The role of international and European standards in shaping the world of work in the European service sector

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CONFEDERATION

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The European Trade Union Confederation (ETUC) speaks with a single voice on behalf of European workers to have a stronger say in EU decision-making. It represents 45 million members from 90 trade union organisations in 38 European countries, plus 10 European Trade Union Federations. The ETUC aims to ensure that the EU is not just a single market for goods and services, but is also a Social Europe, where improving the wellbeing of workers and their families is an equally important priority.

The ETUC standardisation project (ETUC STAND) aims at ensuring sustaining and reinforcing trade union representation and their effective participation in the development of standards. It crystallises its long-held demand that standards should ensure the highest quality of working conditions, including among others a high level of public and occupational health and safety across Europe. Moreover, the ETUC, insists on the autonomy of the social partners - standards should not encroach upon the autonomy of social partners.

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Disclaimer

The views expressed in this report are purely those of the author and do not necessarily reflect the views of funders; they may not in any circumstances be regarded as stating an official position of the organisations involved.

Executive summary

This research presents the results of a study that was commissioned by the ETUC in July 2019 in order to « conduct an analysis of the impact of standards on the world of work in the service sectors ».

Standards refer to so-called private voluntary technical specifications explicitly documented, published and sold as tools used in the organisation of production and exchanges. The entry into force of the World Trade Organisation (WTO) in 1995 gave international standards a major role in harmonising the technical specifications of goods and services traded on the global markets. In Europe, the regulatory framework has also granted a crucial role to standards set by the European standardisation organisations in creating the condition for a better integration of the EU single market. The growing relevance of technical standards as regulatory instruments and their extending scope to new areas, such as services, call for a preliminary investigation of their impact and influence on workers, working conditions and social dialogue.

Drawing upon interviews conducted with 11 trade unions experts, extensive desk research, literature review and an online survey; our results provide evidence that standards matter for workers, including in the field of services. The results highlight that the impact of service standards on workers is complex and multifaceted, entailing both positive and negative consequences for working conditions and social dialogue.

Service standards can, under certain circumstances, benefit working conditions and social dialogue. Such benefits include the influence of service standards in providing a level playing field in their impact on workers and their environment, for instance in training opportunities or privacy at work.

Yet, significant evidence exists regarding the potential pitfalls of service standards for workers. Observed pitfalls refer to service standards setting requirements contradicting existing labour laws and collective agreements or leading to inferior working conditions. They also underline the potential instrumental use of standardisation to by-pass difficult collective bargaining process in the service sector.

Even though not exhaustive, neither definitive, several conditions affecting the outcomes of service standards are identified in the study, including trade unions' participation to voice workers concerns, the level of embeddedness of standard-setting activities in social dialogue structure, the level of unionisation and labour tradition, or the effective involvement of workers' representatives during the implementation of standards. On this basis, the following recommendations are made:

RECOMMENDATIONS

Beware of standards

The growing relevance and extending scope of standards and other voluntary regulatory initiatives addressing work-related issues calls for greater trade union attention.

Be there

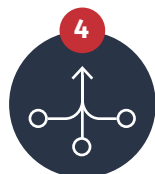Standards matter for workers and participation is a precondition to ensure workers concerns are taken into account in standards.

Follow the standards

This recommendation reflects the importance of the effective involvement of workers' representatives during the implementation of standards and points towards the possibilities to provide them with guidance.

Embed the standards

The level that standards are embedded in the social dialogue structure largely contributes to the positive outcomes of a service standard.

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List of abbreviation

ANEC	European Association for the Co-ordination of Consumer Representation in Standardisation	ILS	International Labour Standards
CEN	European Committee for Standardisation	ISO	International Organization for Standardisation
CENELEC	European Committee for Electrotechnical Standardisation	INRS	Institut National de Recherche et de Sécurité
EC	European Commission	ITUCS	International Trade Union Confederation
ECOS	European Environmental Citizen's Organisation for Standardisation	JIS	Joint Initiative on Standardisation
EFTA	European Free Trade Agreement	KAN	Kommission Arbeitsschutz und Normung
EN	European Free Trade Agreement	NGO	Non-governmental organisation
ESO	European Standardisation Organisation	NSB	National standardisation bodies
ESS	European Standardisation System	OECD	Organisation for Economic Co-operation and Development
ETSI	European Telecommunication Standards Institute	OJEU	Official Journal of the European Union
ETUC	European Trade Union Confederation	OHS	Occupational health and safety
ETUF	European Trade Union Federations	SBS	Small Business Standards
ETUI	European Trade Union Institute	SME	Small and medium-sized enterprise
EU	European Union	SPS	Sanitary and phytosanitary measures
FM	Facility management	TBT	Technical barriers to trade
GATS	General Agreement on Trade in Services	TC	Technical committee
GATT	General Agreement on Tariffs and Trade	TSR	Tripartite standards regime
GPA	Agreement on Government Procurement	TFEU	Treaty on the Functioning of the European Union
ILO	International Labour Organization	WTO	World Trade Organization

Glossary

Accreditation	Refers to the formal recognition by a specialized body – an accreditation body – that a certification organisation is competent to carry out certification audits for specific standards. The authority of an accreditation body is generally granted by government (adapted from Loconto et al., 2012 and ISO/IEC 17000:2004).
Certification	Refers to the issuing of written assurance (the certificate) by a body attesting that it has conducted an audit and verified that the product, process or person conforms to the requirements laid down in the standard. (Loconto et al. 2012).
Consortia standard	Standard developed by an alliance of firms or organisations or a closed circle of organisations and gaining prominence through widespread market use rather than through a formal recognition of their ability to set standards.
ESO	Formally recognised European standardisation organisations consisting of the CEN, CENELEC and ETSI.
ESS	Set of public and private regulations and actors that define the development, use and recognition of standards and related deliverables in Europe.
European standard	Standard adopted by a European standardisation organization. Once adopted, NSBs have to transpose them into identical national standards and withdraw any conflicting national standards.
Harmonised standard	European standard adopted on the basis of a mandate (or request) made by the EC for the application of Union harmonisation legislation. Manufacturers, other economic operators, or conformity assessment bodies can use harmonised standards to demonstrate that products, services, or processes comply with relevant EU legislation. The references of harmonised standards must be published in the Official Journal of the European Union (adapted from Regulation 1025/2012, art. 2 and EC website).

International labour standard	Legal instruments, defined by the ILO constituents (i.e. governments, employers and workers), that set out the basic principles and rights at work.
Private labour standard	Standard developed by non-state actors and explicitly addressing labour issues, employment and working conditions.
Service standard	Standard that specifies requirements to be fulfilled by a service, to establish its fitness for purpose. Service standards can include both specific requirements on the service (measurable) and organisation procedures in place for repeated or continuous application to ensure that the service level is reached. A service standard can describe requirements for the service or part of it, and it can establish service levels or categories (CEN Guide 15:2012).
Standardisation mandate	(or standardisation request) Legal act by which the EC request the ESO to develop European standards or related deliverables in support of Union legislation and policies and setting the content to be met by the requested deliverable and a deadline for its adoption (adapted from the Vademecum on European Standardisation, EC 2015).
Tripartite standards regime	Regime of governance that consists of standards-setting, accreditation, and certification. (Loconto and Busch, 2010).

1

Introduction

Standards refer to so-called private voluntary technical specifications explicitly documented, published and sold as tools used in the organisation of production and exchange of goods and services. In order to avoid standards to be turned as an impediment to global and regional trade, public authorities and intergovernmental organisations have granted regional and international standards a major role in harmonising technical specifications for goods and services traded on a transnational basis. It is worth noting that even though cast as voluntary, standards are very constraining. On one hand, standards may be referred to in trade agreements, national law or public procurement policies and may have a legal impact. Even though European and international standards are developed by private specialised organisations, like the International Organisation for Standardisation (ISO), links with public authorities always appear at some points. On the other hand, European and international standards may become de facto a necessary condition for market access; in such cases, the effect of a particular private standard could be even greater than that of a government regulation of a smaller country. As such, while trade unions favour democratic over private decision-making processes, the growing relevance of technical standards as regulatory instruments calls for a preliminary investigation of their impact and influence on workers, working conditions and social dialogue. This is precisely the topic of this study.

In 2015, The European Trade Union Confederation launched the ETUC STAND project with the financial support of the European Commission and EFTA. The ETUC STAND project is aimed at sustaining and reinforcing trade union representation and effective participation in European standardisation with a focus on the services sector as well as advanced manufacturing techniques. In order to gain a more fine-tuned understanding of the role and relevance of standards for workers, the ETUC decided to initiate a "Study on the role of selected international and European standards in shaping the world of work in the European service sector." This study was commissioned by the ETUC in July 2019. Its main purpose is to « conduct an analysis of the impact of standards on the world of work in the service sectors » with the following objectives:

- « To support and foster an active and informed participation of trade unions in the development of service standards at national, European and international level.

