



# META, WORKERS' RIGHTS MATTER!

THE CASE OF A TRADE UNION ORGANISER DISMISSED AFTER TRYING TO IMPROVE WORKING CONDITIONS FOR CLEANERS

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# EXECUTIVE SUMMARY

Workers who are sub-contracted to clean the offices of Meta (formerly known as Facebook) must all be guaranteed fair working conditions as part of their right to freedom of association, including the right to form and join a union and collectively bargain for decent conditions, without fear of interference, intimidation or retaliation.

Amnesty International is publishing this briefing following the dismissal of Guillermo Camacho Equez (Camacho) in October 2021. He was a contracted cleaner and trade union representative of the Cleaners and Allied Independent Workers Union (CAIWU) who actively spoke out and campaigned for fair working conditions and against the excessive workload of cleaners at Meta's London office on Brock Street.

The analysis aims to reconstruct the succession of events and circumstances that led to Camacho's dismissal. The organization is concerned that the collected evidence points to the case amounting to an unjustified interference with workers' rights to organize at their workplace and gives rise to concerns that trade union activity has been specifically targeted.

Camacho's dismissal also raises concerns that Meta and its contractors acted contrary to their stated human rights commitments, including to guarantee workers' rights. The behaviour of the companies – Meta, and Jones Lang LaSalle Limited (JLL) and the Churchill Contracts Services Limited (Churchill) as its sub-contractors – as per the evidence seen by the organization - indicates they have failed to respect human rights standards, including ensuring that cleaners carrying out services on Meta's premises can collectively bargain for safe and fair working conditions without fear of dismissal or other reprisal. Camacho's dismissal also created a chilling effect on the ability of cleaners to collectively bargain for fair working conditions.

This briefing includes a list of detailed recommendations put forward to Meta and its sub-contractors to implement in accordance with international standards applicable to companies and in line with their commitment to respect and guarantee workers' rights. Meta must ensure that it respects the human rights of its workers, irrespective of whether workers are directly or indirectly employed by the company.

On 7 September 2022, Camacho is due to appear at the London Central Employment Tribunal – an independent tribunal that makes decisions in legal disputes concerning employment law in the United Kingdom – for the hearing scheduled in the claim he has brought for unfair dismissal, detriment and victimisation due to trade union membership and/or activities.

Amnesty International expresses its support for Camacho and joins his call for justice for the treatment and targeting he suffered because of his trade union activities. It also stands in solidarity with the CAIWU and cleaners at Meta and other workplaces in their struggle to secure adequate protection of workers' rights and fair working conditions.

# 1. METHODOLOGY

The analysis in this briefing was carried out by Amnesty International researchers based in London between August 2021 and August 2022.

During this period, researchers interviewed, either face-to-face or over the phone, a total of five cleaners who operated at Meta's office in Brock Street. The interviews were conducted in English and Spanish. Camacho gave Amnesty International multiple interviews as did two organizers from the CAIWU. The CAIWU's General Secretary and a member of the CAIWU'S legal team also spoke with the organization in relation to Camacho's upcoming case at the London Central Employment Tribunal. The names of some of the interviewees have been kept anonymous, in accordance with the consent discussed and provided to the organization. All cleaners, except for Camacho, requested anonymity for fear of jeopardy to their jobs.

Amnesty International researchers reviewed communications between the CAIWU, Churchill Group and Meta related to the investigation into work performance, suspension and subsequent dismissal of Camacho, and documents related to the restructuring plans of the cleaning services at Meta's premises in London.

In addition to relevant domestic and international law and standards on working conditions, Amnesty International consulted the standards and best practice of the British Institute of Cleaning Science, in order to better understand the regulatory framework and guidance governing the Meta cleaners' workload in the United Kingdom.

In August, September and October 2021, Amnesty International researchers observed the cleaners' protests at the Meta offices on Brock Street in London.

Amnesty International corresponded in writing with the three companies mentioned in the briefing. In September 2021, an initial letter was sent by email to Churchill, and the reply is referenced in the text. In February 2022, the concerns arising from Camacho's case were raised with Meta, JLL and Churchill by email and answers to a list of specific questions were sought. This was done in accordance with the organization's policy on the right to reply and the responses received from all three companies are referenced, where relevant, in the text below. In August, the organization sent a letter to Meta sharing, in advance of the publication, executive summary of this briefing and the list of recommendations addressed to Meta.

## 2. BACKGROUND: CLEANERS AT META AND THEIR CAMPAIGN FOR FAIR WORKING CONDITIONS

The outsourced staff that clean the premises of Meta (formerly known as Facebook)<sup>1</sup> are directly employed by the Churchill Contract Services Limited (“Churchill”). In turn, Churchill has a contract with Jones Lang LaSalle (JLL) to which Meta outsources the management of its offices in London. This includes the management of Meta’s building at 10 Brock Street, where Guillermo Camacho (Camacho), a father of two from Bolivia, worked for almost seven years before his dismissal in 2021.

The majority of the outsourced cleaners at Meta in London are Latinx or Black and many are migrant workers who support their families abroad through remittances.<sup>2</sup>

With the support of the Cleaners and Allied Independent Workers Union (CAIWU), Camacho and his colleagues raised their concerns about poor working conditions with Churchill’s management (see details below) in May and June 2021.<sup>3</sup> These concerns included staff shortages that resulted in excessive workloads for many cleaners. In response, Churchill stated that the cleaning arrangements and the reduced number of staff “are temporary and are continually being reviewed to ensure that [they] have further support available for the team ready for when the footfall increases.”<sup>4</sup> At the same time, the cleaners reported that there were contradictory instructions provided between Churchill, which asked them to focus their efforts on touch-point cleaning and sanitization, and JLL, which requested cleaning up to the usual standards.<sup>5</sup>

The cleaners at Meta did not consider Churchill’s response to their concerns as adequate and commenced the first set of protests against what they considered poor work conditions on 21 July and 5 August 2021 in front of Meta’s building on Brock Street. Ahead of the protests, the cleaners demanded via the CAIWU an end to excessive workloads through hiring new staff to clean the additional floors, and better working conditions, including transparency over allocation of working hours and promotions.<sup>6</sup>

Amid the protests, the cleaners’ supervisor, Guillermo Camacho Eguez, who was also at the time acting as a representative for the CAIWU, was suspended from his job at Meta by Churchill in August 2021 before losing his job in October 2021 (see details of his dismissal below).

Following Camacho’s suspension and dismissal, the protests continued throughout September and October 2021 as the cleaners and union demanded Camacho’s reinstatement, and reiterated demands for fair working conditions. After successfully balloting for industrial action in December 2021,<sup>7</sup> in April 2022, the cleaners, with the support of the CAIWU managed to obtain a significant victory in negotiating an agreement with Churchill.<sup>8</sup> The agreement addressed many of the outstanding issues raised by the cleaners, including the excessive workload, and stated:

- Cleaners will receive the revised London Living Wage<sup>9</sup>
- Pay will be backdated to November 2021

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<sup>1</sup> Throughout this briefing, the term “Meta” is used to refer to the company, Meta Systems Inc, formerly Facebook Inc, prior to the company’s re-brand in October 2021.

<sup>2</sup> Information provided to Amnesty International by the Cleaners and Allied Independent Workers Union (CAIWU).

<sup>3</sup> Communication on files with Amnesty International.

