



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

6 June 2014
Working Group meeting
Minutes

Chairman: Tim VAN RIE (European Commission)

1. Adoption of the draft agenda

The Chairman welcomed the participants. The draft agenda was adopted, with a change in the order of items. As a consequence, agenda item 3 will be discussed at the beginning of the meeting.

2. Adoption of the draft minutes of the meeting of 26 March 2014

The draft minutes of the previous meeting were adopted, subject to modifications regarding UNI Europa's position on the posting of workers enforcement directive.

3. European Commission proposal to establish a European platform to enhance cooperation in the prevention and deterrence of undeclared work

The Chairman presented the proposal for a decision on establishing a European Platform to enhance the cooperation in the prevention and deterrence of undeclared work. The presentation outlined the policy context, the consultation process and impact assessment, leading up to the contents of the proposal.

The proposed scope of the platform covers any paid activities that are lawful as regards their nature but not declared to public authorities, taking into account differences in the regulatory systems of the Member States. This includes activities that are only partly declared, as well as bogus self-employment. Membership would be mandatory for Member States, with each appointing a single point of contact. Under the proposal, representatives of the social partners at cross-industry level, as well as from sectors with high incidence of undeclared work may attend meetings of the Platform as observers, according to the procedures determined by their organisations.

The EFCI (Andreas Lill) welcomed the Commission's proposal, referring to its contributions to both stages of the social partner consultation (jointly with UNI Europa in the second stage). The employers intended to closely monitor the legislative process at the level of the Council and the European Parliament. While the EFCI welcomed the involvement of social partners as observers in the platform, it argued that more seats for sectoral social partners should be foreseen.

UNI Europa (Anna Harvey) welcomed the proposal and echoed the intention to follow up on the legislative process. The workers' side argued that social partners' status in the platform should go beyond observers.

The social partners agreed to follow up on the initiative jointly and lobby to be represented among sectoral social partners, at least with observer status.

Unfortunately, the presentation by the Spanish UNI Europa member was not possible. It will be done at the next meeting.

(Mr Miccoli) from the Italian EFCI-member association FISE made a presentation on the Italian situation regarding undeclared work, including recent initiatives by the government and social partners. In 2011 and 2012, approximately 12% of all workers in Italy were undeclared, with a concentration in the South and in certain sectors (including agriculture, construction, hotels and restaurants). Fully undeclared work is becoming less widespread, whereas under-declared work and bogus self-employment are increasing.

In 2014, the Italian authorities introduced a new law to combat irregular and undeclared work (N.9/2014) by strengthening labour inspectorates and increasing the sanctions. For Italian social partners of the industrial cleaning sector, the fight against undeclared work is a major priority, as stated in their joint opinion of May 2011. Negotiations for a new collective agreement in 2014 will also address the topic.

The European social partners agreed to continue exchanging information from the national level.

4. Online interactive Risk Assessment tool (OiRA) to tackle health & safety risks at the workplace, developed by social partners in collaboration with the European agency for safety and health at work (EU-OSHA)

Ellen Schmitz-Felten (KOOP) provided a demonstration of the finalized OiRA tool for the industrial cleaning sector, jointly developed by a task force of European social partners (EFCI and UNI Europa), research centres Prevent and KOOP, with support and coordination by EU-OSHA.

Michaela Seifert (EU-OSHA) provided an overview of the OiRA project in different sectors and countries. The presentation focused on adaptation and implementation of EU-tools at national level, and the support by EU-OSHA for these processes.

5. Validation of the European Online interactive Risk Assessment (OiRA) tool by European social partners

The social partners formally adopted the European OiRA tool for the industrial cleaning sector. Andreas Lill (EFCI) thanked the members of the working group, Rémi Loison (EFCI) and EU-OSHA, KOOP and Prevent for successful cooperation on the project. UNI Europa (Anna Harvey) also thanked all the partners involved in the project. The Commission (Mr Van Rie) congratulated the project partners, adding that OiRA tools are an important instrument in the Commission's Strategic Framework on Health and Safety at Work 2014 – 2020.

In terms of follow-up, Slovenian and Belgian social partners are actually carrying out the implementation of the European tool at national level. Several other national associations (including Spanish, French, Italian, Czech) have shown an interest in developing a national OiRA tool as well.

6. EU legislative proposal and EFCI/UNI Europa lobbying activities:

- Eventual joint statement by social partners regarding the modernized directive on public procurement

UNI Europa presented a proposal for a joint statement by the European social partners of the Cleaning industry regarding the 'Directive 2014/24/EU of the European Parliament on the new public procurement directive'.

The EFCI welcomed the draft joint statement, proposing a number of modifications: First, to add information on the signatory parties in the introduction. Second, to clarify that the Joint declaration of UNI-Europa, EFFAT, ETUF-TCL and COESS, FERCO, EFCI and EURATEX "TOWARDS RESPONSIBLE AWARDING OF CONTRACTS" of 2012 was signed by European social partners of contract catering, industrial cleaning and private security. These are labour intensive sectors where wages and labour costs constitute 80% of the total employers' costs and therefore the, by far, largest share of the price. The social partners agreed to liaise at secretariat level to fine-tune the text, in view of possible adoption at the next plenary meeting.

- Proposal for an enforcement directive of the Posting of Workers' Directive:
Report on the plenary vote of adoption at the Parliament on 15 April 2014

The EFCI reported that following the agreement and vote in Parliament and Council, the 'Directive on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services Directive' was due to be published in Official Journal.

The EFCI welcomed the new directive, considering that it added value with regard to the original posting directive. The employers look forward to the transposition at national level, in view of promoting equal treatment of workers and fair competition.

UNI Europa, while welcoming certain improvements in the directive, expressed concerns regarding articles 9 (national control measures) and 12 (joint and several liability in subcontracting chains).

7. Any other business

Regarding the planning arrangements for the daytime cleaning lunch conference, the Commission was in the process of fixing a date and venue. It would continue to liaise with the European social partners' secretariats to find a solution as soon as possible.

Annexes

- 'European Platform to enhance cooperation in the prevention and deterrence of undeclared work' - Presentation by the Commission

- 'Undeclared work – Italian situation' - Presentation by FISE and Legacoop-Servizi

- 'OiRA EU Cleaning' – Presentation by Ellen Schmitz-Felten (KOOP)

- 'Online interactive Risk Assessment – Presentation by Michaela Seifert (EU-OSHA)

- Draft Joint Statement by the European social partners of the Cleaning Industry regarding the Directive 2014/24/EU of the European Parliament and of the Council of public procurement