- To gather in-depth knowledge about the relationships and interplay between voluntary consensus standards in the European service sector and social dialogue, collective bargaining and agreements, working conditions, and labour laws.

- To understand the impact of international and European standards on working conditions and social dialogue in selected service sectors. »

This study is structured as follows.

Section 2	The next section, section 2, introduces the methodology and presents the challenges encountered to assess the impact of service standards on working conditions and social dialogue.
Section 3	Section 3 sets the scene in providing general information about the growing relevance of standards as a regulatory tool in Europe, the development of service standards and the role of workers and trade unions in the European standardisation system.
Section 4	Section 4 presents the review of the literature on new forms of power and regulation in global governance, with a focus on studies addressing the rise of non-state actors in the regulation of labour.
Section 5	Section 5 presents and discusses the results of the study; it starts by a review of the relationships between service standards and occupational health and safety (OHS) issues and then provides empirical findings from the online survey and experts' interviews by distinguishing the impact of service standards at the work floor level (working conditions) from their broader impact at the institutional level (social dialogue). The conclusion wraps up the results and draws larger implications, in particular for the trade unions' strategy in setting technical specifications for services.

2

Methodological considerations

While studies on the economic benefits of standardisation have mushroomed over the last two decades with the corresponding development of econometric models, the analysis of the impact of standards on workers are almost non-existent. Moreover, as compared to product standards, standards addressing the service sector are relatively new and corresponding experience is still limited. As such, researching the benefits and pitfalls of service standards for workers requires an explorative dimension.

The issue of causality further reinforces this explorative dimension. It is challenging to identify the impacts on workers and working conditions of a distinct requirement laid down in a standard, as far as such impacts might a) be not suitable for observation or remain unnoticed within most part of the organisation and b) be dependent upon the interplay of standards with a wide range of other specific factors, including the specific institutional framework in which the standard is implemented, or organisational, cultural or sector-specific variables. Thus, a qualitative research design appeared as the most suitable option.

Primary sources collected include interviews with international experts and high-ranking officials in charge of standardisation and regulatory policies, documents published by the institutions to which the interviewees belong, as well as policy documents, reports and position papers related to European standardisation policies, European mandates in the field of services standardisation as well as by the specialised press. An online survey completed research process.

Desk research and literature review

Initial desk research has been performed at the start of the research to ensure that the most relevant sources of information regarding services standardisation had been identified. Special emphasis has been laid on the cleaning service sector to enrich the observations and gain a detailed understanding of the impact of standards in that specific sector. After this preliminary stage of desk research, the database of documents used for the study has been continuously extended throughout the research, for instance by collecting relevant documents provided by interviewees. At the same time, a review of the academic literature has been conducted to explore the relationship between standards and other non-state driven regulatory initiatives and conventional forms of regulation. This review mainly covers business and society, global governance and international relations literatures.

Interviews

In order to get a more fine-tuned understanding of the impacts of standards in general, and of service standards in particular, upon working conditions and social dialogue, semi-structured interviews with trade unions representatives have been conducted. In total, 11 interviews were conducted (see list of interviewees in annex 1). All interviewees but one are or have been involved in the work of the technical committee drafting standards. Prior to the interview, a list of guiding questions has been provided to the interviewees (see annex 2). The interviews lasted between 60 and 90 minutes and were usually conducted in English via Skype or via phone. The interviews have been transcribed for the purpose of analysis.

Online-survey

An online survey was launched to assess the perception of trade unionists regarding the relevance of standards for workers, their impact on the world of work, and the conditions affecting the outcomes of standards to the benefit of workers. The survey was circulated among the members of the ETUC standardisation committee and shared to the European Trade Union Federations (ETUF). All were invited to further disseminate the link to the survey among their own network. The consultation was initiated on October 30th, with a deadline set for November 15th. Based on the low number of answers received, the online survey was re-circulated with a deadline for submission of answers extended to November 22nd. The survey collected a total of 12 answers. Despite the low number of responses, it is worth underlining that people who answered the survey consider themselves having a good knowledge of the European Standardisation System and standardisation practices. From a geographical perspective, trade unionists coming from 10 different countries (Norway, Malta, France, Sweden, Germany, Italy, Portugal, Belgium, Hungary, United Kingdom) completed the survey. The large majority of respondents declare to participate in standard-setting activities.

The analysis of the collected materials required a qualitative content analysis method (Patton, 2002) in order to interpret and describe the impact of service standards on working conditions and social dialogue throughout the material and identify related themes and topics. Due to the low level of responses to the online survey, the corresponding results have been used to support evidence stemming from other sources, that is as qualitative evidence.

3

Setting the scene:
standards for services and workers

This section provides background information regarding service standards and their relevance from the workers' point of view. It starts by informing the reader about the context and institutional framework that have granted an important role to standards for the sake of regulatory reforms, including services. It then presents services standardisation and the specificities of the service sector in order to clarify its relevance for workers. We then provide general information with regard to the functioning of European and international standardisation bodies that are in the forefront of services standardisation. An introduction on the role of trade unions in standardisation as well as their traditional areas of concerns completes the overview.

3.1 The growing relevance of international and European standardisation

Two decades ago, the OECD has estimated that "up to 80% of trade (equivalent to around $4 trillion annually) is affected by standards or associated technical regulations" (OECD, 1999: 4). International standards matter for consumers and workers as they provide interoperable technological devices, minimum health and safety protection measures, and quality guarantees with regard to purchased goods and services. The significance of international standards not only pertains to their growing share in the economy, and to their impact upon the environment, or to the health and safety of workers and consumers. It also relates to the institutional environment that establishes a formal devolution of power to international standard-setting organisations. Formerly, technical specifications were largely the preserve of the regulatory framework of law, with company standards decided by managers and, to a marginal degree, national standards institutions. Today, the regulatory framework of law has yielded ground to the voluntary standards drafted by a raft of public and private sector standardisation bodies operating internationally or regionally.

Standardisation is part of the infrastructure of globalisation providing cross-border non-governmental coordination mechanisms. The establishment of the World Trade Organisation's (WTO) Technical Barriers to Trade (TBT) Agreement and the revision of the Sanitary and Phytosanitary Measures (SPS) Agreement in 1995 as well as the plurilateral Agreement on Government Procurement (GPA) established a formal devolution of power to international standard-setting organisations. Unlike the loose provisions relating to the technical regulations of the old GATT,

the TBT and SPS agreements—like some provisions of the General Agreement on Trade and Services (GATS) and GPA—give international standards a major role in harmonising the technical specifications of goods and services traded on the global market. State regulations in this domain must comply with "legitimate objectives". With regard to goods, such concerns are related to health, safety, and environmental issues. Thus, the goal of removing "unnecessary" barriers to trade should be pursued insofar as possible by substituting international standards for domestic standards.

Developments also clearly take place at the regional level, especially in Europe as the European Union is in the forefront of international standardisation. In 1985, Council Resolution 85/C 136/01 on a 'new approach' to technical harmonisation and standardisation instigated a completely new regulatory technique. The New Approach provides a framework for the harmonisation of EU public law only for the general and essential requirements of goods and services traded on the European market, particularly in the fields of health, environment, safety, and consumer protection. Depending on the sectors affected, technical specifications, performance criteria, and quality requirements are either based on mutual recognition of national standards or delegated to European standard-setting bodies (Egan, 2001).

The European Commission was well aware that the emergence of an increasingly dense and extensive European standardisation with global reach could also support the 2000 Lisbon Agenda. Services were a core feature of the plan "to become the most competitive and dynamic knowl-edge-based economy in the world". New emphasis on service standards was made after the 2005 mid-term review of the Lisbon Agenda and the adoption of the Directive 2006/123/EC on services in the Internal Market was fully implemented by the end of 2009. The Directive emphasises that the promotion of quality is a crucial issue for the unification of the internal market for services. To this end, it explicitly encourages professional independent associations and certification organisation as well as standardisation bodies like the European Committee for Standardization (CEN), the European Committee for Electrotechnical Standardization (CENELEC) or the European Telecommunications Standards Institute (ETSI) to develop voluntary European standards and quality marks (preamble 102 and article 26).[1]

Actually, the European Commission already in 2003 and 2005 addressed the so-called programming mandates (M 340 and M371 respectively) to CEN, CENELEC and ETSI in the field of services to identify priority sectors and to develop a work programme for services standardisation to support the cross-border provision of services in Europe; either by the development of vertical sector-specific standards or by defining horizontal cross-sectoral generic standards. Based on the outcomes of these mandates, the EC issued, in 2013, a standardisation mandate (M 517) to the CEN for the development of horizontal service standards addressing particular aspects/parts of a service provision. This led to the creation of the CEN TC 447 "Horizontal standards for the provision of services" currently developing three service standards dealing respectively with service procurement, services contract and performance measurement.[2]

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[1] Article 26(5) of the Services directives states that " Member States, in cooperation with the Commission, shall encourage the development of voluntary European standards with the aim of facilitating compatibility between services supplied by providers in different Member States, information to the recipient and the quality of service provision."