<sup>4</sup> Communication from Churchill Group to the CAIWU, 25 June 2021.

<sup>5</sup> Communication from the CAIWU to Churchill Group, 24 June 2021.

<sup>6</sup> Communication from the CAIWU to Churchill Group, 25 May 2021.

<sup>7</sup> CAIWU, “CAIWU members secure major victory at Facebook”, <https://www.caiwu.org.uk/items/caiwu-members-secure-major-victory-at-facebook>

<sup>8</sup> CAIWU, “CAIWU cleaners secure major victory at Facebook”, <https://caiwu.org.uk/drupal/?q=node/128>

<sup>9</sup> The London Living Wage is an hourly rate of pay, currently set at £11.05. It is calculated independently to reflect the high cost of living in the capital, giving a worker in London and their family enough to afford the essentials and to save. The London Living Wage is voluntary for organisations that must choose to pay it to their employees as it is higher than what is required to pay by law. For many years, organisations have campaigned for organisations to become a fair wage employer and commit to pay fairly. More information on the Living Wage and the employers who have agreed to pay it is available at <https://www.livingwage.org.uk/living-wage-foundation>

- Cleaners' individual duties, roles and areas of responsibility will be specified, which addressed the ongoing issue of the excessive workload

Amnesty International welcomes the victory of the cleaners at Meta for improved working conditions.

While the main concerns of Meta cleaners regarding their working conditions have been addressed, the situation of Camacho's targeting due to his union activities remains unresolved. His Employment Tribunal<sup>10</sup> claim for unfair dismissal, detriment and victimisation due to trade union membership and/or activities remains pending,<sup>11</sup> with the hearing scheduled to start on 7 September 2022.

Camacho remains highly respected among the cleaners at the Meta worksite and his support for their struggle to demand fair working conditions has now evolved into their support for his struggle to seek justice for his dismissal.

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<sup>10</sup> See <https://www.gov.uk/courts-tribunals/employment-tribunal>. Employment tribunals hear cases and make decisions on matters to do with employment such as unfair dismissal, redundancy payments, discrimination and a range of claims relating to wages and other payments. Although an employment tribunal is not as formal as a court it must comply with rules of procedure and act independently. See HM Courts & Tribunals Service, "Making a claim to an Employment Tribunal", [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/991138/t420-eng.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/991138/t420-eng.pdf), page 4.

<sup>11</sup> The claim refers to a claim for an award as compensation for unfair dismissal due to trade union membership and/or activities, in accordance with ss. 152 and 156(1) of the Trade Union and Labour Relations (Consolidated) Act 1992 and a claim for an award as compensation for detriment and victimisation due to trade union membership and/or activities, in accordance with s. 146 of the Trade Union and Labour Relations (Consolidated) Act 1992.

### 3. WORKING CONDITIONS OF OUTSOURCED CLEANERS AT META IN LONDON – LESS STAFF BUT SIGNIFICANTLY MORE WORK

The outsourced cleaners working at Meta’s premises have repeatedly denounced and raised concerns over the increase in their workload since the beginning of January 2021. According to the CAIWU, between May and August 2021 the cleaners repeatedly raised with Churchill, as well as with Meta, the issue of the increased workload and its impact on their health while they were still required to meet the same cleaning standards.<sup>12</sup> Cleaners reported that the number of cleaning staff at Meta’s worksite in London dropped from 24 to 20 in mid-2021.<sup>13</sup> That is roughly a 17% reduction in the workforce. Simultaneously, the size of the area to be cleaned increased from five floors to 14 floors – a 280% increase.<sup>14</sup>

**“People started losing weight and report mental health issues. But despite the increased workload and added number of floors we had to clean, they [Churchill Group] would not bring any additional workers. We got tired of it and contacted the union, [the] CAIWU, and organized two protests in July and August 2021. The managers first tried to talk us out of the protests saying they would hire more workers.”**

Camacho told Amnesty International.<sup>15</sup>

One of the cleaners recounted the pressure she was under due to the increased number of floors the day shift workers were required to clean.

**“I got very stressed one day and had vaginal bleeding. I told my supervisor [Camacho] who told me to go home... We want our rights to be respected and the company to hire more cleaners. As it is now [September 2021], it is not possible to clean [adequately] and they blame Camacho for that.”<sup>16</sup>**

In September 2021, another cleaner described the impact of the working conditions on her health. Upon her return to work after a period of annual leave, she was assigned two floors to clean. While carrying out her tasks, she developed an acute pain in her arm. Following a hospital emergency appointment, she was diagnosed with a muscular injury and signed off for a week. Nevertheless, from October through November 2021, her workload remained the same as previously, and it was adjusted only in December 2021 following a note from her doctor.

**“I came back [from annual leave] and the new supervisor told me I had to clean two floors. I found this work very stressful and demanded a meeting with a manager at Churchill. I told them the floors were not cleaned properly while I was [away] and that I felt under a lot of pressure. They reassured me things will be OK. But the problem is that there is very little staff and a lot of work. I had to clean around 215 desks within two hours.”<sup>17</sup>**

<sup>12</sup> Communication between the CAIWU and Churchill and the CAIWU and Meta on file with Amnesty International.

<sup>13</sup> Interview with cleaners, 24 August and 10 September 2021. Amnesty International also sought corroboration of the information from Churchill in a letter sent on 16 February 2022. In its 28 February reply to Amnesty International, Churchill stated that they are unable to respond to the request for information.

<sup>14</sup> Interview with Guillermo Camacho, 24 August 2021, London.

<sup>15</sup> Interview, 24 August 2021.

<sup>16</sup> Interview in Spanish, 10 September 2021.

<sup>17</sup> Interview, 15 October 2021.

As a supervisor, Camacho has stated he was also under sustained high pressure throughout his tenure at the company in 2021 due to the decrease in the number of cleaners and increase of the workload.

**“In January 2021, another team leader was removed, and I was the only supervisor until July 2021. It meant I had to do essentially two jobs. I had to come earlier and leave later without any increase of pay. I tried to explain to it my managers, but they said it was a matter of time... I was on the phone 24/7.”<sup>18</sup>**

The high workload and the pressure on cleaners continued to affect them into 2022. In January 2022, one of them reported:

**“I have a lot of work to do. There is too much, I run and run, and do all I can to manage it. Too many rooms, too many desks. It is not realistic. [It] affects my back, my arms hurt, sometimes they feel asleep. And I feel very stressed because of work, and also because of fear that I might lose my job... I can't [afford to] lose my job. So, I do my work without complaining. I think they give [us] so much work as a punishment because we participated in the protests.”<sup>19</sup>**

The cleaner added that:

**“Camacho was a good person and a good supervisor. Look at what they did to him [being dismissed] because he complained about the amount of work.”**

Another cleaner recounted in January 2022:

**“We were cleaning initially five floors. Then they added more floors, but they did not bring in more people to do the work. We felt a lot of pressure from the company [Churchill] to do the work, but there are not enough people. We have to do bathrooms, floors, stairs, kitchen, offices. The work is almost double for each person.”<sup>20</sup>**

The increased workload of cleaners at Meta's offices from January 2021 appears to have come in the context of attempts to restructure the operation of its cleaning services in London. Churchill, which began its contract with Meta in January 2021, had announced its plans to restructure due to the ongoing pandemic, anticipating possible redundancies, changes in working hours and working patterns of cleaners.

