



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

Employment & Social Governance
Social dialogue

SECTORAL SOCIAL DIALOGUE COMMITTEE FOR INDUSTRIAL CLEANING

14 June 2017
Work group meeting
Draft Minutes

1. Approval of the draft agenda

The Chairman welcomed the participants. The draft agenda was approved.

2. Approval of minutes from 27 March 2017

The draft minutes of the previous meeting were adopted.

3. Presentation of the Belgium OIRA tool by the Belgium social partners

Ms Fervaille and Mr de Cleer presented the Belgium OIRA tool (the European tool was adapted to the needs of the sector in Belgium) in the industrial cleaning sector. This tool was developed in collaboration with the Belgium Labour Ministry and was presented in a press conference two months ago.

OiRA (Online interactive Risk Assessment) is a web platform that enables the creation of sectoral risk assessment tools in a standardised way. It has been developed and maintained by the European Agency for Safety and Health at Work (EU-OSHA).

In Belgium, approximately 49,000 people work in the professional cleaning sector (the employees of the sector in BE come from 150 different countries), thus a very important sector for the Belgian economy. 88% of the cleaning business in Belgium is general cleaning.

Social partners in Belgium have developed the OIRA tool to keep improving the working conditions of workers employed in the cleaning industry. The tool which aimed at SMEs (97% of cleaning companies in BE employ less than 100 people) is fundamental for the sector in Belgium and can be used as a base for other sectors too.

The OiRA_cleaning tool helps companies to identify and assess workplace hazards and risks and it also gives tips for ergonomics, equipment and personal protective equipment. Workers in the professional cleaning sector perform their duties in different work environments, as well as in a wide range of buildings and surfaces. Therefore, the types of risks to which they are exposed not only relate to the specific jobs they are doing, but are also caused by specific situations in the working premises. For more information please see the presentation (Annex).

Secretariats of both sides of industry thanked the Belgian social partners for this OIRA tool, underlined the importance of risk assessment and social partners of other countries were invited to follow this example. Although there are national specificities, the Belgian example can be used as a base for other countries as well.

4. Update on “Best Value” joint social partner project

Ms Fernandes informed about the social partners' project “Update: Selecting best value – A guide for public and private purchasers awarding contracts for cleaning services” which is funded by the European Commission (social dialogue call) and which was started in December 2015. UNI Europa and EFCI are jointly undertaking this project.

The main purpose of this action is to better assist both public and private clients to objectively select a quality provider when tendering for the provision of cleaning services. Based on three EU-funded projects undertaken between 2000 and 2004 a guide was produced.

In 2015, it became necessary to update the old guide, especially to make legal references to the new Directive 2014/24/EU on public procurement rules adopted on 17 April 2014. The action aims at addressing the effect of the Directive on the provision of cleaning services, especially Article 67, according to which the Most Economically Advantageous Tender (MEAT) is now recognised as a leading award criterion. The second reason for this update is the need to take into account the changes which have occurred in the European cleaning market over the last 11 years. Thirdly, the action will serve to target not only public purchasers but also private purchasers who buy cleaning services in Europe. Finally, updating the guide will allow for making references to relevant EU documents that have been published since 2004. The guide is available in 12 languages as well as a video and a website.

In addition, Ms Fernandes informed about the European Conference (part of the joint project) of 17 May 2017 which covered 3 panels.

Social partners from several MS used the opportunity to highlight the importance of the best value guide and informed the audience on how the guide will be presented/disseminated in their countries. The need to follow up the national implementation and to continue exchanging national experience in order to learn from each other was highlighted. The guide should also be used as a showcase of the industry in order to increase the value of the industry.

5. Commission proposal for a targeted review of the Posting of Workers Directive (PWD)

Mr Strohbach informed the social partners about the current state of play which was provided by unit "D.1 - Free movement of workers, EURES" of DG EMPL.

The Maltese Presidency has made different compromise proposals in view of the adoption of a general approach in the EPSCO Council on 15 June 2017. Although a qualified majority seemed at reach at a certain point, additional requests made by one delegation and the adoption of the Road Transport Package made it impossible for certain delegations to support the compromise tabled by the Presidency. In view

of this development, the Presidency will present a Progress Report to the Ministers on 15 June. The Commission has actively supported the Maltese Presidency in its attempts to reach a general approach and will continue to do so during the Estonian Presidency. As for the European Parliament, a vote in the EMPL Committee is scheduled for July 2017. The vote in the Plenary could take place in autumn 2017.

Mr Lill informed about the position of EFCI which was sent to the EMPL Committee of the EP (Annex). EFCI welcomes the Commission proposal for a targeted review of the PWD as a necessary effort to address the abuses induced by the current Directive which is not anymore in line with the evolutions described in the position paper. Therefore, the EFCI is requesting the following modifications:

- Reduce the duration limit of postings to 3 months
- Clarify the constituent elements of the term “remuneration”
- Only foresee the application of universally applicable collective agreements for posted workers and thus guarantee respect of the autonomy of social partners in the negotiation of collective agreements

The secretariat of UNI Europa will have another look at the EFCI proposal in order to verify what can be done to agree on a joint position paper for the sector.

Both secretariats pointed out that it is indispensable for an in-depth discussion to take place that the COM (the officials in charge) present and explain its position in (one of) the SSDC meeting(s). According to the new start for social dialogue which, among other things, resulted in a better involvement of social partners in the EU policy and law-making, the COM should take up its responsibility.

