



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

Employment and Social Legislation, Social Dialogue
Social dialogue, Industrial Relations

SECTORAL SOCIAL DIALOGUE COMMITTEE FOR INDUSTRIAL CLEANING

23 October 2012
Plenary meeting
MINUTES

Chair: D. SCHEERLINCK (Commission)

1. Adoption of the draft agenda

The agenda of the meeting (updated) was adopted.

2. Adoption of the draft minutes of the Working Group Meeting dd. 16/03/2012

The minutes were adopted.

3. Representativeness study on the cleaning industry carried out by Eurofound

Mr Christian WELZ, Research Manager at the Working Conditions and Industrial Relations Department of Eurofound (European Foundation for the Improvement of Living and Working Conditions) presented the recently published study "Representativeness of the European social partner organisations: Cleaning activities industry". The main objective of the study is to identify the relevant actors to be consulted at European level in the framework of the sectoral social dialogue. Mr WELZ provided details on the methodology used and the obtained results. He concluded by saying that UNI-Europa and EFCI are mandated to negotiate on behalf of their members, and are therefore the representative European employees' and employers' organisations of the sector. Reacting to the presentation, Laila CASTALDO pointed at the membership decrease issue generally in Europe and more in particular the difficulty to organise workers in Central and Eastern Europe. Andreas LILL added that the lack of collective bargaining capacity in Eastern Europe and in the UK is not a sector issue, but rather linked to the industrial relations systems existing in those countries.

4. Discussion on Work Programme 2013-2014

The draft work programme 2013-2014 was presented jointly by the social partners. It is attached for easy reference. It is based on the previous work programme, but it includes modifications where necessary. The following points were explained more in detail:

- On Health & Safety, social partners will consider the collaboration with OSHA (European Agency for Safety and Health at Work), which will focus on the development of a sector specific OIRA (on-line risk assessment) tool, based on the manual "Health and Safety in the office cleaning sector". It is intended to assist SME's in developing an action plan on risk assessment. Possibly a responsible from

OSHA would be invited for a demonstration of the tool and an exchange of ideas. Furthermore, social partners discussed possible actions in the field of MSD's, which are of particular concern for the sector and envisaged to discuss the forthcoming European health and safety strategy.

- With regard to the enforcement of the Posting of Workers Directive, it is considered important that the social partners follow the issue with a view to avoid social dumping by securing fair competition for companies and decent employment conditions for workers.

- As to the working time directive which is at present being discussed at cross-industry level, it will be important to discuss the influence of either the social partners' agreement or the Commission proposal on the industrial cleaning sector.

- The reassessment of the part-time directive has been included in the work programme since the Commission has been asked to deal more in-depth with the services sectors where a high incidence of part-time work can be noticed.

- The point on the effects of the crisis was upgraded in the new work programme. More in particular, the social partners intend to focus on late payments, and the Commission directive 2011/7/EU on combating late payments in commercial transactions.

- In the framework of social dialogue the social partners intend to assess the outcomes of joint texts and the possibility to have joint presentations by national social partners on issues included in the working programme, as well as to encourage the participation of their membership in the sectoral social dialogue.

- In the context of working conditions, the social partners intend to develop a project in order to launch a European-wide campaign on daytime cleaning, and possibly apply for Commission funding. Also, discussions on unfair competition and the related increased workload are planned to continue in 2013. As to the employment in the sector, the social partners intend to include employment conditions for third country nationals (including migrant workers) in their discussions; they would also follow the transposition of the Directive on intra-corporate transferees.

- Just like in the 2012 work programme, the social partners will focus on an implementation report with recommendations to tackle undeclared work, and on the exchange of best practice in this field, as this phenomenon represents an on-going problem in the sector.

In a first reaction to the draft work programme, Ms VAN DEN BERG (EFCE - NL) pointed at the quantity and diversity of the action points. She stressed the importance of the visibility of social partners' activities, and suggested therefore to prioritise the most important points: development of a sector specific OIRA (on-line risk assessment) tool, public procurement, effects of the crisis and promotion of daytime cleaning.