Amnesty International has reviewed letters sent to some of the cleaners setting out these changes, as well as correspondence between the CAIWU and Churchill raising concerns around the lack of meaningful attempts to negotiate changes in working conditions and workload with workers.<sup>21</sup> In the correspondence, CAIWU, on behalf of the cleaners, urged that working conditions be restored to those of January 2021 (when Churchill took on the cleaning contract) and for more cleaners to be hired to cover the additional areas to be cleaned and replace staff who had left.<sup>22</sup>

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<sup>18</sup> Interview, 4 January 2022.

<sup>19</sup> Interview in Spanish, 24 January 2022.

<sup>20</sup> Interview in Spanish, 28 January 2022.

<sup>21</sup> Letter on file with Amnesty International.

<sup>22</sup> The CAIWU highlighted in their correspondence to Churchill that employees of an outsourced service are protected from any change to their contract of employment that occurs directly because of the transfer of business ownership to another company. Such protection is guaranteed by Transfer of Undertakings Protection of Employment (TUPE) Regulations 2006, SI 2006/246.



## 4. WHAT HAPPENED TO CAMACHO? DISMISSAL FOLLOWING DEMANDS FOR FAIR WORKING CONDITIONS FOR FELLOW WORKERS

**“Guillermo Camacho’s struggle is a struggle against the law that too often only applies to outsourced workers. The ‘third-party pressure’ reason for dismissal has been continuously used by employers to victimize effective trade union organizers. It allows the employer to hide behind their client as workers’ rights are eroded. It is important that we try to change this law so that employers have to justify the dismissal of their employee in a fair and transparent way.”<sup>23</sup>**

Alberto Durango, General Secretary of the CAIWU

On 16 August 2021, Guillermo Camacho Eguez (Camacho) was removed from his post. He was put on “gardening leave”<sup>24</sup> until eventually he lost his job in October 2021.

Camacho, a father of two, is from Bolivia and has lived in London for 10 years, working for almost seven of those years as a cleaner at Meta’s offices.

The circumstances of Camacho’s dismissal raise concerns around what appears to be the targeting by companies of an employee engaged in campaigning and collective bargaining for fair working conditions.

Amnesty International reconstructed the timeline of the events around his suspension and dismissal as follows in the sections below.

### 4.1 SUSPENSION OF CAMACHO THROUGH “THIRD PARTY PRESSURE”

Camacho had been a member of the CAIWU and a union representative of the cleaners at Meta’s 10 Brock Street premises since 2016. According to the CAIWU, he took an active role in the union, participating in meetings and representing his colleagues in disputes with the various companies that held the Meta cleaning contract during his time working there.<sup>25</sup> In 2017, the cleaners at Meta sought the London Living Wage and improvements to their working conditions. Camacho participated in the negotiations with the cleaning contractor at the time. In 2020, Camacho was active in a successful cleaners’ campaign against redundancies.<sup>26</sup>

According to the CAIWU, between May and August 2021, the cleaners repeatedly raised with Churchill, as well as with Meta, the issue of the increased workload and its impact on their health whilst still being required to meet the same cleaning standards.<sup>27</sup> Camacho recalled that Churchill’s management put significant pressure on him at that time to encourage the cleaners to work harder.<sup>28</sup>

On 21 July and 5 August 2021, the CAIWU organized two protests by cleaners to highlight the concerns over their rights in front of Meta’s office at 10 Brock Street. Camacho encouraged his colleagues to attend. Within just over two weeks from the second protest, on 16 August 2021, Camacho was suspended from the Meta site.

<sup>23</sup> Quote provided to Amnesty International by email, 8 August 2022.

<sup>24</sup> Gardening leave (also known as garden leave) is the practice whereby an employee leaving a job – having resigned or otherwise had their employment terminated – is instructed to stay away from work during the notice period, while still remaining on the payroll. See “Handing in your notice”, <https://www.gov.uk/handling-in-your-notice/gardening-leave>.

<sup>25</sup> Interview with the CAIWU, 30 November 2021.

<sup>26</sup> Interview with the CAIWU, 30 November 2021.

<sup>27</sup> Communication between the CAIWU and Churchill and the CAIWU and Meta on files with Amnesty International.

<sup>28</sup> Interview with Guillermo Camacho, 24 August 2021, London.

Amnesty International reviewed the exchanges around Camacho's suspension, including the 21 July 2021 communication between JLL and Churchill in which JLL requested Camacho's removal from Meta's building. In the communication, JLL referred to various complaints of "Meta employees" who "were posting on the internal page that there was no soap."<sup>29</sup>

In August 2021, following JLL's request to remove Camacho from the account, Churchill initiated an investigation into Camacho to evaluate the adequacy of his work as the cleaners' supervisor. In seven years on the job, it was the first and only investigation Camacho faced, having had an unblemished performance record. The investigation focused on Meta staff's allegations regarding unfilled soap dispensers, substandard cleaning of some areas, and inadequate stocking of some items leading to property damage. In the course of the investigation, Camacho rebutted these allegations.<sup>30</sup> He also challenged the management over inadequate staffing levels, which had caused difficulties in cleaning to the required standards.

On 6 September 2021, Churchill informed Camacho the investigation was closed and that it would not take further disciplinary action.<sup>31</sup> In the letter, Camacho was informed that any further incidents would be formally investigated in line with the disciplinary policy and a sanction might be applied.

Although Churchill's investigation into Camacho's work performance did not lead to action against him, he was removed from the Meta site at Brock Street. In August 2021, before the investigation was even completed, Churchill informed Camacho that the company's client, Meta, no longer desired his presence on their work site on Brock Street.<sup>32</sup> This August 2021 decision to remove him remained in force, despite the subsequent outcome of the investigation in mid-September 2021 indicating that no disciplinary action would be taken.<sup>33</sup>

Camacho recalled his suspension:

**"I was called for a meeting. They told me the client lost confidence and trust in me. I was then escorted out of the building. It was very humiliating, and a lot of my colleagues got scared."**<sup>34</sup>

Apparently, Camacho was suspended due to "third party pressure" as described below.

### **GAPS IN THE LAW AROUND "THIRD PARTY PRESSURE" AND HOW IT CAN BE WEAPONISED**

In UK law, under section 94 of the Employment Rights Act 1996 (ERA), an employee with more than two years of service has the right not to be "unfairly dismissed". If an employer wants to dismiss an employee, the employer needs to show that they have a fair or potentially fair reason. There are five potentially fair reasons for dismissal:

- conduct
- capability
- redundancy
- breach of statutory duty or restriction
- "some other substantial reasons of a kind as to justify the dismissal" (SOSR)<sup>35</sup>

In addition, employers must follow a full and fair procedure for an employee's dismissal, in line with the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice on disciplinary and grievance procedures. The ACAS procedure includes the need to follow a fair process with the employee, which may include carrying out a consultation with the employee, considering alternatives to dismissal and dismissal as a last resort, and giving the right to appeal to the employee.<sup>36</sup>

SOSR is a residual "catch-all" potentially fair reason for dismissal. If the employer's reason for dismissal falls outside one of the first four reasons (conduct, capability, redundancy, breach of statutory duty or restriction) then it must fall within the SOSR category in order to be fair. There is no statutory definition of the term or statutory guidance, and it has been developed by case law. However, the authorities make clear that the reason must be substantial and must justify the dismissal. Some examples of SOSRs from case law include<sup>37</sup>:

- a break down in trust and confidence between employer and employee
- a fixed-term contract ending
- **third party pressure to dismiss**
- an employee refusing to agree to new terms and conditions
- personality clashes

There are two separate stages to justify dismissal:

- The employer carries the burden in showing that SOSR is the sole or principal reason for dismissal. It only needs to show that the reason could justify the dismissal;<sup>38</sup>
- The employer must then show that the decision to dismiss for SOSR was reasonable in all the circumstances. The burden of proof is neutral.<sup>39</sup>

In this case, Camacho was suspended from the Meta site at Brock Street upon the request of Churchill's clients through "**third party pressure**", one of the examples in the SOSR category.

