



Brussels, 30 October 2014

European Commission consultation of the European social partners on the practical implementation of Directive 2003/88/EC concerning certain aspects of the organisation of working time

The EFCI (European Federation of Cleaning Industries) has taken note of the Commission consultation on the practical implementation of Directive 2003/88/EC concerning certain aspects of the organisation of working time and would like to send herewith its answers to the questions addressed to social partners. Through the present position paper, the EFCI wishes to draw the attention of the Commission to a series of elements, which are of high importance to companies providing cleaning services.

The EFCI unifies the representative national employer associations of the Cleaning Industry in Europe and wishes to advise that more than 176.000 companies, which are in majority small and very small organisations, employ more than 3.32 million workers with an annual turnover of about 64.5 billion Euros. It is a highly labour intensive sector (around 80% of the production costs) with about 70% of part-time work arrangements. The EFCI is recognised by the European Commission (DG Employment, Social Affairs and Inclusion) as a European sectoral social partner in accordance with the European Treaties. Further information can be found on the EFCI website: www.efci.eu

General comments

The debates over the last 10 years about the Working Time Directive have shown that working time patterns strongly evolved during the last twenty years and thus created many new opportunities of flexible working time organisation for employers and employees. The changes in those patterns are a combination of the influence of globalisation and business restructuring as well as the increased importance of services, increased diversity of the workforce and a higher understanding for the reconciliation of professional and private life. As this trend is likely to continue, an appropriate room for manoeuvre is required in order to enhance the possibility of adequate arrangements for employers and employees through collective or company agreements.

The EFCI firmly stresses that flexibility forms an essential part for the good development of the industrial cleaning sector and for the quality of services that it provides. Certain cleaning services have to be provided daily and this on a 24-hours basis. Especially in the recent crisis, flexibility has demonstrated to be a competitive advantage and a successful way to secure people's jobs. As a consequence, the current specific provisions in the Working Time Directive are legitimately taking into account the particular features of our sector. Any possible amendment of the current directive must therefore keep in mind the specificities of our services.

Flexible contractual arrangements in accordance with the respective national legal framework are contributing to the growing demand for cleaning services. Furthermore, the inherent flexibility to the services provided by our industry are playing an important role in the reconciliation process, since cleaning services suit well with the demands of many (female) workers that need to be able to combine their professional life with their personal or family circumstances.

Against this background, every practical implementation of the directive must always keep in mind the specific features of each sector and the specificities of each country (bearing in mind, in particular, that in the large majority of European countries collective agreements and/or company agreements on working time arrangements exist and that, consequently, these arrangements directly influence the work organisation at national level).



Specific comments

We consider that the social partners have been sufficiently consulted and involved by the national authorities before the adoption of national measures transposing the Directive. This is as well the case for the practical implementation of these measures.

With regard to the derogations provided for in Articles 17 and 18 of the Directive, we would like to herewith underline the importance of these derogations, as they explicitly take into account the specific characteristics of the different activities concerned.

The cleaning industry is particularly concerned by different periods of work split up over the day, as an extensive part of the activity is performed outside the usual office hours, i.e. during the morning (between 6 hrs. and 9 hrs.) and the late afternoon (between 17 hrs. and 20 hrs.).

It is therefore not possible for the cleaning industry to comply with the reference periods for daily and weekly rest respectively set at 11 and 24 consecutive hours, which are foreseen by Articles 3 and 5 of the Directive. As a result, the derogation granted to our sector through Article 17, paragraph 4 b is of highest importance and indispensable for the future for all companies active in the industry.

Signed in Brussels on 30 October 2014

Andreas Lill
EFCI Director General

A handwritten signature in blue ink, appearing to read 'Andreas Lill', is positioned below the printed name and title.