Ms FERVAILLE (UNI Europa - BE) reacted by saying that three SSDC meetings should be sufficient to deal with all the agenda points in this sector, which is hit hard by the crisis. She then asked the European Commission to explicitly foresee the promotion of daytime cleaning in the next OIB (Office for Infrastructure) framework contract for cleaning of the Commission premises. She asked the chair to look into the possibility of organising a conference to promote daytime cleaning. Mr LILL agreed with this approach, because it would show that the Commission implements the policies that are financially supported in the framework of the social dialogue. As a first reaction, the chair Mr SCHEERLINCK said that he had the impression that

daytime cleaning was already applied in practice in Commission premises. He would, however, discuss the issue with the OIB in order to see how it could be addressed, and how it could be included in the terms of reference of the next framework contract, which will come into force in +/- 1.5 years.

The final version of the work programme (including observations by the national affiliates) is foreseen to be approved at the first meeting in 2013.

5. Update on the revision of the EU directive on public procurement

Mr LILL informed the participants on the status of the Commission proposal for a recast of the EU directive on public procurement, which dates from 2004. The social partners of the industrial cleaning sector have issued a position paper, which was sent to all relevant persons in the European Parliament as well as in the European Council. They also signed a joint position together with the social partners of the catering and private security sectors. Both papers focus on the abolition of the lowest price principle, abnormally low tenders, the risks related to electronic auctions and governance. At present, there are on-going discussions in the IMCO Committee (EP), which would be in favour of the abolition of the lowest price principle. The rapporteur is Mr TARABELLA. However, the problem is apparently that the member state governments in the Council are in favour of maintaining the lowest price principle. The social partners also expressed their interest in the creation of national control authorities which would monitor the compliance with the above provisions.

Ms CASTALDO added that the joint positions were sent to key actors in the European Institutions. A first reaction from DG MARKT indicated their opposition against the social clauses because they would have a negative impact on the internal market. Also, the MEP's introduced 1.500 amendments to Mr TARABELLA's report; a first analysis of these amendments seems to indicate that the lowest price criterion would be deleted, but that the obligatory nature of the social criteria is still under discussion. The social partners also stressed that collective agreement (being the main social criterion) would have to be respected. The vote in the IMCO Committee would take place end of November, to be discussed in a plenary meeting early 2013.

In the Council, the working party on public procurement wants to keep the lowest price criterion, and does not want to include the social criteria.

Ms VAN DEN BERG (EFCI – NL) reacted by saying that – in spite of the negative outlook for the inclusion of social criteria – the insertion of collective agreements (in which the price is included) in the criteria is a win-situation. Mr LILL agreed with this position and informed that EFCI members are making lobbying efforts at national level towards the national governments. Ms BARTONOVA (EFCI - CZ) reacted that next to collective agreements the social criteria are the main point.

6. Muscular-skeletal disorders (MSD's) and ergonomics in the cleaning industry

After an explanation by the chair Mr SCHEERLINCK on the state of the MSD's impact assessment, Ms CASTALDO asked whether the current state of the file cannot be considered as an indication that the proposal is blocked (by employers' organisations lobbying) rather than delayed. She proposed to issue a joint recommendation on the subject. To this, Mr LILL replied that the employers appreciate the problematic nature of MSD's. However, in his view a sufficient number of rules on MSD's already exist but they should be implemented adequately.

He added that the discussion is also related to different views between DG EMPL and DG ENTR.

On a new Occupational Safety & Health Strategy, Mr LILL expressed the employers' concern about the timing because of the two consultations (a public one and one for stakeholders) foreseen. Mr SCHEERLINCK suggested to be pro-active (in parallel with other sectoral social dialogue committees), and to contact unit EMPL.B.3 in order to announce that the social partners intend to react at an early stage of the consultation.

7. AOB

Under this section the modalities for the organisation of meetings, as announced in Mr Tricart's (DG EMPL, Head of Unit B.1) note, was discussed. It was confirmed that preparatory meetings would not be considered as half-day meetings, but as part of a full-day meeting.

Annexes:

- Presentation: Representativeness of the Social Partners in the Cleaning Industry (Christian WELZ)
- List of participants