The two clients are: Meta, which outsources management of its offices in London to JLL, and JLL which contracts with Churchill to carry out the cleaning services on its behalf.<sup>40</sup> As clients of Churchill, both JLL and Meta were able under UK law to exercise the "third party pressure" as justification to request the suspension and removal of Camacho from the premises. Meta made the request to JLL which in turn made the request to Churchill.<sup>41</sup>

Where a third party (in this instance Meta and/or JLL) requires an employee's dismissal, the dismissal can be regarded as fair under SOSR.

When considering whether to dismiss an employee because of "third party pressure", employers must also consider whether and to what extent there would be injustice to an employee and what steps can be taken to alleviate that injustice.<sup>42</sup> In addressing the injustice to the employee<sup>43</sup>, examples of steps that might be taken will depend on the size and administrative resources of the employer but could include attempting to persuade the third party to change its mind and consider alternative employment.<sup>44</sup>

Amnesty International is concerned about the lack of a statutory definition or statutory guidance surrounding SOSR. There is an absence of scrutiny surrounding the motivation of the client in cases of "third-party pressure". It is therefore alarming that the state of the law leaves workers in a situation where they are potentially never provided with the real reason for dismissal. Furthermore, even if a fair process has been deemed to have been followed, it can be used as a tactic to undermine workers' rights.

<sup>29</sup> Communication between JLL and Churchill, 21 July 2021.

<sup>30</sup> Camacho rebutted the accusations by explaining that broken soap dispensers were reported and soap bottles were placed on the counters; the area flagged as not cleaned to standard was not part of his responsibilities; and the items that were inadequately stocked were in a room where initially cleaners were not supposed to enter.

<sup>31</sup> Letter dated 6 September 2021.

<sup>32</sup> Letter dated 26 August 2021.

<sup>33</sup> Notes on file with Amnesty International.

<sup>34</sup> Interview with Amnesty International, 24 August 2021.

<sup>35</sup> Acas, "Dismissals", <https://www.acas.org.uk/dismissals>

<sup>36</sup> Acas, "Code of Practice on disciplinary and grievance procedures", <https://www.acas.org.uk/acas-code-of-practice-for-disciplinary-and-grievance-procedures/html#discipline:-keys-to-handling-disciplinary-issues-in-the-workplace>

<sup>37</sup> Curzon Green Solicitors, "Dismissals for Some Other Substantial Reason (SOSR)", [https://www.curzongreen.co.uk/practice\\_areas/dismissals-for-some-other-substantial-reason-sosr/](https://www.curzongreen.co.uk/practice_areas/dismissals-for-some-other-substantial-reason-sosr/)

<sup>38</sup> *Mercia Rubber Mouldings Ltd v Lingwood* [1974] ICR 256; *Willow Oak Developments v Silverwood* [2006] IRLR 607.

<sup>39</sup> *Boys and Girls Welfare v McDonald* [1996] ICR 693.

<sup>40</sup> The Guardian, "Facebook office cleaner who led protests at London site fears for his job", 12 September 2021, <https://www.theguardian.com/technology/2021/sep/12/facebook-office-cleaner-who-led-protests-at-london-site-fears-for-his-job>

<sup>41</sup> Notes on the request on files with Amnesty International.

<sup>42</sup> *Dobie v Burns* [1984] ICR 812 and *Greenwood v Whiteguyll Plastics Ltd* UKEAT/0219/07.

<sup>43</sup> *Dobie v Burns* [1984] ICR 812.

<sup>44</sup> *Henderson v Connect (South Tyneside) Ltd* [2010] IRLR 466.

To date, the reason for Camacho’s dismissal from his job at Meta remains unclear. There has been no assessment of “reasonableness” into the reasons Meta (and JLL as the subcontractor) insisted on Camacho being removed from the site. In the context of Camacho’s unblemished track record and a prior investigation finding no fault in his performance requiring disciplinary action, there is in fact no justifiable reason for Meta to have insisted on his removal. Amnesty International is concerned that such firmness on the part of Meta points to unfair treatment and targeting of Camacho for trade union activities.

## 4.2 CAMACHO’S DISMISSAL

After Churchill removed Camacho from his position, they put him on “gardening leave”, a period during which an employee remains on normal salary but is requested not to attend the office or contact clients or customers.<sup>45</sup> During this time, Camacho’s managers discussed with him alternative employment options within the company at different locations and positions.

Amnesty International has reviewed the list of locations and positions that the company suggested to Camacho. The majority of available jobs were outside of London and included a location in Scotland. There was one full-time cleaning post in London, but it came with rotating shifts and a requirement to work six days a week. Camacho’s post at the Meta offices involved day shifts, five days a week.<sup>46</sup> Consequently, none of the options were feasible from Camacho’s perspective. As there was no agreement on alternative mutually suitable employment, Churchill dismissed Camacho on 27 October 2021.<sup>47</sup>

In a November 2021 interview with Amnesty International, Alberto Durango, General Secretary of the CAIWU, said:

**“This [his dismissal] happened to him just because he was trying to help [the other workers]. Pressure [through third party pressure] of a client on the direct employer is not new for us. It is a very common way how to intimidate workers.”<sup>48</sup>**

Camacho’s dismissal has created a chilling effect on the ability of cleaners to collectively bargain for better working conditions. At one of the protests, a cleaner who used to be supervised by Camacho, said:

**“They removed him from one day to another. Next time, it could be me.”<sup>49</sup>**

Another cleaner said:

**“After the protests, people started being afraid. And after they took Guillermo [Camacho] out, people were fearful. People thought: he worked there for many years, he was a supervisor, and yet they sent him away. Everyone feared the same could happen to them too anytime.”<sup>50</sup>**

<sup>45</sup> Thompson Reuters, Practical Law, “Garden leave”, [https://uk.practicallaw.thomsonreuters.com/1-200-3242?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/1-200-3242?transitionType=Default&contextData=(sc.Default)&firstPage=true)

<sup>46</sup> Interview, 4 January 2022.

<sup>47</sup> Letter on the outcome of the meeting to discuss alternative employment, 22 September 2021.

<sup>48</sup> Interview, 30 November 2021.

<sup>49</sup> Interview, 3 September 2021.

<sup>50</sup> Interview in Spanish, 28 January 2022.

### **4.3 CAMACHO SEEKS JUSTICE FOR DISMISSAL AT THE LONDON CENTRAL EMPLOYMENT TRIBUNAL**

With the help of the CAIWU, Camacho filed an interim relief application<sup>51</sup> with the London Central Employment Tribunal in September 2021 seeking a continuation of his contract of employment with Churchill. In October 2021, the tribunal rejected Camacho’s claim for interim relief.<sup>52</sup>

In January 2022, Camacho submitted a full complaint to the London Central Employment Tribunal against Churchill for an award of compensation for unfair dismissal, detriment and victimisation due to trade union membership and/or activities.<sup>53</sup>

The claim remains pending at the time of writing with the hearing scheduled to start at the London Central Employment Tribunal on 7 September 2022.