[2] See also Graz and Hauert (2014).

Although the Commission has issued a number of mandates to CEN to foster services standardisation, the development of European service standards has been (and still remains) relatively limited. Faced with the faster development of service standards at the national than at the European level[3], and the potential creation of barriers to intra-EU trade in services, the Commission already initiated in 2010 a reform of the European Standardisation System (ESS).

The reform of the ESS was partly achieved by the entry into force in 2013 of the Regulation (EU) 1025/2012 on European standardisation providing a legal framework for the Commission to issue standardisation mandates for the development of particular service standards in areas where the EU has the competence to act (Leeuwen, 2018).[4] The new regulation foresees a more inclusive ESS by facilitating the participation of SMEs and societal stakeholders such as trade unions, environmental NGOs, and consumers associations.[5] Most notably, Article 5 of the Regulation encourages European standards-setting bodies to facilitate "an appropriate representation and effective participation" of such stakeholders and more particularly "through the European stakeholder organisations receiving Union financing in accordance with this Regulation". It also intends to better incorporate European standardisation of services in the legislative framework for standardisation in the EU. In 2016, the EC has put further emphasis on services standardisation and adopted the so-called "Standardisation Package"[6] including an accompanying document on service standards.[7] At the same time, the EC launched the "Joint Initiative on Standardisation" (JIS), a collaborative and non-binding initiative aimed at developing actions to better prioritise and modernise the ESS. One of its actions (number 12), set under CEN leadership, is precisely addressing the development and use of service standards.

3.2 Services standardisation in Europe

The dominance of services constitutes one of the most striking aspects of the way in which the world economy has changed in recent decades. In Europe, services account nowadays for over 70% of the GDP and an almost equal share of its employment. The significance of services not only pertains to their growing share in the economy. As Bodes and Miles emphasize, "the service economy is not merely an economy in which service sectors are quanti-

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3   See for instance COM 2011(311) Final: "Progress in the development of European standards for services has, however, been slow and recent years have seen the rapid growth in service standards at the national rather than the European level, (453 new national standards in 2005-2009, as opposed to only 24 European)."

4   In particular, the Regulation integrates Directive 98/34/CE of the European Parliament and of the Council regarding the "procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services" (22 June 1998) and the Decision 1673/2006/CE of the European Parliament and of the Council on the financing of European standardization (24 October 2006).

5   Article 16 of the Regulation addresses the financial support granted to European stakeholders organisations participating in standardisation work; Annex III to the Regulation further specifies that eligible organisations shall be European organisation representing either SMEs or consumers or environmental interests or social interests. Societal stakeholders receiving Union financing are thus often referred to as "Annex III organisations".

6   COM(2016) 358 Final, "Standards for the 21st Century".

7   SWD(2016) 186 Final, "Tapping potential of European service standards to help Europe's consumers and businesses".

tatively dominant. It is one where 'service' is becoming a guiding principle throughout the economy"[8]. This move is largely supported by the advancement of information technologies as well as by the emergence of an institutional environment enabling the internationalisation of services. The application of the General Agreement on Trade in Services (GATS) in 1995, the negotiations underway at the World Trade Organisation (WTO) and the adoption in 2006 of a new EU directive (2006/123/EC) on services in the internal market are some of the key milestones in intergovernmental support of the internationalisation of services. Likewise, the development of cross-border services provisions in Europe rely on a number of non-state driven arrangements, including standardisation. Yet, despite the enactment of the Services Directive, trade integration in services is far lower than for goods and the deepening of the internal market in services has been slow with intra-EU exports of services as a % of EU GDP doubling from 3% in 1992 to 7% in 2016 (OECD, 2016; 2018).

The specificity of the service sector, characterized by the labour intensity, relational and immaterial dimension of services,[9] as well as the considerable regulatory diversity across countries are seen as major hindrances to the cross-border provision of services in Europe and to the development of European service standards.[10] Service standards may not necessarily cover all parts of the service provision, but only specific parts of it, such as terminological issues, indicators of service quality, information provision to customers, qualifications and training of the service provider or recurring organisational procedures. It remains that such topics are not addressed in a regulatory vacuum with significant amount of national and European legislation, labour laws or collective agreements, addressing these topics. As a consequence, "European standardisation of services is likely to interact and clash with existing legislation" (Leeuwen, 2018, p. 325). With the increase in deregulation, liberalisation and privatisation, the rise of service

standards is likely to compete with previous rules governing the provision of private as well as public services. It is precisely here that trade unions' concerns arise regarding the impact of service standards upon existing labour laws, collective agreements and more generally the role of social dialogue in the regulation of labour issues. In this regard, Regulation 1025/2012 offers some guarantees as it explicitly excludes services of "General Interest" (such as social security, vocational training and health system) from the scope of standardisation mandates (or requests) that the EC can address to the ESOs in the field of services. The Regulation also underlines that such standardisation mandates should not "affect the right to negotiate, conclude and enforce collective agreements".[11] It remains that such provisions offer only some guarantees concerning the EC standardisation mandates, and not the vast bulk of service standards that are developed by European standardisation organisations.

The different logics underpinning the development of service standards shed light on the likelihood for service standards to impact workers. On one hand, the development of service standards might respond to the logics of the industrialisation of service activities implying the gradual break down of complex services provision into a set of clearly identifiable tasks and procedures. Here, service standards are devised as tools aimed at orchestrating at the global scale a full range of remotely performed tasks and activities involved in the provision of services. On the other hand, service standards may also take into account more substantial expectations related to cultural values or implicit workers skills involved in the co-production of intangible and relational services. In both cases, it is hard to imagine that job patterns and working conditions will be left untouched by the development of service standards. This prompts us to briefly present the organisations in charge of setting European service standards before turning to the role of trade unions in standard-setting arenas.

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8   Boden and Miles 2000, 258.

9   The relational dimension of services refers to the extent to which personal relations between the service provider and the service recipient are invovled in the service provision process. The relational intensity of services my vary considerably, such as in professional counselling as opposed to transport logistics. Immateriality refers to the target on which service delivery operates ; here again the immateriality of sevices vary a great deal, ranging from highly immaterial target such as codified information or knowledge to more material target such as object to be maintained or transported. Over all, these features underline the importance of "soft factors" like client interaction and emotionality invovled in the provision of services and thus strongly resisting standardisation or rationalisation attempts.

10   Bryson and Daniels 2007; World Trade Organization 2012; du Tertre 2013 .

11   See preamble 12 of the Regulation 1025/2012.

3.3 The European standardisation organisations (ESOs)

The ESOs are at the forefront of services standardisation in Europe, with the CEN hosting most of the services standard-setting activities. While it might be assumed that the development of of European standards takes place within the ESOs, more than 50% of the service standards in the CEN portfolio is based on or is identical to the ISO standards.[12] The ESOs are private organisations that have been formally created as international non-profit associations. They have been officially recognised by the EU and EFTA as being responsible for the definition and development of voluntary standards at European level.[13] CEN and CENELEC members[14] are not states, but each national standard-setting organisation from EU member countries and EFTA members is considered broadly representative of standardisation in its country.[15] As such, their private or public status varies considerably from country to country.

According to Czaya, standard-setting organisations share an "ethos" (p. 461) and display a strong "institutional isomorphism" (DiMaggio and Powell, 1983; Schmidt and Werle, 1998: 58). Standards are defined by consensus in technical committees and deliberations should be based on the state of the art of scientific and technical knowledge. Standards are expected to be drafted and adopted on a voluntary basis, and participation in the CEN and CENELEC standard-setting activities (as well as in the ISO) is based on the so-called national delegation principle where the usually private national standardisation body (NSB) holds the voting rights in the international and regional standardisation organisations. While participation in the work of standardisation at CEN (or ISO) is formally open to all interested parties, participation is conditional upon membership in the national standardisation body in which 'mirror committees' are established to reflect the work of a CEN (and/or ISO) technical committee. Membership fees are charged to access the work of national mirror committees (pay to play principle) in many countries. It is within these mirror committees that the national position on draft standards is defined and that national delegates and experts are nominated for participation at European level. In addition to these general characteristics, a complex set of internal and drafting procedures regulate the various steps that a working document must go through in order to be adopted as a European or international standard.

It is worth clarifying that even though participation in the main European standardization bodies is open to all interested parties, standardisation remains characterised by an

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[12] See: https://www.cencenelec.eu/stats/CEN_CENELEC_in_figures_quarter.htm, accessed on 19/12/2019.

[13] See Article 2 and Annex 1 of the EU regulation 1025/2012 on European standardisation.

