



## **Minutes of the Working Group**

**11 June 2018**

The committee was informed about staff changes in Uni Europa and EFCI.

After the departure of Mrs Natalie Swan from Uni Europa, the cleaning sector was coordinated by Mr Eddy Stam, the Head of UNI Property Services. From the 1<sup>st</sup> June 2018, Mr Mark Bergfeld has been the new Director for Property Services and UNICARE (coordinating cleaning and security sectors) in Uni Europa.

Mrs Isabel Yglesias was introduced as the new Director of EFCI. EFCI is also in the process of recruiting a new policy advisor.

### **1. Approval of the draft agenda and of minutes from 7th March 2018**

The agenda of the meeting is adopted as are the minutes of the previous meeting.

### **2. Update from Commission on on-going initiatives followed by social partners discussion**

#### *a. Directive on Transparent and Predictable Working Conditions*

Mrs Adela Barrero Flores, Legal Officer, EMPL/B2 (Working conditions Unit) presented the [Commission's proposal for directive on transparent and predictable working conditions](#) of 20 December 2017, revising the current Written Statement Directive. The initiative is a part of follow-up to the European Pillar of Social Rights. The proposal aims to complement and modernise existing obligations with the specific aim of ensuring that all workers in atypical contracts benefit from basic rights, regardless of the type of contract or employment relationship.

The proposed Directive defines the term of 'worker' broadly (in line with the case-law of the European Court of Justice) extending the scope of protection to platform and domestic workers and providing for a minimum floor of rights, which will reduce the degree of precariousness. By using a definition of worker based on the case law of the Court this Directive would ensure that in all Member States the same, broad categories of workers will be covered.

The proposal also minimizes the time in which a worker can be requested to work without receiving basic information on their job: it is proposed that all workers receive the basic written information at the latest on the first day of work. Additionally, some new specific rights are included in the proposal: a limit to the length of probationary periods to 6 months; a right to work for other employers, with a ban on exclusivity clauses and restrictions on incompatibility clauses; a right to predictability of work; a right to request a more stable form of employment and to receive a written reply; a right to cost-free training when this is mandatory.

The aim is to finalise the legislative process by the end of the year and have the final agreed text in the beginning of 2019 under the Romanian Presidency. In the Council, the aim is to reach a general approach at the EPSCO Council on 21<sup>st</sup> June. The Parliament appointed its Rapporteur, MEP Enrique Calvet Chambon and started its preparatory work. Presentation and consideration of draft report in EMPL Committee will take place on 18-19 June and adoption of the report in EMPL Committee is expected in October 2018.

Upon the question of Uni Europa, Mrs Barrero Flores clarified that the Commission's proposal lays down a safety net of minimum requirements, which shall be transposed into national law by the Member States. While such standards may be already broadly applied across the Member States, the evidence showed that they are not yet applied for all categories of workers. It is for the Member States and the social partners to define what is 'reasonable' from the sectoral point of view. Ultimately, this may be clarified by the courts.

Mrs Barrero Flores further clarified that the workers in the platform economy would fall within the scope of the directive if they fall within the worker's definition. It is a task of the national courts to decide if a person should be considered as a worker (within the agreed definition) considering all relevant facts. If these workers perform less than 8 hours/month, the Member States would be free not to cover them. Regarding the zero-hours contracts, the Commission's proposal does not aim to ban them, but rather focuses on providing rights that protect workers in precarious situations whatever the form of work.

Mr Eddy Stam, Uni Europa, stated that for the trade unions the use of zero-hour contracts is unacceptable.

*b. Services E-card*

Mrs Hajkova (DG EMPL) informed that the proposal of the European Commission (DG GROW) on Services E-card was rejected by the leading EP committee (IMCO) in March. As a result, the proposal is not discussed further in the EP or the Council.

The social partners welcomed this development.

*c. Social fairness package*

Mrs Mirka Hajkova (DG EMPL) informed about the last important social policy delivery for the current Commission. On 13 March 2018, the Commission adopted '[Social Fairness package](#)' containing a proposal for creation of European Labour Authority (ELA), a proposal

for Council recommendation on access to social protection, Communication on the implementation of Social Pillar.

The proposal for creation of ELA stems from the identified need for a European structure or body to support effective cooperation on cross-border labour and on social security matters between Member States. The key purpose is to contribute to ensuring that EU rules on cross-border labour mobility and social security coordination are enforced in a fair and effective way. In this context, the Authority would facilitate access for individuals and employers to information on their rights and obligations; support cooperation between Member States in the cross-border enforcement of relevant Union law, including facilitating joint inspections; mediate and facilitate a solution in cases of cross-border disputes between national authorities or labour market disruptions.