### **4.4 COMMUNICATION WITH THE COMPANIES INVOLVED IN CAMACHO’S DISMISSAL**

#### **COMMUNICATION WITH CHURCHILL**

Amnesty International communicated its concerns in writing to Churchill regarding Camacho’s suspension in a letter dated 3 September 2021. The letter noted the suspension raised concerns that the company took punitive action against a worker who exercised his right to join a trade union and bargain collectively, as guaranteed under both domestic employment and international law.<sup>54</sup>

Churchill replied on 17 September 2021, without providing specific details, and stated “for reasons of confidentiality, and in order to maintain compliance with all relevant data privacy laws, Churchill is unable to comment on the specific details of individuals and ongoing HR matters.”<sup>55</sup> Churchill also shared its Employee Handbook, Disciplinary Policy and Procedure, Diversity and Inclusion policy and Industrial Relations policy.

Churchill also stated it has constructive relationships with various trade unions that represent its workforce and works closely in partnership with these unions to ensure full compliance with all employment laws and practices. It is notable that Churchill did not specifically mention the CAIWU, which represents cleaners at Meta’s premises in London, as one of the unions they listed in the letter with which they have “constructive relationships”.

Churchill’s’ response letter further stated: “All Employee Relations matters are carried out in accordance with all relevant employment laws, and our internal HR policies, all of which are underpinned by the ACAS Code of Practice.<sup>56</sup> This includes any instances where clients request removal of any of our team members, which are always handled in full compliance with all relevant

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<sup>51</sup> Interim relief is a temporary remedy open to employees who claim to have been dismissed for one of a number of inadmissible reasons, including grounds related to trade union membership and/or activities.

<sup>52</sup> *Mr G Camacho v Churchill Contract Services Limited and Jones Lang Laselle Limited*, 2206384/2021, 21 October 2021, [https://assets.publishing.service.gov.uk/media/617fd7bd8fa8f5297eda6851/Mr\\_G\\_Camacho\\_vs\\_Churchhill\\_Contract\\_Services\\_Ltd\\_.pdf](https://assets.publishing.service.gov.uk/media/617fd7bd8fa8f5297eda6851/Mr_G_Camacho_vs_Churchhill_Contract_Services_Ltd_.pdf)

<sup>53</sup> The claim refers to a claim for an award as compensation for unfair dismissal due to trade union membership and/or activities, in accordance with ss. 152 and 156(1) of the Trade Union and Labour Relations (Consolidated) Act 1992 and a claim for an award as compensation for detriment and victimisation due to trade union membership and/or activities, in accordance with s. 146 of the Trade Union and Labour Relations (Consolidated) Act 1992.

<sup>54</sup> See “Joining a trade union”, <https://www.gov.uk/join-trade-union>; International Covenant on Economic, Social and Cultural Rights. Article. 8.; UN Committee for Economic, Social and Cultural Rights in its General Comment no. 18; Convention 98: Right to Organise and Collective Bargaining Convention, 1949.

<sup>55</sup> Letter received on 17 September 2022, on file with Amnesty International.

<sup>56</sup> The Advisory, Conciliation and Arbitration Service (Acas) aims to improve organisations and working life through better employment relations, working with employers and employees to solve problems and improve performance. Acas statutory Code of Practice provides basic practical guidance to employers, employees and their representatives and sets out principles for handling disciplinary and grievance situations in the workplace. It is available at <https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>. The Code is issued under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992 and was laid before both Houses of Parliament on 16 January 2015. It comes into effect by order of the Secretary of State on 11 March 2015 and replaces the Code issued in 2009. More details on Acas are available at <https://www.gov.uk/government/organisations/acas>

employment laws. Accordingly, any instances of suspension/dismissal of any of our employees across the Churchill Group are unrelated to any trade union activities that they participate in.”<sup>57</sup>

Amnesty International sent Churchill a second letter sent on 16 February 2022 asking for further clarification regarding the increased workload on cleaners, reasons for the removal of Camacho from the site upon request by JLL and Meta, relations with the CAIWU, and trade union recognition at Meta’s worksite.

In its 28 February 2022 reply, Churchill again sent its employee handbook, and its policies on industrial relations, disciplinary procedure and diversity and inclusion. The company also stated that “in order to avoid prejudicing what is an ongoing legal matter, and for reasons of confidentiality, and in order to maintain compliance with all relevant data privacy laws [it] is unable to comment further on this matter”<sup>58</sup>. Camacho’s claim remains pending at the London Central Employment Tribunal.

Churchill’s February 2022 reply also stated that “[the company] constructively engaged with CAIWU on a number of occasions... and are committed to continuing to do so. [Churchill] welcomes the opportunity to maintain an open dialogue with CAIWU, and [it] also hold[s] monthly town hall meetings with all employees located at the Meta site to ensure that they have the opportunity to raise any concerns they have”. Churchill further stated it “does not have a trade union recognition agreement in place with any trade union at the Meta worksite.”

## **COMMUNICATION WITH JLL**

Amnesty International also communicated its concerns in a similar letter sent to JLL on 16 February 2022.

In its 28 February reply, JLL stated “[it] cannot comment on what may be an ongoing legal matter. However, as regards the suggestion that JLL ‘does not fully respect its human rights commitments in practice’, this is entirely refuted. As a matter of policy, JLL has a stringent process of vendor and supplier due diligence that we [JLL] follow and we [JLL] are committed to ensuring ethical behaviour and regulatory compliance in every market they serve as outlined in our Code of Business Ethics and Vendor Code of Conduct. We respect the rights of unions and employees to demonstrate, and we have never instructed Churchill Services to remove any staff member because of union activity nor discouraged any staff member from participating in such activities.”

## **COMMUNICATION WITH META**

Amnesty communicated its concerns over Camacho’s dismissal in a letter sent to Meta on 16 February 2022. A follow-up letter was sent to Meta on 16 August 2022. The letter gave notice of publication of the organization’s research into the case and public campaigning activities towards Meta. The letter also contained the executive summary and the recommendations, as included in the briefing.

In its 28 February reply, Meta clarified that “[it] addressed [Amnesty International’s] concerns as they pertain to Meta, however appreciating that most of the questions would need to be addressed by Churchill as the relevant employer”. Meta further explained that “the wellbeing of anyone in our office is of the utmost importance. JLL is our facilities Management vendor, and we’ve partnered with them in many of our offices globally. JLL directly engages and contracts a cleaning services company – Churchill – in all of our London offices.”<sup>59</sup>

Meta also stated: “As suppliers to Meta, JLL and its subcontractors must adhere to our strict vendor standards which include ensuring that our contracts are appropriately resourced. We partner with suppliers and vendors that share our values in the delivery of their services, and we have strict requirements in place for them to conduct and uphold working practices – including compensation –

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<sup>57</sup> Letter received on 17 September 2022, on file with Amnesty International.

<sup>58</sup> Letter received on 28 February 2022, on file with Amnesty International.