[14] The ETSI differs significantly from CEN and CENELEC in that it accepts corporate as well as national members. For further analysis of the European context, see: Egan 2001; Schoechle 2009, 24.

[15] Such as the British Standard Institute (BSI), the Association Française de Normalisation, AFNOR or the Deutsches Institut für Normung, DIN.

important democratic deficit (Graz and Hauert, 2019). As the "Access to standardisation" study commissioned in 2007 by DG Enterprise and Industry underlines: "(...) consumers', environmental and trade unions' interests are only marginally represented in many countries" (EIM, 2009, p. 10). Prior to the adoption of the 1025/2012 Regulation, the democratic deficit has been acknowledged by the Parliament and European Commission, it was dealt with it by dedicating ways to increase the representation of weaker stakeholders; for instance, the publicly funded ANEC, 'the European consumer voice in standardisation', was created in 1995 to represent the interest of the "European" consumers and a similar organisation in the environmental field emerged a few years later – i.e. the European environmental citizens organisation for standardisation (ECOS). But a formal basis defining the extent, modalities and material conditions of their participation in standardisation committees, as well as in standards-related EC activities, was largely absent. As such, the new regulation has granted the so-called « Annex III organisations »[16] financial support and a formal access to the Annual European Union standardisation work programme, to Commission's drafts of standardisation mandates to be addressed to European standardisation bodies, as well as to the work of the technical committees drafting standards. In this framework, Annex III organisations access CEN and CENELEC standard-setting activities as CEN-CENELEC partner organisations, thus without voting rights in the technical committees, even though these organisations have the possibility to comment and have successfully obtained a so-called "right of opinion"[17], which entered into force in 2017. The new regulatory framework thus not only fostered a greater involvement of societal stakeholders including trade unions in European standardisation, but also prompted the development of additional rights for these usually underrepresented actors. Before turning to the role of trade unions in setting technical specifications, it is also worth to briefly underline the role of national institutions and standardisation bodies in the ESS.

Even though the internationalisation of trade has diminished the importance of national standard-setting activities, NSBs remain a crucial actor in the ESS. First, they provide the usual channel to access European standardisation work. Second, it is the NSB mirror committees that hold the voting rights in the development of European standards. It is here worth to underline that, whatever the public or private status of NSB in Europe, they benefit from an explicit state recognition insofar as EU member states have to inform the EC of their standardisation bodies, an information that is published in the Official Journal of the European Union (see art. 27 of the Regulation 1025/2012). In addition, various legal instruments regulate the relationships between the national government and the NSB in European countries.[18] More generally, states retain substantial leverage in order to foster the adoption of European or international standards, hence to increase their impact, for instance by referencing them into public policies or public procurement. In the European setting, member states, through the so-called EC "Committee on Standards", decide on the approval of EC standardisation mandates (or "requests") and thus allow their official transmission to the ESOs. Thus, European member states have not only been largely supportive of including the field of services in the new Regulation,[19] they also keep various leverages to shape standard-setting activities and their outcomes. Even though limited, the development of publicly funded bodies to collect workers' concerns and sustain their representation in standardisation might be seen as an example of the state capacity to influence the standardisation process.

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16 Annex III organisation include ANEC, ECOS, ETUC and SBS.

17 The CEN-CENELEC "Right of Opinion" was developed on the requests of European societal stakeholders' organisations (SSO). Accordingly, organisations referred to in Annex III to the Regulation 1025/2012 (currently ANEC, ECOS, ETUC and SBS) each have the right to submit an Opinion on a draft EN, during the submission of the draft to Enquiry and/or Formal Vote. The Opinion can be "Favourable" or "Not Favourable" (with comments required if the latter). The Opinion does not form part of the ballot and does not affect the outcome of the vote, even though the corresponding TC must react to a "Not Favourable" Opinion submitted.

18 For an overview, see for instance Schepel and Falke (2000), pp. 55 – 83, as well as de Vries (1999).

19 According to the consultation on the new Regulation conducted in 2010 by the EC, 97% of responding public authorities favored the inclusion of services in the future regulaiton (EC, 2010).

3.4 Trade unions in standardisation

Trade unions' involvement in European standardisation reflects the broader context in which technical specifications have become crucial tools in the organisation of the internal market for goods and services. The emergence of the New Approach and its application to the machinery sector in 1989 led the emergence of dedicated bodies to represent workers in the standardisation process. The regulatory shift was partly anticipated by the European Trade Union Confederation's (ETUC) creation of the European Trade Union Technical Bureau for Health and Safety in 1988,[20] aimed at supporting "trade union representatives working in the field of health and safety at the workplace, and in par-

ticular those involved in the work of technical harmonization at community level and in European standardization bodies". [21]

In fact, the Machine Directive required that "Member States shall ensure that appropriate measures are taken to enable the social partners to have an influence at national level on the process of preparing and monitoring the harmonized standards" (art. 7.4). As such, a few specific national bodies were established at the request of trade unions and often in collaboration with public authorities, public accident insurance, and research institutes active in the field of OHS. Some have a tripartite organisational structure, like the German Commission for Occupational Health and Safety and Standardization (KAN, established in 1994), while others have an equi-representational board representing employees and employers, like Eurogip in France (established in 1991). At the same time, a few national trade unions, most notably LO in Sweden,[22] started their involvement in standard-setting activities.

The growing political relevance of European standardisation in the construction of the internal market for services as well as the entry into force of the Regulation (1025/2012) on European standardisation in 2013 prompted the ETUC to take actions to strengthen the representation of trade unions in standard-setting activities. The ETUC adopted several political resolutions emphasising the main concerns raised by the increasing use of European standards for policy purposes. As indicated by the ETUC Resolution on European standardisation adopted in 2013 (see box 1), such concerns related as much to the regulatory power granted to non-state actors, that is European standard-setters, with standards potentially encroaching upon existing labour laws, collective agreements, and issues traditionally addressed within social dialogue structure, as to the positive role that standards can play in promoting European competitiveness on global markets or in improving working conditions and health and safety at the work place. Wheth-

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[20] The Health and Safety Department of the European Trade Union Institute (ETUI) since 2005.

[21] See http://www.etui.org/fr/Themes/Sante-et-securite/Normalisation-et-securite-des-machines-en-anglais/Standardisation/Knowledge-base-for-an-active-ETUI/The-ETUI-interacting-with-CEN, accessed on 05/12/2019.

[22] Since 2000, Swedish trade unions have benefited from public funding for standardisation activities and has set-up a pool of trade unions experts in standardisation, the ASTA group. Nowadays, this group gather more than 70 trade unions experts in various standardisation areas. In 2019, a total amount of 480'000€ has been provided to support the participation of consumers, NGOs and trade unions representatives in national, European and international standardisation activities. See: http://www.skaradet.se/Pdf/Swedish_Standards_Consumers_Workers_Council.pdf and http://www.skaradet.se/Pdf/Presentation_Council_2019.pdf, accessed on 19/12/2019.

er to prevent the harmful impact of standards or to foster the improvement of working conditions, the effective participation in the technical committee was seen as crucial. the ETUC seized the opportunity provided by the new Regulation to receive EC financing for standardisation activities.

Since 2015, the topic of standardisation has been formally taken on board by the ETUC, most notably with the setting up of a team dealing with this topic at the ETUC secretariat and the creation of a standardisation steering committee gathering ETUFs and national affiliates. It is in this frame-

work that the ETUC developed its action in standardisation with the aim of strengthening trade unions' representation at technical and policy levels, that is in the standard-drafting committees under the aegis of the ESOs as well as in the EC committees and fora shaping standardisation policies. To support the overall action, the ETUC also developed training, capacity building networking as well as communication activities.[23]

BOX

1

Excerpt from the "ETUC Resolution on European standardisation" adopted on 5-6 March 2013

"The ETUC reiterates its opposition to highly political move to increasingly use standardisation in the internal market to replace legislation to by-pass difficult legislative processes.

Many of the areas being increasingly subjected to standardisation are political in nature and European policy should be channelled through democratic decision- making procedures rather than technical committees.

Furthermore, the ETUC insists on the autonomy of social partners and respect of collective bargaining and collective agreements, which are potentially challenged by the development of standards, particularly in the service sectors and in the field of human resources management. The ETUC reiterates that the ILO is the international organisation responsible for creating and interpreting labour standards.
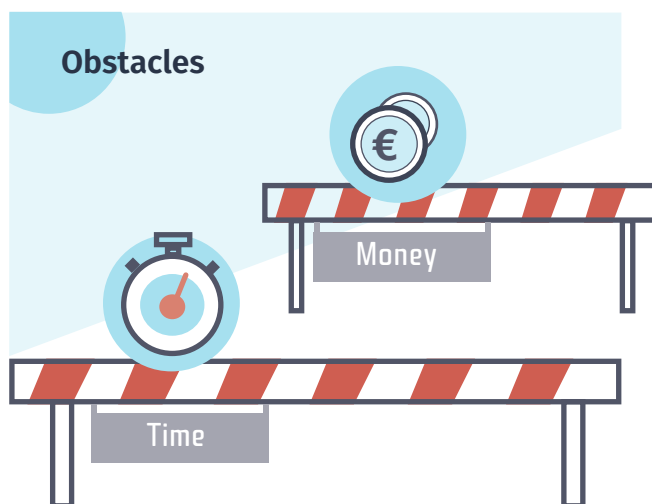
However, the ETUC recognises the role of standardisation as key tool in industrial policy, in driving innovation and product policy. The ETUC reiterates its long held demand that such standards ensure a high level of public and occupational health and safety in Europe. Standards are part of pushing forward a quality agenda in Europe in terms of international competitiveness and ensuring the quality of the internal market. They should integrate requirements contributing to a sustainable development by greening products and production processes."