The Authority will be established as a new decentralised EU agency. EU level social partners will have an advisory role through a dedicated Stakeholder Group. In accordance with the ordinary legislative procedure, the proposal for a Regulation is now being examined by the European Parliament and the Council. The ambition of the Commission is for the Authority to be up and running in 2019. Following a transition period, during which specialized staff will be recruited and working methods established, the authority should be fully operational by 2023.

A dedicated Advisory Group has been set up to advise and assist the Commission on the establishment of the Authority. The group will include key stakeholders, such as representatives from the Member States and Union-level social partners. The first meeting of the Advisory Group took place on 16 May.

Regarding the impact on the current institutional setup, ELA should absorb committees that have mainly operational tasks, including the Platform on Undeclared work and Expert Committee on the Posting of Workers.

### **3. The role of the “Social Economy” in the Cleaning sector**

Mrs Lisa Erikson, Almega, Swedish EFCI member, presented the 2012 SGEI (Services of general economic interest) package in relation to the Commission decision of 6 December 2017 on Samhall, a state-owned company which is a part of Almega.

Uni Europa raised the question how to frame labour market integration of disabled people and not undermine collective bargaining contracts. Three problems are seen: a) specific labour conditions of SGEI, b) anecdotal evidence (e.g. lower wages), c) overlap of group of workers with different collective bargaining contracts working side by side.

Belgian Uni Europa member endorsed these remarks. A social economy is needed, but when normal workers are being replaced by workers who are paid less and for whom the employers receive subventions this creates a race to the bottom.

Swedish Uni Europa member shared concerns about the working environment of the employees.

Spanish EFCI member explained that, in Spain, certain parts of public procurement have to be reserved for special disabled working centres and that disabled people in companies have a special collective agreement for a general purpose, which is lower than the normal collective agreement. One way to prevent the disruption of the market could be through the public procurement guide.

Spanish Uni Europa member echoed the statement of the Spanish EFCI member. He stated some disabled people could be easily integrated into the normal working scheme, but instead they are being used by the companies for receiving subsidies.

It was agreed that the social partners would continue to collect and share experiences on this issue.

#### **4. Development of facilities management in the cleaning sector**

Mr Salvatore Navarra, ANIP, Italian EFCI member made a presentation on the growth of Facility Management and its impact on the cleaning sector. In Europe, Facility Management seems to be the most developed in the UK, the Netherlands, Germany and France. He presented the market trends, which point to the overall decrease of office cleaning and the increase of specialised and related services. In Italy, the Facility Management market is growing constantly and is pushing towards a more integrated solution for services.

Uni Europa saw the problem of having a sector confined to a small area while the businesses are getting bigger. The social partners will have to figure how to manage the broadening of the scope (jobs not anymore fitting the sectoral definition). Other federations might have to be involved in a productive way.

Spanish EFCI member stated that the most important problems in the cleaning sector are price and unfair competition. All around Europe, the companies face the problem of lowering margins. The integrated multiservice approach, as cross-selling, could be a solution. In Spain the approach must be multi-sectoral as every sector has its own collective agreement (catering, private security, engineering).

Italian EFCI member argued that the cleaning companies, which are in the buildings every day, can build around their main service. Instead of selling labour, the companies need to sell organisation.

Belgian Uni Europa member considered that there are common grounds for a discussion, but the workers' perspective is not emphasised enough. He agreed with the intervention of the EFCI members only in so far as these changes would not lead to lowering the standard of the working conditions in the cleaning sector.

Spanish Uni Europa member pointed to the fact that other sectors are also regulated. Could the additional competences be carried out by the cleaning staff?

Uni Europa pointed to the issue of social recognition of different tasks and jobs and how this would be accounted for in the collective bargaining. Internal business competences will be needed to perform these tasks. Would this be through privatisation of services?

It was agreed that in-depth reflection of both trade unions and employers on this topic will be required. A joint social partners' project, co-financed by the social dialogue call for proposals, could also be envisaged.

## **5. AOB**

Mrs Hajkova, DG EMPL, reminded that Eurofound has launched a new representativeness study in the cleaning sector in the beginning of 2018.<sup>1</sup> As explained at the last meeting, the study is largely based on data collection in the Member States. The data collection is carried out through Eurofound national correspondents (in the national languages)

Eurofound has just launched a questionnaire for this data collection and it is therefore to be expected that the national contacts (provided by EFCI and Uni Europa) will be approached in the course of June. It is important to give the best information possible, so that the picture of the representatives is as complete as possible. The exercise is there to map the situation in the cleaning sector as it is in 2018.

Mrs Hajkova also informed about the publication of the annual call for proposals for supporting social dialogue projects – [VP/2018/001](#).

**Next meetings: 9 November 2018**

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<sup>1</sup> Previous Representativeness Study in the cleaning sector (2012) is available here : <https://www.eurofound.europa.eu/publications/report/2012/representativeness-of-the-european-social-partner-organisations-cleaning-activities-industry> .