# Annual Paid Information Session for Government Cleaning and Security Contracts – Model Clause

## Background

The McGowan Government, as part of its suite of initiatives aimed at combatting wage theft, made a commitment to provide for an annual paid meeting with workers and the relevant union on government cleaning and security contracts. This commitment was made to assist workers to understand their employment rights.

## General Procurement Direction 2023/01

[General Procurement Direction 2023/01 Annual Paid Information Session for Government Cleaning and Security Contracts](https://www.wa.gov.au/government/publications/general-procurement-direction-202301-annual-paid-information-session-government-cleaning-and-security-contracts) was issued in May 2023 and mandates the inclusion of a special condition in relevant contracts.

State agencies are required to insert the special condition in ongoing cleaning and security contracts with an estimated contract value of $50,000 or above, except where services are to be undertaken in schools and hospitals.

The condition requires contractors to allow their employees to attend an information session on workplace rights conducted by the relevant union, at the ordinary rate of pay once per calendar year.

Additional guidance is available on [WA.gov.au.](https://www.wa.gov.au/government/publications/annual-paid-information-session-government-cleaning-and-security-contracts)

## Department of Finance Procurement Templates

The special condition has been included in the relevant procurement templates managed by the Department of Finance in May 2023.

## Use of Model Special Condition

The model special condition contained in this document is provided for general agency guidance only. It should be reviewed and adjusted for consistency with any procurement or contract documentation in which it is used. If in doubt, an agency should seek legal advice about the model clauses prior to finalising any documentation in which they are used.

## Model Special Condition

The Contractor agrees to:

(a) grant paid leave, paid at the ordinary rate of pay during normal working hours, to each of its employees who are Contractor Personnel (each a **Contract Employee**) in order for the Contract Employee to travel for and attend an information session on workplace rights conducted by the relevant union (**Information** **Session**);

(b) grant that paid leave (**Information** **Session** **Leave**) to the Contract Employee for the period reasonably necessary to enable the Contract Employee to travel for and attend the Information Session,

subject to the conditions that:

(c) this clause does not require the Contractor to grant to the Contract Employee more than two hours of Information Session Leave per calendar year during the Term, running from the commencement of the Term;

(d) this clause does not require the Contractor to grant Information Session Leave to the Contract Employee to attend an Information Session which is scheduled to occur, or which occurs, at a time when the Contract Employee is not rostered or otherwise scheduled or obliged to work; and

(e) the Contractor may stipulate reasonable conditions as to Information Session Leave, including as to the provision of sufficient notice in respect of the Contract Employee's planned attendance at an Information Session.

The Contractor must ensure that each of its contractors and subcontractors at any tier (if any) complies with this clause in respect of their employees who are Contractor Personnel.

In this clause, a reference to "employee" includes a natural person engaged under a contract for services.