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23 For further information, see https://www.etuc.org/en/issue/standardisation, accessed on 19/12/2019.

Although the "New Approach" directives and further regulatory reform de facto increased the relevance and impact of standards on workers, trade unions remain underrepresented within the technical committees drafting standards. The paradox of the "huge minorities", as it was coined by a representative of the German KAN, is observed in standardisation: "the two largest affected groups (370 million consumers, including 165 million employees, within the EU) are minorities within the standards committees, if indeed they are represented at all" (Bamberg, 2004, p. 13). More recently, the "Independent Review of the European Standardisation System" commissioned by the EC reported that "overall, it appears that—although big players consider the system to involve the right stakeholders — **'huge minorities' are still not correctly represented** (in terms of participation and influence) within the system" (EY, 2015, p. 113, emphasis in original).

Commonly mentioned obstacles include: time and money related to access (membership fees) and taking part to standardisation meetings held across Europe several times a year, the highly technical nature of standardisation work and deliberation as well as the complexity of the formal and informal rules governing the standardisation process. It is thus not surprising that the involvement of trade unions has been traditionally limited to product standards, like machines and working equipment.

Regarding the service sector, it is worth noting that, as mentioned in section 3.2, there is a greater likelihood for provisions laid down in a European service standard to interact and conflict with existing legislation and regulatory arrangements, including collective agreements. Moreover, by including provisions concerning the content of a service, quality assessment criteria, qualification of the staff, conditions of employment, or service delivery, service standards will also inevitably impact workers since they are the producers of services. As a result, even though service standards are not developed with the aim of regulating work-related issues, by extending their scope to labour intensive and relational services, they will have an impact on workers and work environment, in one way or another. It is in this regard that the study of the influence of service standards on working conditions and social dialogue is important. The next section will thus explore the literature on the rise and influence of non-state driven standards, codes and other voluntary initiatives in the field of labour.
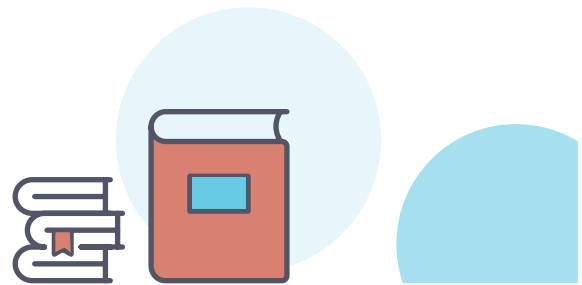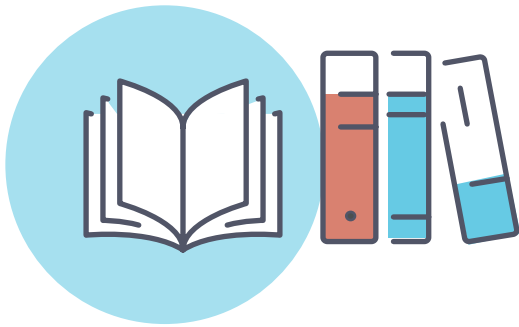
4

Literature review

Standardisation studies have been mostly confined to research in engineering, economic and business focused on industrial choices, competitive behaviour and technological innovation. Yet, standards are an object of enquiry closely related to globalisation studies highlighting the role of non-state actors and the emergence of private authority and less conventional forms of regulation. The literature on the rise of non-state actors, private authority, and less conventional forms of regulation has mushroomed over the last two decades (Cutler, et al., 1999; Djelic and Sahlin-Andersson, 2006; Graz, 2019; Hall and Bierstecker, 2002). A shared assumption in academia, is that at least two conditions must be met for such new forms of authority to be effective: the consent of actors subject to the rules without having been involved in their making; an explicit or implicit recognition by the state (Graz and Nölke, 2008). A distinct feature of these new forms of power is their reliance on voluntary rather than mandatory compliance, on incentives rather than sanctions, and on private rather than public actors for their definition, implementation, and monitoring (Hassel, 2008). They usually involve a wide range of actors and activities for their promotion, interpretation, implementation and enforcement. The concept of "tripartite standard regime" (TSR) has thus been introduced to shed light on "a regime that includes standards-setting, accreditation, and certification. These processes are commonly referred to by technical professionals as 'conformity assessment' and in practice they traverse and integrate public and private spheres both within and across nations" (Loconto and Bush, 2010, p. 508). While certification is in

most cases driven by market actors, accreditation (that is the process through which certifiers are granted the ability to certify conformity to standards) falls within state competences in almost every country. The TSR thus offers a comprehensive framework for the diffusion and recognition of European and international standards and other less conventional forms of regulation.

Not surprisingly, the expansion of "self-regulation" (Haufler, 2001), "soft regulation" (Tsogas, 2009), "outsourced regulation" (O'Rourke, 2003), "codes" (Barrientos and Smith, 2007; Koçer and Fransen, 2009; Rodriguez-Garavito, 2005) and "standards" (Giovannucci and Ponte, 2005; Locke, et al., 2007) in regard to labour has also attracted considerable attention. These studies generally underline the perils and potentials associated with the rise of non-state actors in the regulation of labour, yet they disagree on whether private labour standards will empower workers and supplement established public regulatory framework or lead to the privatisation of labour regulation under the guise of

voluntarism. Mid-range views of the emancipatory ability of private labour standards are offered through the analysis of their impact on the distinct but related themes of enabling and protective rights or by highlighting the extent to which national institutional environment affect their outcomes.

Proponents argue that private labour standards have the possibility to be an effective means for addressing poor working conditions (Haufler, 2001; Locke, et al., 2007; O'Rourke, 2003, 2006). Yet traditional labour regulations are ill suited to fulfil such tasks in a global production era. While formally respecting state sovereignty, private and voluntary labour standards can supplement national legislation, collective bargaining, and international organisations, such as the International Labour Organization (ILO). They are valuable in providing an alternative means in front of a repressive government or in case of governmental regulatory deadlocks (Hassel, 2008). Consumers' and NGOs' pressure on brands regarding poor working conditions along the supply chain can lead brand firms to adopt private labour standards. The question of their effectiveness thus becomes central. Through a comparative assessment of several private labour standards,[24] O'Rourke identified specific

conditions governing their effectiveness (2003, 2006), including 'legitimacy' through balanced representation of all stakeholders, 'rigor' with regard to monitoring technique and ILO conventions, 'accountability' and 'complementarity' to state regulations. Indeed, studying Nike's code of conduct, Locke et al. (2007) suggested that code efficiency is also affected by country and factory characteristics and by the kind of relationship between brands and particular suppliers. Proponents are inclined to observe a convergence of private labour standards around the ILO's core labour standards,[25] which in turn sustain the idea that private labour standards represent building blocks that sustain traditional labour regulations.

The distinction between enabling rights and protective rights, or process rights and technical standards, points to the question of workers' empowerment and thus places power asymmetries at the centre of the analysis (Barrientos and Smith, 2007; Koçer and Fransen, 2009; Rodriguez-Garavito, 2005). Enabling rights relate to the ILO's previously mentioned core labour standards, whereas protective or technical standards relate—among others—to minimum wages, working hours, and health and safety conditions. This distinction is significant as "(…) sustainable improvements in protective rights in global factories crucially depend on the promotion of enabling rights" (Rodriguez-Garavito, 2005, p. 206). Here, the impact of private labour standards is thematically specific. Private labour standards can supplement traditional labour regulations in the area of protective rights, but they "cannot challenge the basic power distribution created by national law" (Koçer and Fransen, 2009, p. 254). Assessing the impact of the ETI, Barrientos and Smith provided further evidence of this thematic specificity, which "reflect[s] a deeper disjuncture between a compliance approach to codes that focuses on technical outcome standards and a process approach that focuses on the empowerment of workers to claim their rights" (2007, p. 727). The former approach is emblematic of corporate views while the latter represents the views of

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24 Among others, Social Accountability International (SAI), Fair Labor Association (FLA), Ethical Trade Initiative (ETI), and Worker Rights Consortium (WRC).