6. Commission proposal to introduce a European services e-card

As agreed in the SSDC meeting on 27 March 2017, Mr Lill informed about the joint position of social partners with regard to the introduction of a services e-card. The joint position reflects both sides of industry in the sectors cleaning, construction and insurance. (Annex)

On 10 January 2017, the European Commission published a number of legislative initiatives as part of its Single Market Strategy "Upgrading the Single Market: more opportunities for people and business COM (2015) 550 final". They include a Regulation (COM(2016) 824 final) introducing a European services e-card and a Directive (COM(2016) 823 final) on the legal and operational framework of the European services e-card.

The European services e-card aims at reducing administrative complexity for service providers that want to expand their activities to other Member States. Simultaneously, it will ensure that Member States can apply justified regulations. The services e-card will be offered to service providers on a voluntary basis in order to show compliance with the applicable national rules. It will allow service providers to use a fully-electronic EU-level procedure to complete formalities when expanding abroad, and will offer them increased legal certainty and significantly reduced administrative complexity. By means of the e-card service providers will be able to avoid administrative obstacles such as uncertainty as to which requirements apply, filling-in disparate forms in foreign languages, translating, certifying or authenticating

documents and non-electronic procedural steps. Cost savings related to the formalities covered by the e-card procedure would be significant compared to the existing situation. The e-card would not affect existing employer obligations or workers' rights. The service e-card is in line with the Single Market Strategy.

The joint social partner position clearly underlines the strong doubts about this services e-card. Social partners emphasise 5 points of concerns. Concludingly, social partners support the principle of competition. However, unfair competition cannot be accepted. Therefore the COM proposal should be revised in depth.

On 21 June 2017 the representatives of the 3 sectors will attend a hearing in the EP and will underline their reservations referring to the services e-card.

7. European pillar of social rights

Mr Strohbach presented the European Pillar and the related initiatives (Annex). The European Pillar of Social Rights was released on 26 April 2017, after a 10 month public consultation process. The main policy document is a list of 20 principles; one of these principles refers explicitly to social dialogue. These principles are structured around three categories: equal opportunities and access to the labour market; fair working conditions; adequate and sustainable social protection. They aim at fair and well-functioning labour markets and welfare systems and should help to drive better working and living conditions in Europe. The Pillar is a reference framework presented in the form of a recommendation. The European Pillar of Social Rights is primarily conceived for the Member States of the Euro area, but it is applicable to all Member States that wish to be part of it. Above and beyond the 20 principles mentioned above, the pillar includes several legislative and non-legislative initiatives. Therefore Mr Strohbach highlighted 4 of these initiatives.

Work-life balance: The main challenge to be addressed is the under-representation of women in the labour market through better reconciliation of work and family responsibilities and a more equitable use of work-life balance arrangements between women and men.

Access to social protection: The initiative responds to concerns voiced during the consultation on the European Pillar of Social Rights. It aims to facilitate transitions in the labour market by ensuring a) that all active people (including those in non-standard forms of employment and self-employment) benefit from social security, b) that entitlements can be transferred between different schemes and employment situations, c) that more transparency is achieved as well as a reduction of the regulatory complexity which makes participation and transitions between schemes difficult.

The revision of the Written Statement Directive: The aim is to reinforce the effectiveness of the existing Directive on the obligation of information of workers, among other things by updating the list of information to include probation, and/or reducing the two months-deadline to produce the written statement. The planned revision can be used to set minimum standards to ensure that all workers, including those in new forms of employment obtain basic protection i.e. on-call workers.

Working Time Directive: For many years the Commission has been exploring a possible amendment of the Working Time Directive and has opted for an interpretative Communication, bringing together in a single document the clarifications by the Court of Justice as well as the Commission's views on concrete issues which have not been addressed by the Court yet. The Commission has adopted a clarification of the Working Time Directive providing guidance on how to interpret various aspects of this Directive. This will help Member States implement the *acquis* correctly and avoid further infringements.

In addition to the Pillar a reflection paper on the social dimension of Europe is part of the broader debate around the Commission's White Paper on the future of Europe. It zooms in on changes to society and the world of work and sets out 3 possible options for discussion of what social Europe could mean in 2025.

Both secretariats will inform their affiliates about the European pillar of social rights and steer the process on how social partners at European and national level of the sector will contribute to the further discussion.

Annexes

- Presentation by the SPs on the BE OIRA tool
- EFCI position on the review of the Posting of Workers Directive 1996/71/EC
- Joint social partners position with regard to a European service e-card
- Presentation by EC on the European pillar of social rights

Annex: List of participants

Employers (EFCI)	Workers (UNI Europa)
DE CLEER Steven (BE)	ENGELAAR Joost (BE)
DE ROSA Alberto (IT)	FERNANDEZ Jesus Antonio (ES)
DIEZ DE LOS RIOS Juan (ES)	GEUNS Kris (BE)
ERIKSSON Lisa (SE)	HAVN Jesper (DK)
FERNANDES Jessie (BE)	JONSSON Torbjörn (SE)
HABLÜTZEL Claudia (CH)	OLOFSEN Henriette (DK)
HOLLINGBERRY Simon (GB)	PAJUNIEMI Tarja (FI)
LILL Andreas (BE)	SAN SEGUNDO Vicente (ES)
LINTNER Georg (AT)	STAM Eddy (CH)
MATTIOLI Lorenzo (IT)	FERVILLE Dominique (BE)
NAVARRA Salvatore (IT)	
RADE Miran (SI)	
SCHRAMM Nora Jennifer (DE)	
WADLE Michel (LU)	
EUROPEAN COMMISSION	
Andreas STROHBACH (in the chair)	