<sup>59</sup> Letter received on 28 February 2022, on file with Amnesty International.

that are compliant and fair. Even when our offices were closed and throughout the pandemic and beyond, we ensured all contracted workers were paid the London Living Wage, at a minimum...We respect the rights of unions and the rights of their members to demonstrate, and we have never instructed Churchill to remove any of their employees because of union activity...While we cannot comment on an individual's situation with Churchill, we have done an extensive review with JLL and are confident that both JLL and Churchill are responding appropriately to the situation as it pertains to their employees, and we'll continue to ensure alignment with all our vendors in terms of compliant and fair working practices."

In its 23 August reply, Meta stated that it 'remains committed to maintaining the highest ethical, legal and regulatory standards with regards to vetting its vendors and suppliers. Under our [Corporate Human Rights Policy](#), we have committed to respecting internationally recognised human rights as set out in the [United Nations Guiding Principles on Business and Human Rights](#) (UNGPs), the International Bill of Human Rights, as well as the [International Labour Organization Declaration on Fundamental Principles and Rights at Work](#). Our [Code of Conduct](#) incorporates all the commitments set out in our Corporate Human Rights Policy".<sup>60</sup>

Meta added that "Our [Responsible Supply Chain program](#) establishes expectations with key suppliers through standards and policies that are based on international human rights standards. Further, our vendors and suppliers are also contractually required to abide by our [Code of Conduct](#) and all applicable laws in the markets in which we operate including employment related rights and obligations such as the right to join a union and participate in union activity. Meta also operates a "Speak Up" hotline which provides an anonymous way for employees and contingent workers to raise concerns."

Meta concluded its reply by stating that "whilst it cannot comment on any matter that is before the employment tribunal between Mr Camacho and his employer, Churchill, we can confirm that Meta did not request for any cleaner to be removed. We have also undertaken our own internal review and, based on the information we have received, we are satisfied that both JLL and Churchill continue to comply with fair working practices including ensuring that our London based vendor workers are paid a fair wage which is at or above the London Living Wage".

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<sup>60</sup> Letter received on 23 August 2022, on file with Amnesty International

## 5. WORKERS' RIGHT TO FREEDOM OF ASSOCIATION

The right to freedom of association is protected by a number of international human rights treaties that the United Kingdom has ratified and therefore extends to all workers within its territory. Under the International Covenant on Economic, Social and Cultural Rights (ICESCR), “trade union rights, freedom of association and the right to strike are crucial means to introduce, maintain and defend just and favourable conditions of work.”<sup>61</sup> The right is also guaranteed by the International Covenant on Civil and Political Rights (Article 22, ICCPR) and enshrined in the European Convention on Human Rights (Article 11, ECHR).

According to international human rights law and standards, workers also cannot be discriminated against or targeted for participating in trade union activities.<sup>62</sup> This protection against anti-union discrimination includes dismissal for participating in union activity.<sup>63</sup> Not only must government authorities respect the right of workers, they are also obligated to protect these rights from abuse by private actors.<sup>64</sup>

### 5.1 INTERNATIONAL HUMAN RIGHTS STANDARDS: COMPANIES' COMMITMENTS TO RESPECT ALL HUMAN RIGHTS, INCLUDING WORKERS' RIGHT TO ORGANIZE

Respect for workers' rights to organize and protest is inextricably linked with the right to just and favourable work conditions.

General Comment 23 of the ICESCR also highlights that “trade union rights, freedom of association and the right to strike are crucial means to introduce, maintain and defend just and favourable conditions of work.”<sup>65</sup>

All businesses have a responsibility to respect all human rights wherever they operate in the world and throughout their operations. This is a widely recognised standard of expected conduct as set out in international business and human rights standards, including the UN Guiding Principles on Business and Human Rights (UN Guiding Principles).<sup>66</sup> The UN Guiding Principles state that this responsibility “is a global standard of expected conduct for all business enterprises wherever they operate... and it exists over and above compliance with national laws and regulations protecting human rights”.<sup>67</sup> This includes the responsibility to respect the rights to freedom of association, assembly and expression.<sup>68</sup>

UN Guiding Principle 13 also outlines that companies' responsibility to respect human rights entails a requirement to “avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; and seek to prevent or mitigate adverse human

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<sup>61</sup> General Comment No. 23 (2016) on the Right to just and favourable conditions of work, para 1.

<sup>62</sup> ILO Convention No. 1982, No.158, article 5 ratified by the UK.

<sup>63</sup> ILO Convention No. 98, article 1 ratified by the UK.

<sup>64</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/70/361, 2015, available at: <https://undocs.org/A/70/361>; 4 and Council of Europe, Protection of Whistleblowers, Recommendation CM/Rec(2014)7 and Explanatory Memorandum (2014), p. 15; General Comment No. 23 (2016) on the Right to just and favourable conditions of work, para 31.

<sup>65</sup> General Comment No. 23, para 1.

<sup>66</sup> This responsibility was expressly recognized by the UN Human Rights Council on 16 June 2011, when it endorsed the UN Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (UN Doc. HR/PUB/11/04), 2011. [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf).

<sup>67</sup> UN Office of the High Commissioner for Human Rights (UNOHCHR), “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”, 2011, UN Doc HR/PUB/11/04, Principle 11 including Commentary, [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)

<sup>68</sup> UN Office of the High Commissioner for Human Rights (UNOHCHR), “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”, 2011, UN Doc HR/PUB/11/04, Principle 12 including Commentary, [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)



rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”<sup>69</sup>

The UN Guiding Principles establish that to meet their corporate responsibility to respect human rights, companies should have in place ongoing and proactive human rights due diligence processes to identify, prevent, mitigate and account for how they address their impacts on human rights. When conducting human rights due diligence, a company may identify that it may cause or contribute to – or already be causing or contributing to – a serious human rights abuse through its own activities. In these cases, companies must cease or prevent the activities that are responsible for those adverse human rights impacts.<sup>70</sup> Where impacts are outside of the business enterprise’s control but directly linked to their operations, products or services through their business relationships, the UN Guiding Principles require the company to seek to mitigate the human rights impact by exercising leverage, or seek to improve leverage where leverage is limited, including through collaboration if appropriate.

Principles 17 to 20 of the UN Guiding Principles describe the human rights due diligence responsibilities of corporate actors. Principle 17 states that “the process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed,” and the process “should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships”. Due diligence practices “[w]ill vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations” and they should be “ongoing, recognizing that the human rights risks may change over time as the business enterprise’s operations and operating context evolve.”<sup>71</sup>

Principle 18 states that “business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved” including by drawing on “internal and/or independent external human rights expertise” and conducting “meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation.”<sup>72</sup>

Transparency is a key component of human rights due diligence. As the UN Guiding Principles make clear, companies “need to know and show that they respect human rights”<sup>73</sup> and “showing involves communication, providing a measure of transparency and accountability to individuals or groups who may be impacted and to other relevant stakeholders.”<sup>74</sup>

Among the human rights that businesses have a responsibility to respect are the eight International Labour Organization (ILO) core conventions including [Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#) and [Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#); the ILO Declaration on Fundamental Principles and Rights at Work and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

According to General Comment 23 of the ICESCR, companies, “irrespective of size, sector, ownership and structure, should comply with laws that are consistent with the Covenant and have a responsibility to respect the right to just and favourable conditions of work, avoiding any infringements and addressing any abuse of the right as a result of their actions. In situations where a business enterprise has caused or contributed to adverse impacts, the enterprise should remedy the damage or cooperate in its remediation through legitimate processes that meet recognized standards of due process.”<sup>75</sup>

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<sup>69</sup> UN Office of the High Commissioner for Human Rights (UNOHCHR), “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”, 2011, UN Doc HR/PUB/11/04, Principle 13 including Commentary, [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)

<sup>70</sup> UNOHCHR, “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework” (2011), [https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

<sup>71</sup> UN Guiding Principles, Principle 17.