25 These are: Freedom of association and right to collective bargaining, nonuse of child labor as well as forced labor, non-discrimination.

civil society. This separation underscores that the presence of countervailing power (rather than stakeholders) is crucial in the standard-setting process.

Opponents have also focused the analysis on power asymmetries, viewing workers as a crucial countervailing power (C. de Gramont and Lara Flores, 2010; Diceanu and O'Brien, 2007; Lipschutz, 2004). However, they primarily see private labour regulations as a case of "selective regulation" defined as "a system of interstate regulation which entails elaborate mechanisms and enforcement procedure for corporate rights and weak or non-existent mechanisms for social rights" (Diceanu and O'Brien, 2007, p. 45). This results in the situation that private labour standards, "if successful on their own, only serve to entrench the arrangements that first gave rise to the conditions they are intended to remedy" (Lipschutz, 2004, p. 198). Thus, Lipschutz argues that "the basis for effective labour law lies within the states and activism must focus on improving legal, political, and social conditions for workers in the host countries rather than on trying to affect corporate behaviour chiefly through consumer pressure" (2004, p. 198). The Mexican horticulture case provides evidence of the contradiction between consumers' demand from abroad and local workers' well-being (C. de Gramont and Lara Flores, 2010). Technological changes introduced to maintain access to the US market requiring compliance with stricter food safety standards, ultimately led to job precariousness as well as increased unhealthy working conditions for Mexican workers. In summary, opponents denounce the reliance on market mechanisms for empowering workers while participation in such arrangements entails numerous perils, such as legitimising the privatisation of labour regulations and reducing workers' voice to a mere interest group among NGOs and consumer organisations.

To summarize

Relationships between private labour standards and traditional regulations have been controversial. Some argue that private initiatives can complement traditional state-based regulations or present an alternative in the case of regulatory deadlocks. Increased pressure from consumer activists and the related reputational risks for brands would sustain the adoption of private labour standards that can — "under certain conditions"— improve labour regulations (Locke, et al., 2007; O'Rourke, 2003). Others view private labour standards as undermining traditional state regulations (C. de Gramont and Lara Flores, 2010; Lipschutz, 2004), suggesting that they do not address fundamental power asymmetries between work and capital and tend to reduce trade unions to mere interest groups, among other issues. Although such studies draw attention to particular brands, industry sectors, or standards explicitly aimed at regulating labour, they largely ignore the impact of so-called technical specifications on workers. Even though not explicitly aimed at regulating labour, European standards and technical specifications shape the work environment, production processes and qualification, thus affecting workers and employment conditions. The growing political salience of standards as regulatory instruments and the extending scope of European standardisation to the field of services thus call for a preliminary investigation of the influence of service standards on workers, working conditions and social dialogue.
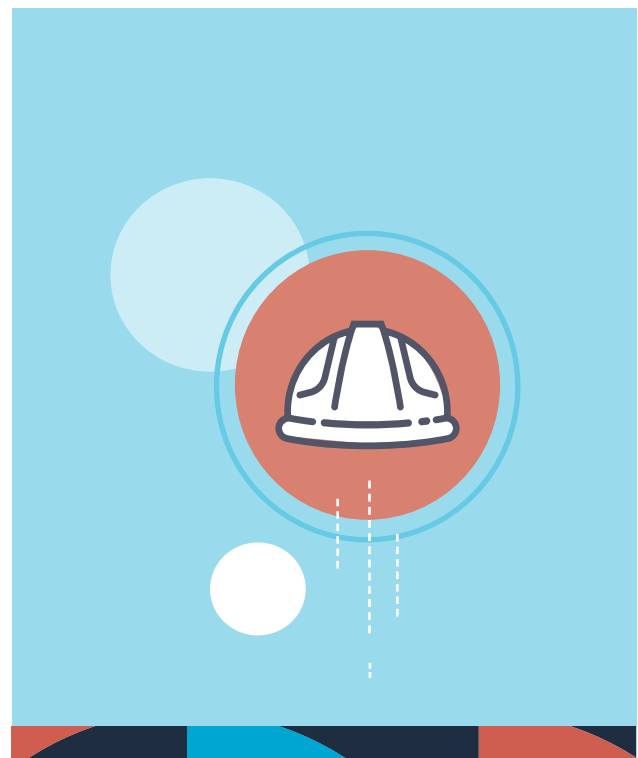
5

Exploring the implications of service standards for workers in Europe

Information collected through the desk research, the survey and the interviews provide evidence that service standards matter for workers and do have an impact upon working conditions and social dialogue. All but one respondent to the online survey agreed or strongly agreed with the statement that "service standards impact upon working conditions". Yet, their impact remains controversial to say the least. As we will see later on, some service standards developed at the national level have the potential to enhance working conditions and even to support the collective bargaining processes. However, there is also a large amount of evidence shedding light on the pitfalls of services standardisation. In this view, it is worth underlining that trade unions' positions as well as statements made by French or German preventers have generally raised their concerns with regard to the pitfalls to avoid in the field of European services standardisation – with corresponding calls to exclude some sectors or specific topics from service standards – rather than voiced the expected benefits. In this view, the pitfalls are more concerning than the benefits. An important question is thus not only whether service standards have positive or negative impact but also under which conditions one prevails over the other. Among such conditions, the exclusion of requirements concerning the health and safety of workers from service standards has been voiced as a central one. The next subsection will precisely address this point before turning to the potential benefits and pitfalls of service standards, including a focus on the cleaning sector. On this basis, we will explore some of the identified dimensions shaping the outcomes of standards.

5.1 Services standardisation and occupational health and safety

The development of European service standards does not take place in a legal vacuum and an assumed precondition for their acceptance and market uptake lies precisely in their ability to avoid conflicts with the existing European and national regulatory frameworks. In this regard, the largely shared policy consists of excluding some topics

from the content of service standards, most notably oc-cupational health and safety (OHS). Actually, trade unions, European standardisation bodies, preventers andk the EC all seem to share that position – see for instance the CEN guide 15 providing guidance for the development of ser-vice standards (Box 2). As the German KAN or the French National Research and Safety Institute (INRS) underline: "If standards are drawn up for services, it is inevitably that they will include references to the people who perform the services. Consequently, such standards may include re-quirements concerning the safety and health of the service providers, an area which should in fact be regulated by the individual states as part of their implementation of OSH directives under Article 153 of the TFEU" (KAN, INRS, Euro-gip, 2014, p. 3; see also KAN, 1993). In other words, and with regard to OHS, service standards shall, at least in theory, neither undermine nor complement existing labour laws and collective agreements; OHS requirements shall simply not be formulated at all in a European service standard. Last but not least, in its mandate addressed to the ESOs for the development of horizontal service standards, the EC also requires "...to ensure future service standards would not include any requirements or statements that con-tradict applicable legislation (...) relating to occupational health and safety" (M 517, p. 4).

BOX
2

Excerpt from CEN Guide 15:2012, « Guidance document for the development of service standards » related to OHS

« 7.2.3 Occupational health and safety

Requirements concerning the health and safety of workers at work are not to be formulated in service standards. The service provider must comply with the relevant OH&S provisions.

According to the opinion of representatives of trade unions in standardisation, a service stand-ard (2.14) shall not substitute collective agreements. This does not necessarily imply that stand-ards cannot be an vehicle for achieving better working conditions, as this can have a positive influence as well in service provision.

When it comes to the establishment of requirements applicable to human resources it should be taken into consideration that the requirements for the protection of the health and safety of employees at work is subject to regulation at the national level and directives pursuant to Article 153 of the EC Treaty apply. These directives only set minimum requirements and Member States are allowed to set more stringent regulations when transferring the European directive on occupational health and safety into national law. Occupational health and safety aspects which should not be included in standards or other deliverables are for example:

- Equipping of workplaces with secondary safety technology, e.g. emergency exists for employees.

- Definition of workplace limit values.

- Corporate organisation and implementation of OH&S measures, e.g. by means of OH&S management systems (2.12).

- Training in OH&S issues.

- OH&S medical examination.

- The use of personal protective equipment.

Standards could nonetheless set requirements regarding health and safety aspects of the cus-tomer (2.8). »

As mentioned earlier, a prevalent concern for workers' representatives is that European service standards do not encroach upon national labour laws and issues being dealt with by the social partners in the framework of collective bargaining processes. It is thus not surprising that this issue is reflected within various standardisation policies, strategy and position papers addressing the service sector. For instance, the *CEN Strategic plan on services standardisation* (2017) recommends identifying European or national collective agreements in choosing out services sector with the biggest potential to benefit from European standards: "The absence or existence of European or national collective agreements should be considered in order to ensure that the relevant provisions laid down in such collective agreements are taken into account in standardisation, where appropriate" (CEN, 2017, p. 23).

