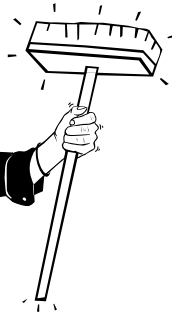


17 October 2009

CLEAN START

FAIR DEAL FOR CLEANERS



PANDEMICS IN THE OFFICE AND RETAIL ENVIRONMENT

KEY POINTS

- Resurging fear about pandemics has seen State and Federal governments introduce greater obligations on employers and property owners to take responsibility for disease prevention in the workplace.
- Insurers have tightened policies to block commercial property owners and managers from pandemic coverage.
- By using cut-price contractors, owners have been leaving themselves vulnerable to a range of risks that carry severe financial imposts.
- Clean Start Collective Agreement signatories are legally accountable to cleaners and their union to ensure workloads and hours are reasonable, structured training is provided on best practice cleaning techniques and use of equipment which will provide the cleaning standards needed to minimise the risk and spread of pandemics.

There is now renewed focus on cleaning for health in the context of office buildings and shopping centres due to the spread of the H1N1 virus (swine flu), which is the latest in a line of global health scares to hit Australia.

The Department of Health and Ageing has stressed the virulent nature of the H1N1 virus.¹ As of 21 September 2009 the H1N1 virus in Australia has claimed 172 lives, infected over 36,000 people and hospitalised nearly 4,700 of which 54 are currently in intensive care units² and the virus is recognised as a global pandemic.³

In response to the current outbreak and the continuing threat from global pandemics, the Australian Government's message to businesses is that employers have a responsibility to plan for a pandemic:

"Governments will actively lead the response to a pandemic, but cannot alone control and manage the spread of disease, or maintain all the essential services the community will require. The planning undertaken by individual employers and their employees will do much to minimise the impacts on their workplace, and to protect staff in their workplace".⁴

¹ Department of Health and Ageing, *Australian Health Management Plan for Pandemic Influenza*, Australian Government Department of Health and Ageing, Canberra, 17 June 2009.

² Department of Health and Ageing, *Pandemic (H1N1) 2009 Update Bulletin*, Australian Government Department of Health and Ageing, Canberra, 21 September 2009.

³ M Chan, *World Now at the Start of 2009 Influenza Pandemic*, World Health Organisation, Geneva, 11 June 2009.

⁴ Council of Australian Governments, *Working Group on Influenza Prevention and Preparedness*, May 2009.

With a message of prevention, the Department of Health and Ageing recommend that good hygiene practices should include regular cleaning of hard surfaces such as door knobs, sinks railings and counters, and that these practices should be in place at all workplaces before any outbreaks to prevent the spread of a potential virus.⁵

The Australian Government's *Business Continuity Guide* advises increased cleaning regimes need to be introduced to minimise the transmission of viruses through environmental sources. A section on "Workplace Cleaning" stresses the importance of "rigorous" cleaning, and affirms "[s]urfaces that are frequently touched with hands should be cleaned often, preferably daily".⁶ This obligation is more pressing for retail property owners where high volumes of public traffic increase potential exposure of any viruses.

The Building Service Contractors Association of Australia (BSCAA) recently recommended that its members ensure their customers are made aware of the cleaning standards required to minimise the risk of spreading swine flu infestation: "*Building owners providing maintenance as part of tenancy agreements have a duty of care to ensure workplace hygiene to minimise the risk of spreading swine flu. There may even be an exposure to litigation against those who knowingly cut back on cleaning costs therefore affecting hygiene-related maintenance that could result in serious illness or death*".⁷

Lloyds insurance company have warned that those owners that have not planned for a pandemic scenario, or whose plans are "clearly deficient relative to peers", may be sued from those contracting illnesses at their sites, and be at target from shareholders, employees and other financial stakeholders⁸.

Following from a wave of employer liability claims in 2003 for being unprepared for the SARS epidemic⁹, property managers are finding it increasingly difficult to insure themselves against liabilities arising from any diseases declared a pandemic by the Federal Government. Cleaning companies may be able to share some of the risks associated with hygiene and cleaning failures, but by no means all of it, especially in cases where an owner has been aware of cleaning, or cleaning company, short comings.

The most effective defence is to ensure that the environment necessary to produce effective cleaning methods is provided in all buildings. Cleaning companies who have signed the Clean Start Collective Agreement are committed to delivering high quality cleaning services without compromising obligations to their staff and clients.

⁵ Department of Health and Ageing, *Being Prepared for an Influenza Pandemic: A Kit for Small Businesses*, Australian Government Department of Health and Ageing, Canberra, 2006.

⁶ Australian Government, *Preparing for a Human Influenza Pandemic – a Business Continuity Guide for Australian Businesses*, Department of Innovation, Industry, Science and Research, Canberra, June 2006.

⁷ BSCAA, 'Property managers flu duty of care', BSCAA Press Release in *InClean Australasia*, 4 June 2009.

⁸ Lloyds, *Pandemic: Potential Insurance Impacts*, Lloyds Emerging Risk Team Report, p. 20.

⁹ L M Cirando, 'The Doctor is in: Insurance for the H1N1 Pandemic', *Policy Holder Observer*, Orrick, Summer (Northern) 2009.