<sup>72</sup> UN Guiding Principles, Principle 18.

<sup>73</sup> UN Guiding Principles, Commentary to Principle 15.

<sup>74</sup> UN Guiding Principles, Commentary to Principle 21.

<sup>75</sup> General Comment No. 23, para 75.

The ILO Declaration on Fundamental Principles and Rights at Work notes that in a “situation of growing economic interdependence... the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned to claim freely and on the basis of equality of opportunity their fair share of the wealth which they have helped to generate, and to achieve fully their human potential.” These rights include “freedom of association and the effective recognition of the right to collective bargaining.”<sup>76</sup>

The importance of respecting the role of unions at workplaces has become even more apparent during the Covid-19 pandemic. On 18 March 2020, the ILO emphasized: “Tripartite social dialogue between Governments and Workers’ and Employers’ organizations is a key tool for developing and implementing sustainable solutions, from the community level to the global level. This requires strong, independent and democratic social partner organizations.”<sup>77</sup>

The need to put workers’ rights at the centre of the recovery from the Covid-19 pandemic was recognized by ILO member states at the annual session of the International Labour Conference in June 2021, where they adopted the “Global Call to Action for a Human Centred Recovery”.<sup>78</sup> They recognized that a top priority for public policy is a recovery that is inclusive, sustainable and resilient. The Global Call emphasizes policies that prioritize the creation of decent work for all and addresses inequalities. One of the key areas of the Global Call is protection of all workers: “The pandemic has highlighted serious gaps in protections for workers. A redoubling of efforts to promote fundamental rights, international labour standards and workers’ protection is needed, including on issues such as adequate wages, limits for working time and strong occupational safety and health measures.”<sup>79</sup>

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<sup>76</sup> ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, <https://www.ilo.org/declaration/thedeclaration/textdeclaration/lang-en/index.htm>

<sup>77</sup> ILO, *COVID-19 and the world of work: Impact and policy responses*, 18 March 2020.

<sup>78</sup> ILO, Global Call to Action, The COVID-19 pandemic’s impact on the world of work, October 2021, <https://www.ilo.org/infostories/en-GB/Campaigns/covid19/globalcall#covid-impact>

<sup>79</sup> ILO, Global Call to Action, Key objectives, October 2021, <https://www.ilo.org/infostories/en-GB/Campaigns/covid19/globalcall#objectives>

## 6. COMMITMENTS BY META, JLL AND CHURCHILL TO RESPECT WORKERS' RIGHTS

Mirroring the above detailed internationally recognized human rights standards, Meta's stated policies acknowledge the right to freedom of association and commit to guaranteeing its full exercise for Meta employees.

Meta and the two companies with which it has contracts to secure the cleaning of its facilities – JLL and Churchill – have committed to create a working environment that is free from harassment on the grounds, among others, of trade union membership.<sup>80</sup>

### META'S COMMITMENT TO WORKERS' RIGHTS

Meta's Corporate Human Rights Policy states its commitment to "respecting human rights as set out in the United Nations Guiding Principles on Business and Human Rights (UNGPs). This commitment encompasses internationally recognized human rights as defined by the International Bill of Human Rights — which consists of the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights — as well as the International Labour Organization Declaration on Fundamental Principles and Rights at Work."<sup>81</sup>

Workers' rights feature prominently in Meta's policies, which are based on a commitment to respect the UN Guiding Principles.<sup>82</sup> The UN Guiding Principles state companies have a responsibility to respect all human rights wherever they operate in the world, including the right to freedom of association and the right to collective bargaining.

Meta itself has recognized this responsibility and committed to respect workers' rights, both for in-house and outsourced workers. In its supply chain policy, the company claims to "work to ensure safe, healthy, and fair working conditions in our supply chain."<sup>83</sup> It further states Meta's "Responsible Supply Chain" programme, which "defines and implements [Meta's] expectations of suppliers, contractors and vendors based on key international human rights standards" is anchored in a "commitment to protect the health and wellbeing of workers and communities where we operate in our value chain by addressing key issues, including responsible minerals sourcing, labor and human rights, health and safety, environmental responsibility, ethics, and management systems."<sup>84</sup>

Among the included standards, the "Responsible Business Alliance Code of Conduct" expressly recognizes the right to non-discrimination/no-harassment and the right to freedom of association. The code states "participants should be committed to a workplace free of harassment and unlawful discrimination. Companies shall not engage in discrimination or harassment based on ... [among others] union membership, covered veteran status, protected genetic information or marital status in hiring and employment practices such as wages, promotions, rewards, and access to training."<sup>85</sup> The code further states "in conformance with local law, participants shall respect the right of all workers to form and join trade unions of their own choosing, to bargain collectively, and to engage in peaceful assembly as well as respect the right of workers to refrain from such activities. Workers and/or their representatives shall be able to openly communicate and share ideas and concerns with management

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<sup>80</sup> The Churchill Group, Employee Handbook, on file with Amnesty International, 17 September 2021; Facebook, Corporate Human Rights Policy, [https://s21.q4cdn.com/399680738/files/doc\\_downloads/Facebooks-Corporate-Human-Rights-Policy.pdf](https://s21.q4cdn.com/399680738/files/doc_downloads/Facebooks-Corporate-Human-Rights-Policy.pdf); Jones Lang LaSalle Incorporated, 2020, Human Rights Policy, <https://www.us.jll.com/content/dam/jll-com/images/company-information/jll-human-rights-policy.pdf>

<sup>81</sup> Meta, Corporate Human Rights Policy, <https://about.fb.com/wp-content/uploads/2021/03/Facebooks-Corporate-Human-Rights-Policy.pdf>

<sup>82</sup> Facebook, Corporate Human Rights Policy, [https://s21.q4cdn.com/399680738/files/doc\\_downloads/Facebooks-Corporate-Human-Rights-Policy.pdf](https://s21.q4cdn.com/399680738/files/doc_downloads/Facebooks-Corporate-Human-Rights-Policy.pdf)

<sup>83</sup> Meta, Responsible Supply Chain, <https://sustainability.fb.com/responsible-supply-chain/>

<sup>84</sup> Meta, Responsible Supply Chain, <https://sustainability.fb.com/responsible-supply-chain/>

<sup>85</sup> Labour standard on non-discrimination/non-harassment, page 3, [https://www.responsiblebusiness.org/media/docs/RBACodeofConduct7.0\\_English.pdf](https://www.responsiblebusiness.org/media/docs/RBACodeofConduct7.0_English.pdf)

regarding working conditions and management practices without fear of discrimination, reprisal, intimidation, or harassment.”<sup>86</sup>

Meta’s 2021 “Anti-slavery and Human Trafficking Statement” reiterates the commitment to provide a “respectful and safe working environment for all our personnel, regardless of role, position or employment status, and have zero tolerance for any threats, violence, harassment, coercion or retaliation. We expect our vendor partners, independent contractors, consultants and staffing suppliers to commit to the same standards and principles.”<sup>87</sup>

