

PROCURFAIR Snapshot FRANCE

**Promoting Decent Work Through Public Procurement in
Cleaning & Private Security Services**

More info

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www.uni-europa.org/procurfair

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Table of Contents

Key insights from this Overview Report	3.
The cleaning and security sectors in France	4.
Policy and legislative developments	5.
The role of unions and/or employers	6.
Obstacles in developing socially responsible public procurement	7.
Local insight	7.
Case Study One: Rennes City and Rennes Métropole	8.
Case Study Two: MUCEM, Marseille	9.
Case Study Three: Atomic Energy Commission	10.
Case Study Four: Strasbourg Métropole	11.

Key insights from this Overview Report

- Public procurement accounts for around a quarter of business in both sectors
- Social impact in procurement has long been on the agenda but with limited results
- Unions and employers have produced a lot of guides and toolkits on best practice
- Lack of expertise and rules on competitiveness are regarded as obstacles
- France's strong state protections and sectoral bargaining are more effective

The cleaning and security sectors in France

Outsourcing is well established in both sectors and the two have experienced strong growth in France over the past few decades. The market is characterised by a large number of small businesses, plus a few large companies. Collective bargaining for cleaners dates back to the 1980s, while the security industry has come under increasing state regulation, though this focuses on vetting rather than employee protection. Public procurement accounts for about a quarter of business in each sector. Low wages, working conditions, part time and access to social security are the most common problems facing employees.

Policy and legislative developments

Social impact began to be a factor in procurement in the 1990s, at first under the initiative of regional authorities. This was taken up by national government in the 2000s, with the introduction of social and environmental clauses into procurement contracts. However, this was not widely applied until 2014, when the EU's procurement directive came into effect. This obliges local authorities to promote socially and environmentally responsible public procurement in large-scale contracts. Even now, this still only involves a minority of contracts, but the increased political attention has led to a proliferation of guides and toolkits.

The role of unions and/or employers

Good practice guides for socially responsible procurement have been developed. Employers' representatives in the cleaning sector believe that these guides have also helped to influence Europe-wide discussions on best practice.

Obstacles in developing socially responsible public procurement

Many interviewees felt that the guides and toolkits were not having much impact on procurement practices. The three main reasons given were competing regulatory demands for social responsibility and competitiveness; a lack of expertise and specific powers among procurement bodies; and overly restrictive French procurement rules.

Local insight

Sectoral collective bargaining agreements and a strong state labour code give workers in France a good deal of protection despite relatively low union density for an OECD country.

Case Study One: Rennes City and Rennes Métropole

Local authorities in Rennes are currently running a series of initiatives to help promote better work-life balance in and around the city, including a policy to improve the working conditions of maintenance staff. The city of Rennes, which runs more than 50 buildings, operates an in-house cleaning service. Rennes Métropole, which covers a larger area spread between several different municipalities, uses contracted cleaning services. Regardless of whether cleaners are outsourced or employed directly, Rennes local authorities are trying to improve pay by reducing involuntary part-time work. This is treated as a gender equality issue too, since the majority of cleaners are women. Public tenders oblige contractors to use daytime shift patterns. Concerns that this would increase costs have not come to pass, although some employees have objected to having their shift patterns changed.

Case Study Two: MUCEM, Marseille

The Museum of European and Mediterranean Civilisations (MUCEM) is a national museum located in Marseille. Cleaning and security are outsourced. The museum has introduced a new contracting policy for security guards to improve job stability, selection during recruitment and training since their public-facing role is considered particularly important for the museum. Previous procurement contracts generally gave employees only the minimum standard wages and training. The new call for tenders, introduced in 2020, was redesigned to allow higher prices but also ensure that the extra money went towards improved service quality, including on-the-job training. The key roles in making this work are those of the purchasing manager and the manager monitoring the contract – though their hands are somewhat tied by competition rules, and objections from contractors that they are interfering in their management of employees. Management regard the initiative as successful so far.

Case Study Three: Atomic Energy Commission

This is an example of good practice that occurs because it is legally mandated. The Atomic Energy Commission (CEA) is a scientific research agency based at 10 different sites across France. At its Cadarache centre in the Bouches du Rhône region, which is home to several experimental nuclear reactors and subject to strict safety regulations, cleaning services are outsourced. Because of the safety risks, French law – stemming from an EU directive – obliges the centre to run a body for dialogue on health, safety and working conditions involving contractors and employees. Working conditions are often neglected in discussions, but trade union representatives have intervened on behalf of their members when they wanted to raise issues. The body helps integrate cleaners into the wider staff community.

Case Study Four: Strasbourg Métropole

Strasbourg's metropolitan authority has introduced a policy to help better regulate the pace of work for cleaning staff, who are a mix of outsourced and in-house employees. The city authority has tried to set a reasonable rate for the amount of floor space cleaners are expected to clean per hour and write that into procurement contracts. Budgetary constraints, competition rules and legal constraints on how contracts are written are all proving obstacles to making this scheme work effectively.