Yet, such clear-cut stance on the exclusion of OHS from European service standards might prove difficult to implement effectively. In fact, since the provision of a service cannot be separated from the workers delivering it and the working environment in which it is performed, even a standard not addressing OHS issues will impact workers and their working environment. Several interviewees have also underlined the specific dimension of services and the resulting fine line between service standardisation and OHS issues. Moreover, despite a large agreement at the policy level, these various above-mentioned recommendations might not reach the experts drafting the service standards; experts participating on a voluntary basis might have an in-depth knowledge of the sector at stake but not of the vast bulk of policy recommendations produced by the governing bodies of the ESOs. We can thus wonder whether the identified benefits and pitfalls of service standards will align with these policies and recommendations.

5.2 The potential benefits of service standards in Europe

As we have seen above, trade unions' involvement in the field of standardisation used to be mainly focused on machines, equipment and products involved in the manufacturing process. In this field, European standards have been assessed as having a generally positive impact in eliminating or reducing safety hazards and ensuring the health and safety of workers handling productive equipment (Rey, 2009, p. 10; European Commission, 2018). Such standards also have a spill over effect on labour productivity as mentioned by a recent study on the influence of standards on Nordic economies: "In the long run, however, implementing the [health and safety] standard might affect workers' perceived health risk of being employed at the company

or within the industry, causing them to demand less in risk compensation, manifested through wages, thereby reducing overall wage costs and hence increasing labour productivity" (Menon Economics, 2018, p. 9).

Regarding more specifically the services sector, desk research and interviews provide instances of European service standards benefiting workers or expected to do so. Unsurprisingly, standard-setting organisations have also outlined the potential benefits of European service standards for workers. The AFNOR mentions in its *White paper – how should services be standardized* (2015, p. 29) that one of the strengths of service standards might be "empowered employees, clear and consistent teams, synergies".[26] A study carried out by the Technopolis group (2012) on behalf of CEN to explore the implementation of service standards and assess their impact provides further evidence from the furniture removal service sector. As reported by the owner and manager of a removal and storage services company, who was also a leading figure in the development of the standard EN 12522 on "Furniture removal activities", its implementation proved to be beneficial for workers in ensuring that "staff members are properly trained and that clear steps are taken to ensure the safety of employees and customers" (Technopolis, 2012, p. 39).

When asked about the positive impact of service standards, most interviewees started by underlining that trade unions and workers' representatives are usually rather opposed to the development of standards in the field of services due to their potential to conflict with existing labour laws and collective bargaining process. Beyond that, none of them had a straightforward analysis of the impact of service standards on work-related issues. They are also well aware that once the standard development works has been approved by the standard-setting governing bodies, it is almost impossible to stop. As such, participation is described as crucial in order to pursue a "damage limitation strategy" or to foster potential positive impacts of service standards on issues of concerns. It is also worth noting that the European service standards are relatively new, many interviewees underline the lack of experience in dealing with such standards at the work floor level and the related difficulty to assess their impact. They nonetheless provide interesting insights on the potential benefits of service standards for workers.

Among the expressed potential positive impact of service standards, several interviewees have mentioned the level playing field that service standards can provide in a distinct sector: service standards "can give clarity to workers about the requirements of the services, it can give them... a kind of leeway to do it in due time and not to be confronted with a non-realistic requirement or time to perform the services".[27] In this regard, a frequently mentioned case is the Austrian experience in setting a national service standard for the cleaning industry, an experience we will touch upon later. For the time being, it suffices to note that a national service standard jointly developed by employees and employers' associations has been referred to in a collective agreement for cleaning workers in Austria.[28]

Interviewees also mentioned many different levels at which service standards might be beneficial for workers. In this line, specifications set for services "could be probably used by workers to put pressure the employers, 'that's what you should be doing according to the standard'" or as "as a sort of measuring stick to benefit the workplace, doing things more safely...".[29] Service standards might also prove to be beneficial for workers by addressing issue such as the "protection of whistle-blowers" or by ensuring "workers privacy" with regard to the use of CCTV [closed-circuit television] surveillance in the workplace.[30] An interviewee involved in ISO services standard-setting activities on ageing workforce, sees "some opportunities to improve working conditions, especially for developing countries..." and to

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[26] In the same time, the AFNOR withe paper also underlines some of the weaknesses and difficulties for employees such as "a work overload that is not always understood. The standard's mere existence is not enough to change behavior. The increased number of procedures often proves to be counter-productive and sometimes leads to a feeling of less responsibility" (Ibid.).

[27] Interview with expert 10.

[28] Interview with expert 9.

[29] Interview with expert 8.
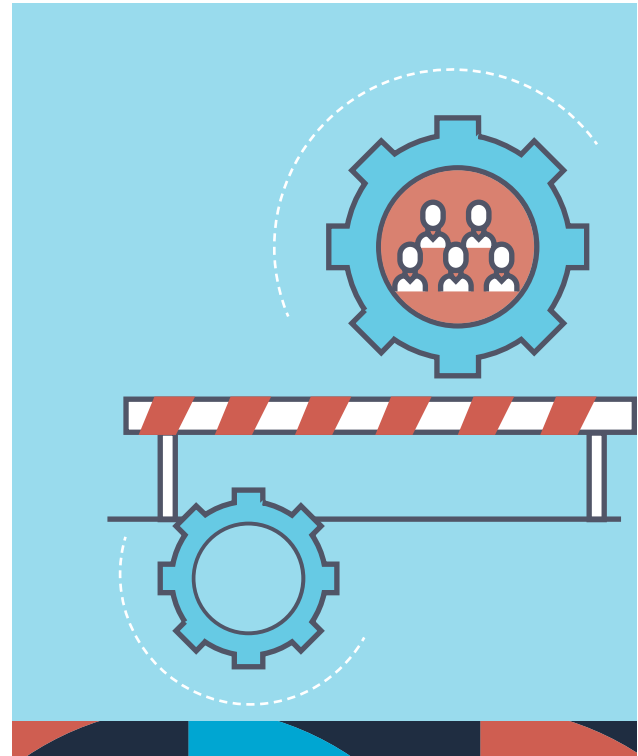
[30] Interview with expert 7.

support "upward convergence" on work-related issues, as well as to mainstream trade unions' words that express the social dialogue, such as reference to "workers' representative" within the standards.[31] In the same vein, service standards might also enhance "on a case by case basis, the work environment", or "working material might improve and customer–employee relations might positively develop"[32] or "improve the continuous training of (...) workers". [33]

Most interviewees share the view that service standards might be beneficial on the premises that the requirements laid down in the standard are set above the level of existing regulation on work-related issues. A case in point is provided by the EN 16747, "Maritime and port security services", that, according to a Swedish trade union representative, lays down requirements going above its national legislation with regard to the provision of healthcare and medical care insurance for employees in this sector. Though at the national level, the Austrian cleaning service standard provides an example of possible positive influences of service standards on working conditions. In such cases, the positive impact of service standards on working conditions is closely related to their ability to complement existing regulatory framework and collective agreements.

To summarize

Service standards have the potential, under certain conditions, to benefit working conditions and social dialogue. It is worth to bear in mind that none of the interviewed trade union experts had a clear-cut stance on the impact of service standards as automatically benefitting or undermining work-related issues. The benefits of service standards provided on a case-by-case basis concerns as much their influence in shaping a distinct market, for instance by providing a level playing field, as their impact on workers and their environment (for instance in terms of training opportunities or privacy at work). In addition, service standards might also prove beneficial in terms of diffusing and promoting workers' idea and key concepts, for instance regarding workers representation and participation. While we shall not underestimate the potential benefits of service standards, the next section will provide evidence that they shall not be exaggerated either.

5.3 The potential pitfalls of service standards in Europe

Our research also provides evidence of the pitfalls of services standardisation and negative consequences of European service standards on workers and social dialogue. The possibility for service standards to undermine existing legislation or to by-pass social dialogue is at the forefront of the identified and expressed concerns. As we will see, this might be related to the content of a service standard, to the addressed service sector or to the broader processes and political struggle underlying the use of standards for (re-)regulatory purposes.

In the neoliberal context of privatisation and deregulation, the voluntary market-oriented dimension of standards may reinforce claims to keep markets free from politico-legal intervention. Thus, standards might be instrumental in shifting regulatory power to private actors, a move firmly opposed by the trade unions. A shift in authority inevitability raises democratic concerns; as many interviewees underlined, when standards become de facto a necessary condition for market access or for demonstrating compli-

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31   Interview with expert 5.

32   Interview with expert 6.

33   Interview with expert 2.

ance with regulatory requirements, they affect citizens and workers who never formally delegated their rights to organisations setting standards. It is in this regard that standardisation is sketched as an undemocratic process that do not provide the necessary guarantees to address workers' concerns and interests.