Meta’s first annual “Human Rights Report”, issued in July 2022, acknowledges the company’s commitment to the UN Guiding Principles on Business and Human Rights that companies “know and show” they respect human rights. The report fails to appear as more than a cursory and selective analysis of Meta’s human rights impact<sup>88</sup>, however it is worth highlighting the company’s commitment to “verify supplier conformance with RSC [Responsible Supply Chain] policies and standards through continuous dialogue, independent audits and assessments, corrective action plans, worker surveys, and other forms of assurance. Any non-conformances identified are actively addressed through our corrective action and key performance indicator programs. We regularly assess and track the effectiveness of our actions taken in mitigating the associated risks of modern slavery and human trafficking. We strive to improve year-on-year; every year we publish a refreshed/new statement to demonstrate progress and strengthening of our program efforts.”<sup>89</sup>

### **JLL’S COMMITMENT TO WORKERS’ RIGHTS**

In its human rights policy, Jones Lang LaSalle Incorporated (JLL) states: “Protecting human rights is fundamental to our ethics and values; we will strive to prevent the following types of behavior anywhere in our business: Preventing workers from freely joining or participating in a workers’ association or union in accordance with national or local laws.”<sup>90</sup>

### **CHURCHILL’S COMMITMENT TO WORKERS’ RIGHTS**

In its employee handbook<sup>91</sup>, Churchill states it is “committed to the principle of equal opportunities and to creating a working environment in which you are treated with dignity and respect, that is free from unlawful discrimination, victimisation or harassment on the grounds of: colour, race, nationality or ethnic origin; sex, marital status or gender reassignment; disability of any kind; religion; sexual orientation; age; and trade union membership.”

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<sup>86</sup> Labour standard on freedom of organization, page 4, [https://www.responsiblebusiness.org/media/docs/RBACodeofConduct7.0\\_English.pdf](https://www.responsiblebusiness.org/media/docs/RBACodeofConduct7.0_English.pdf)

<sup>87</sup> Facebook, Anti-slavery and Human Trafficking Statement 2021, page 4, [https://s21.q4cdn.com/399680738/files/doc\\_downloads/2021/06/2021-Facebook's-Anti-Slavery-and-Human-Trafficking-Statement.pdf](https://s21.q4cdn.com/399680738/files/doc_downloads/2021/06/2021-Facebook's-Anti-Slavery-and-Human-Trafficking-Statement.pdf)

<sup>88</sup> “Meta’s Human Rights Report ignores the real threat the company poses to human rights worldwide”, Amnesty International, 22 July 2022, <https://www.amnesty.org/en/latest/campaigns/2022/07/metas-human-rights-report-ignores-the-real-threat-the-company-poses-to-human-rights-worldwide/>

<sup>89</sup> Meta Human Rights Report, Insights and Actions 2020 – 2021, page 47, [https://about.fb.com/wp-content/uploads/2022/07/Meta\\_Human-Rights-Report-July-2022.pdf](https://about.fb.com/wp-content/uploads/2022/07/Meta_Human-Rights-Report-July-2022.pdf)

<sup>90</sup> JLL, Human Rights Policy, page 2, <https://www.us.jll.com/content/dam/jll-com/images/company-information/jll-human-rights-policy.pdf>

<sup>91</sup> The Churchill Group, Employee Handbook, on file with Amnesty International, 17 September 2021.

## 7. CONCLUSION AND RECOMMENDATIONS

The cleaners at Meta's Brock Street offices in central London have persistently struggled for decent working conditions and trade union rights for almost a year. They have advocated relentlessly, with the support of the CAIWU, against excessive workload and for better working conditions. They have also raised their voices against the dismissal of their supervisor and trade union representative, Guillermo Camacho.

In accordance with its policy on the right to reply, Amnesty International communicated its concerns to all three companies involved in the dismissal of Camacho. The organization sought clarifications regarding the companies' policies towards respect of workers' rights and details regarding the circumstances of Camacho's dismissal. Although all companies have refrained from commenting in depth on Camacho's case, they have provided details regarding their commitments to workers' rights.

Amnesty International welcomes such principled commitments and reassurances. However, the organization remains concerned that the events surrounding Camacho's dismissal, after he led campaigning and protests against increased workload, raise serious suspicions he was targeted due to his trade union actions.

Concerns persist that the anonymous complaints by Meta staff about Camacho's performance could be a pretext to enable Churchill to justify his dismissal. According to documents on file, and as detailed above, staff concerns about empty soap containers appear to be the main complaint against Camacho. Such a superficial complaint – and one easily addressed – coupled with the sequencing of events leading to Camacho's dismissal, including significant union-related activities, and the outcome of the performance investigation appear to point to the companies' lack of respect for workers' right to freedom of expression and freedom to organize without being subjected to retaliation.

Amnesty International has concluded that Meta – as the client that benefitted from the services of the cleaners and their supervisor Camacho – failed to identify, mitigate, and account for labour rights abuses in its business relationships with Churchill and JLL. Meta insisted specifically on having Guillermo removed from their work site despite the conclusion of the investigation into his alleged underperformance at the job that no further action needed to be taken. Meta therefore failed to respect workers' rights in line with the UN Guiding Principles, to which the company has expressly committed.

### RECOMMENDATIONS

In light of the stated commitments by the three companies to respect workers' rights, and in order to guarantee adherence to the international and regional human rights responsibilities of companies, Amnesty International makes the following recommendations:

#### To Meta in relation to the case of Camacho:

- Ensure a prompt and thorough investigation into breaches of Meta's policy and international standards in relation to Guillermo's dismissal and the excessive workload for cleaners denounced in the past by workers.
- Examine in the course of the investigation the use of the "third party pressure" justification for Camacho's dismissal and its potential link to trade union activities;
- Share the outcomes of the investigation with the cleaners at Meta's offices in London and the CAIWU;
- Ensure an apology and offer adequate compensation to Camacho for his treatment and targeting after he led union protests against increasing workload of cleaners at Meta's London office.

**In relation to respect of workers' rights, irrespective of whether directly or indirectly employed, Meta must:**

- Ensure that its commitment to respect workers' rights, for both in-house and outsourced workers, is reflected in its contracts with suppliers;
- Identify and prevent further human rights abuses in its business relationships with contractors and sub-contractors and remedy abuses when they have occurred;
- Ensure that the company and its intermediaries provide adequate protections and safeguards to guarantee that "third party pressure" is not used to target workers involved in trade union activities;
- Ensure when outsourcing its service contracts (such as cleaning) to third parties that the labour rights of all workers are respected under its policies and human rights commitments;
- Introduce an accountability mechanism that enables the company to monitor, identify and address any shortcomings on the side of its suppliers – including in relation to suppliers' respect of workers' rights – as per its supply chain policy, which claims to ensure safe, healthy and fair working conditions in its supply chain;
- Ensure all workers at companies with which it has business relationships can access judicial or other non-judicial grievance mechanisms – as per principle 29 of the UN Guiding Principles;
- Ensure the company and its suppliers guarantee that cleaners' workload is compatible with the right to just and favourable working conditions as set out in the UN ICESCR General Comment 23;
- Commence, along with its intermediaries Churchill and JLL, a meaningful dialogue with the CAIWU and other unions representing workers within their operations to ensure workers' rights are respected in full in accord with international human rights law and standards.

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Photo cover – Protest of cleaners in front of Meta's office on Brock Street on 17 September, @Amnesty International