

**European Sectoral Social Dialogue Committee – Private Security
Working Group Meeting**

June 30, 2011
Hotel Crowne Plaza
rue Gineste 3, 1210 Brussels, Belgium

Meeting minutes

1. European Commission upcoming Regulation on Professional Cross-Border Transportation of Euro Cash by Road between Member States in the Euro Area – State of play

CoESS reports on the latest developments related to this Regulation.

The European Parliament Plenary still needs to ratify the proposal for a Regulation. The Regulation will most likely be adopted in July 2011. Entry into force is expected by the end of 2011.

The cross-border training module, jointly developed by CoESS and UNI Europa, is not considered to be an Autonomous Agreement by the European Commission due to the complexity of the legal basis involved, however, its content is included in the draft Regulation and it is hoped that the European Parliament accepts the proposed module ‘as is’ in the final Regulation, which would make it binding across the EU27.

The consultative role of the European social partners is explicitly mentioned in Article 26 of the draft Regulation, which foresees a review process following the implementation of the Regulation two years after its entry into effect and, thereafter, once every five years. The wording of Recital 18, and the possible role for social partners, is still under discussion due to the different views of the European Commission and the European Parliament.

UNI Europa reiterates that it is important for the European social partners to keep closely involved in this dossier moving forward as workers are directly impacted by the Regulation (remuneration and training). UNI Europa wishes to see a concrete number of training hours assigned to the cross-border training module. UNI Europa is also concerned that the carrying of weapons as foreseen in the draft Regulation might present difficulties when enforced in practice (storing of weapons in countries where their use is not allowed, use of weapons in countries where they are allowed and all legal and liability consequences following these measures). UNI Europa also stressed that appropriate training and information on how to handle weapons for CIT staff from countries where national legislation does not allow for the use of arms is essential to prevent and reduce the risks of accidents and workers’ exposure to hazardous situations. In this respect, the role of the national social partners is crucial to ensure proper training and knowledge of the legal/liability implications for cross-border CIT workers.

CoESS and UNI Europa agree that – once the Regulation is adopted – a clear call must be made to the national social partners to correctly enforce the implementation of the Regulation and to report any gaps or difficulties encountered in practice. .

2. ‘Selecting Best Value – A Manual for Organisations Awarding Contracts for Private Guarding Services: Updating, redefinition of scope and dissemination of the renewed guide’ (joint CoESS/UNI Europa/APROSER/VSÖ project submitted under the European Social Dialogue budgetary line)

Following the submission of the above-mentioned project under the European Social Dialogue budgetary line before the March 25, 2011 deadline, the European Commission sent a response to CoESS stating that it “regrets to inform us that the proposal has been rejected for the following reason: this project is not eligible having regard to the impossibility for CoESS to justifying its liabilities and assets”. The financial capacity of the applicant organisation is assessed by calculating the ratio between the total assets in the applicant’s balance sheet and the total budget of the project (this ratio should be greater than 0.70). CoESS is a small organisation with limited resources. It is therefore not in a position to comply with this new financial rule imposed by the European Commission.

Especially given CoESS’ considerable track record in successfully introducing and developing EU-funded projects, CoESS, UNI Europa, APROSER, VSÖ and the social partners regretfully take note of the fact that this project was rejected by the European Commission on the basis of financial incompliance, not for lack of quality of the project.

CoESS will now reflect internally on how to possibly move forward with this project as both UNI Europa and CoESS are convinced of its added value for both workers and employers. Several alternatives are available to still update and revise the guide from a legal, market and best value perspective.

UNI Europa is still committed and ready to work on the project. It will also reflect internally and liaise with CoESS in order to find a suitable solution moving forward. As the European Commission is currently in the process of revising EU public procurement rules, UNI Europa stresses that the timing is now ideal to update and revise the manual.

Marjolein Oorsprong, Policy Officer at the Aviation Security Services Association International (ASSA-I, corresponding member of CoESS), presents the Best Value Manual and assessment tool, which have recently been developed by ASSA-I, based predominantly on the content of the CoESS/UNI Europa Best Value Manual and toolkit. The ASSA-I toolkit can be consulted on the following dedicated website: www.topqualityforaviationsecurity.org.

UNI Europa informs the social partners that it responded to the European Commission Consultation on the modernisation of EU public procurement policy. Together with other European organisations it also launched a press release on the occasion of the European Commission's Conference on 'Modernising public procurement', which was organised on June 30, 2011. The press release reflects key demands and messages from the network for sustainable development in public procurement.

