 9.1 This Code will be monitored by a Code Administration Committee (CAC) which will comprise three representatives of the SCCA and three representatives of the BSCAA.
- 9.2 The SCCA and BSCAA agree to appoint an independent Chair of the CAC.
- 9.3 The provisions of this Code will be kept under regular review by the CAC.
- 9.4 A service provider does not have to be a member of the BSCAA to use this Code or to bid on SCCA member tenders.

Signed:



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Steven Sewell

Chairman, SCCA