CoESS and UNI Europa reconfirm their commitment to a more socially responsible public procurement process. They advocate for the following principles to be applied and strengthened:

- Contracting authorities should always opt for the best-value-for-money offer in their public procurement decisions
- The 'lowest price' option should be removed. Choosing the cheapest bid compromises the quality and sustainability of the service provided.
- Social criteria and the sustainability of the service should be assessed and taken into account at the selection stage
- A socially responsible public procurement policy has a long-term benefit in terms of cost-effectiveness, fair competition and employment standards

CoESS and UNI Europa again refer to the Best Value Manual and its accompanying assessment toolkit, which they jointly developed in 1999 and related activities they jointly undertook to create awareness about and further promote the best value principle.

They agreed to issue a joint statement in this respect which will be posted on CoESS and UNI Europa respective websites and sent to the European Commission competent office.

3. Particle pollution in the airport of Copenhagen

John Dybart (UNI Europa) informs the social partners that the workers' trade union organisation, the Danish private security trade union organisation and the metalworkers' trade union organisation developed a joint project aimed at analysing particle pollution caused by aircraft fuels in the airport of Copenhagen.

Research was undertaken to examine the nature of the pollution, the degree of pollution and the effects on personnel's health and safety. Specialised measurement devices were developed to this effect. Three measuring stations were installed at Copenhagen airport to monitor the degree of pollution, which was found to be ten times higher than in the most polluted areas of Copenhagen's city centre. A number of serious illnesses can be caught by airport personnel as a result of inhaling ultra-fine particles (lung cancer, pulmonary disease etc.).

UNI Europa therefore calls on the European Commission to recognise the importance of this issue and understand the scale of the problem. In its answer to Parliamentary question P-011302/2010 the

European Commission states that it is aware of the issue of combustion of aviation fuel in airports and the exposure of workers to it. Aviation fuel and its combustion products are a chemical mixture, which is now included in the Commission work programme and in particular in the list of substances to be evaluated by the Scientific Committee on Occupational Exposure Limits (SCOEL). In performing the evaluation of the scientific data for hazardous chemicals, SCOEL will take into account the most recently available scientific studies for this mixture in order to carry out an effective risk assessment of the most important effects to the health of workers exposed to it.

CoESS agrees with UNI Europa's viewpoints, but states that this problem is not limited to the private security services sector. Workers from other sectors (cleaning, catering, retail etc.) are equally if not more affected.

UNI Europa and CoESS will contact the European Transport Workers' Federation (ETF), the European Federation of trade unions in the Food Agriculture and Tourism sectors (EFFAT) and the Airports Council International to see whether research has already been undertaken in this field. They agree to look into this topic from an intersectoral perspective and explore whether other sectors would be keen to be involved in a multisectoral working group to examine the topic and possibly undertake joint action.

4. Health and safety – OSHA-OiRA (Online interactive Risk Assessment) tool

CoESS and UNI Europa contacted the European Agency for Safety and Health at Work (OSHA) to develop an online risk assessment tool specifically tailored to the needs of the private security services sector, which can be used for free by both smaller and larger companies to identify and assess risks at the workplace. The tool allows for the creation of an action plan including preventive and protective measures to be implemented according to a specific timeline. A reporting system is also in place for workers to report risks at the workplace. The risk assessment tool is a generic European tool to be adapted to the national legal and social realities. It will be made available in English and can be later translated and adapted at national level.

UNI Europa and CoESS agreed to work on six specific modules:

- Commercial manned guarding (including shop supervisors)
- Mobile patrolling
- Alarm response
- Event security
- Airport security
- Maritime security

OSHA has meanwhile developed a first draft tool for the first module, commercial manned guarding, based on already available documentation and expertise: the Dutch checklists, the Swedish checklists

and the manual that was jointly developed by CoESS and UNI Europa in 2004: 'Preventing Occupational Hazards in the Private Security Sector (manned guarding and surveillance services)'.

CoESS and UNI Europa issue a clear call to the national social partners to analyse the first draft tool, formulate comments, amendments and additions and especially provide input in relation to the different preventive and protective measures to be integrated into the tool. Five to six health and safety experts should be identified on each side to further flesh out the draft tool. From UNI Europa's side, the Spanish member is keen to be involved in this process; from CoESS' side, both the Swedish and the Hungarian member are keen to be involved.

UNI Europa and CoESS' experts will look into the tool independently. An enlarged Secretariat meeting will then be set up to jointly discuss the experts' comments and remarks before transmitting them to OSHA. The first comments/remarks should be provided already in the July-August 2011 timeframe.

5. Representativeness study by EUROFOUND

The European Commission commissioned EUROFOUND to carry out a representativeness study for the private security sector in the EU27. The aim of this study is to draw a picture of the current situation regarding Social Dialogue in the private security sector based on an analysis of the social partners in all EU Member States, with a special emphasis on their membership, their role in collective bargaining and public policy and their national and European affiliation. The European Commission carries out these representativeness studies to continuously assess the representativeness of social partner organisations to be consulted under the EU Treaty provisions. These studies are thus designed to provide up-to-date information required for the European Sectoral Social Dialogue.

At the time, EUROFOUND provided the European social partners with the national representativeness reports they had prepared. CoESS and UNI Europa disseminated these among their respective membership for comments. The quality of the national reports was heavily criticised. A lot of readily available information was either incomplete or had not been included at all. EUROFOUND was committed to amend and improve the national reports and create the European overview report on this revised basis.

Despite repeated requests by UNI Europa and CoESS, EUROFOUND has informed the European social partners that the European overview report is still not ready. Once available, it will be sent to the European social partners for dissemination among their members allowing them to comment and amend when and where needed. CoESS and UNI Europa therefore eagerly await a qualitative European overview report and a concrete proposal for a date for the evaluation committee meeting.

6. Third Party Violence multisectoral project (RESPECT)

UNI Europa, EPSU, ETUCE, HOSPEEM, CEMR, EFEE, EuroCommerce and CoESS, representing the social partners of the hospital, local governments, education, commerce and private security sectors, developed multisectoral guidelines aimed at tackling third party violence and harassment at work. The aim of the guidelines is to ensure that each workplace has a results-oriented policy which addresses the issue of third party violence. The guidelines set out the practical steps that can be taken by employers, workers and their representatives/trade unions to reduce, prevent and mitigate problems.

The multisectoral partners decided to take the guidelines one step further and introduced a project under the Social Dialogue budgetary line aimed at committing to and disseminating the guidelines, awareness-raising, sharing of best practice, monitoring and follow-up.

Three national workshops are organised in the framework of the project:

- May 9, 2011 in London, United Kingdom – targeted countries: United Kingdom, Ireland, Sweden, Denmark, Finland, Turkey, Bulgaria, The Netherlands, Latvia, Lithuania, Estonia, Poland
- June 14, 2011 in Rome, Italy – targeted countries: Cyprus, Greece, Italy, Malta, Norway, Portugal, Spain, Croatia
- September 6, 2011 in Prague, Czech Republic – targeted countries: Austria, Belgium, Czech Republic, France, Germany, Hungary, Luxembourg, Slovakia, Slovenia, Romania

The closing conference will be held in Warsaw, Poland, on October 27, 2011.

CoESS states again that the private security services sector has a double role (private security guards are affected by third party violence, but at the same time they are also part of the solution to help protect workers in other sectors such as healthcare, education etc.).

CoESS and UNI Europa call upon their respective members and their health and safety experts to attend the national workshops, provide expertise and participate in the closing conference in Poland.

7. The use of self-employment to undermine fair competition

UNI Europa informs the social partners that its members in Belgium, Ireland and Malta have reported cases of bogus self-employment, i.e. private security guards operating as individual contractors to circumvent social security contributions, working conditions and labour legislation in force.

Bogus self-employment has a detrimental effect on the private security services sector: it undermines the working conditions of private security workers and results in unfair competition among private security employers.

In 2006, CoESS and UNI Europa issued a joint position against undeclared work in the private security sector in which they clearly express their concerns in relation to the phenomenon of bogus self-employment. They call for vigilance as regards the lack of transparency created by cascading subcontracting and applaud legal and/or contractual measures that have already been adopted in several Member States to combat this phenomenon.

CoESS and UNI Europa reiterate their joint commitment in this respect. In concrete terms, they agree to gather intelligence from their respective members about the state of play in their countries in order to assess in which countries bogus self-employment is considered a clear issue and to examine why in other countries this is not occurring (legislation or other initiatives undertaken). They will also call on the national social partners to take this phenomenon into account in national collective bargaining.

A questionnaire will be developed in order to carry out the information collection. In this respect, Laila Castaldo (UNI Europa) refers to a recent project conducted by UNI Europa: 'The UNI Europa approach to new forms of employment relationship – Reaching the self-employed'. She will provide CoESS with a copy of the draft project report and extract relevant questions from this study to be used for the questionnaire.

CoESS informs the social partners that – given the specificity of the private security services sector and in order to guarantee quality and professionalism – self-employment, whether bogus or not, is not a sound practice. Private security services must be performed by well-established and professional private security providers with a solid structure, means and liability insurance, respecting social security contributions, working conditions and labour legislation in force.

8. Next meeting date

November 23, 2011 (Plenary Meeting)