Several cases document the possibility for service standards to undermine existing legislation or to by-pass social dialogue. A case in point includes the CEN activities in the healthcare sector, such as the creation of CEN Focus group on healthcare services or the establishment of the CEN TC 449 addressing "Quality of care for elderly people in ordinary or residential care facilities". In a joint letter in 2016, European trade unions[34] and professional associations[35] firmly opposed these developments as they challenge "the right of Member States to independently organise and deliver health services and medical care as guaranteed by the TFEU." Their opposition also points out the so-called voluntary and market-driven nature of European standardisation as inappropriate to ensure the realisation of public services principles (e.g. equal access to and level of public services) that "are better achieved through democratic decision-making processes, consultation and social dialogue". This opposition was also shared by the Polish delegation that also raised its concern.[36] While the TC 449 is currently developing a unique standard, EN 17500 - Quality of care and support for older persons, its impact upon national legislation, collective agreement and working conditions will definitely remain under scrutiny.

Another case frequently mentioned by interviewees refers to the development of the European service standard for airport security services, EN 16082 "Airport and Aviation Security Services", adopted in 2011. The published standards precisely include the kind of provision that encroach upon national regulations and collective agreement, in this case requirements concerning "Terms and conditions of employment" as well as "Breach of terms and conditions of employment". This prompted the Swedish trade unions that participated in the standard development work to ask the Swedish national standardisation body to introduce a so-called A-deviation.[37] This case does not only provide evidence of the potential negative consequences of European service standards on established regulation, it also raises substantial questions with regard to oversight mechanisms. It is in fact surprising, given the kind of require-

ments included, only Sweden required and successfully introduced an A-deviation, there is a great likelihood that such provisions conflict with existing regulation in other European countries. The lack of awareness or of available information regarding the specific content of a standard, as well as the substantial resources required to document and justify an A-deviation,[38] might provide a corresponding explanation.

A Dutch trade union representative also reported a case where standard-setting arenas have been used by employers to by-pass a difficult collective bargaining process. Referring to the Dutch standard NEN 1824 defining minimum requirements for the surface of workspace in offices – and mostly applied in the call centre sector, see also De Vries et al.(2005), he underlines: "It was an interesting case because the discussion about the room in offices for workers started as bargaining about the collective bargaining process and when the trade unions did not agree with smaller spaces for workers, the companies asked NEN to (…) to renew the standard in this field." As the older and more worker-friendly standard was at that time referred to in the legislation, trade unions successfully opposed the legislation to refer to the new standard once published. In this context, the service standard has been used as an alternative tool aimed at shaping legislation and regulatory issues traditionally under the preserve of the social partners and national legislative processes.

While the above-mentioned cases relate to sector specific standards, concerns are also raised with regard to the development of horizontal (or generic) service standards, that is standards addressing generic features of the services life cycle, such as information to customers, services contract or procurement process (M517). In this case, the CEN final report (2015) to the EC mandate M517 to develop horizontal service standards report some of the received comments regarding "potential negative implications of new standards for services". This includes: "Services standardization can ultimately shape working conditions and the quality of the provided services. This cannot be accomplished at the detriment of social dialogue, labour legislation and collective bargaining" (p. 233); "There is a risk that trade union collective agreements and labour laws will be adversely affected. The social dialogue, health and safety and other labour conditions may be at risk to deteriorate" (p. 230); "The opportunity for trade union experts to participate in

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34 The ETUC and the European Federation of Public Services Union (EPSU).

35 Including the European Hospital and Healthcare Federation (HOPE), the Standing Committee of European Doctors (CPME) and the Council of European Dentists (CED).

36 See http://data.consilium.europa.eu/doc/document/ST-9487-2016-INIT/en/pdf, , accessed on 19/12/2019.

37 While European standards are automatically transposed as national standards once adopted, an A-deviation provides the national standardisation bodies with the possibility to ask for derogation from the application of the standard in their country.

38 Interview with expert 3.

the standardization process is very limited in many countries, due to many factors, including the time of the mission, finances for travel, accommodation and project fees, education and language skills" (p. 233).

The likelihood for service standards to undermine existing legislation or to by-pass existing social dialogue is at the forefront of the expressed negative consequences of services standardisation. Recent developments at international level further support such concerns, for instance with the development of an ISO standard dealing with "compensation system"[39] (developed within the ISO TC 260 'Human resource management), or OHS management system standards. Even though not a service standard, the adoption of management standard ISO 45001 on OHS and its conflicting relation with existing ILO International Labour Standards and guidelines does not bodes well for the ability of standards to take stock or at least work in accordance with existing labour regulation. It is worth mentioning that following the approval of ISO 45001, the ILO terminated its Memorandum of Understanding[40] with the ISO. While the MoU was granting the ISO with ILO support in the development of ISO 45001, it was also giving precedence to ILO International Labour Standards (ILS) over the ISO standard in case of conflicting requirements. Observing that ILS and ILO OHS guidelines were not fully respected by the standard the ILO subsequently decided to cancel the MoU in December 2017. The corresponding ILO decision[41] and supporting documents underline that « the pilot experience of ILO participation in ISO processes under the 2013 Agreement proved difficult when measured against its substantive aim, its procedures and the amount of resources the ILO dedicated to it. »[42] Despite additional opposition to the standard from the international trade union confederation (ITUC), as well as the International organisation of employers (IOE) that also run up against this ISO initiative,[43] ISO 45001 was published in 2018 highlighting the extent to which it is difficult to stop standard development work once initiated as well as the rather weak influence of conventional employee and employers organisation on the standard-setting process.

To wrap up

Significant evidence exists regarding the potential pitfalls of service standards for workers. Among the identified potential pitfalls, some elements stand out related to the content of the standards, such as requirements leading to inferior working conditions or contradicting existing labour laws and collective agreements. While service standards might provide workers and their representatives with a tool to pressure employers on specific issue, they might as well be instrumental in bypassing difficult collective bargaining or legislative process. Here, as well, participation remains essential in order to pursue a damage limitation strategy and avoid potential pitfalls of services standardisation. As a consequence, concerns regarding the standardisation process emerge as it falls short in ensuring balanced representation prevailing within social dialogue or the tripartite ILO.

In other words, potential pitfalls of service standards concern both, the standardisation process and the content of service standards that might introduce regulatory uncertainties and fragmentation, as their relative enforcement may vary a great deal among distinct jurisdictions. Yet, the negative and positive impact of service standards that we distinguished for the sake of clarity might well prove to be ambiguous as highlighted by service standards in the cleaning sector, which we will explore at length in the next section.

39 See https://www.iso.org/standard/68703.html , accessed on 19/12/2019.

40 See « Agreement between the International Labour Organization (ILO) and the International Organization for Standardization (ISO) », available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---jur/documents/genericdocument/wcms_439862.pdf, , accessed on 19/12/2019.

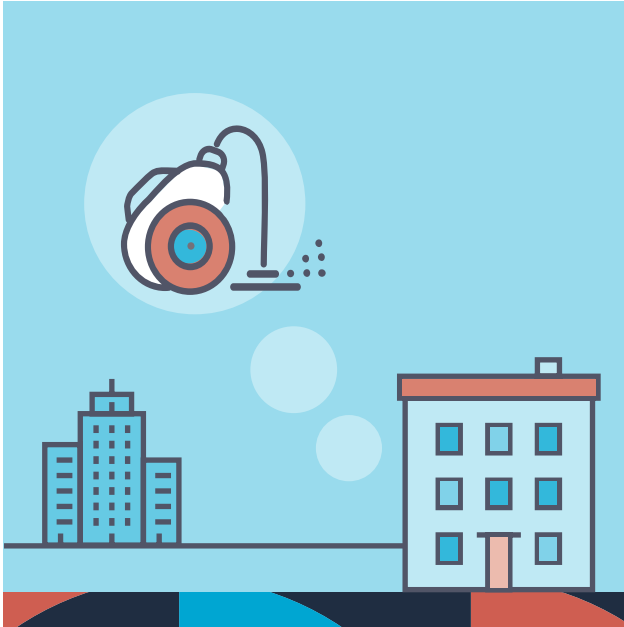**41** Available at: https://www.ilo.org/global/about-the-ilo/newsroom/statements-and-speeches/WCMS_617802/lang--en/index.htm, , accessed on 19/12/2019.

42 See « Review of the implementation of ILO–ISO agreements », p. 4. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---rel-conf/documents/meetingdocument/wcms_586273.pdf, , accessed on 19/12/2019.

43 For the ITUC, see https://www.ituc-csi.org/ituc-statement-following-approval, accessed on 19/12/2019.

For the IOE, see https://www.ioe-emp.org/en/news-events-documents/news/news/1506662935-employers-concerned-by-iso-45001-an-unbalanced-and-impractical-standard-for-smes/?tx_ioerelations_pi1%5Bcontext%5D=pid&tx_ioerelations_pi1%5Bfilter%5D=news&tx_ioerelations_pi1%5BcurrentPid%5D=&tx_ioerelations_pi1%5Bnews%5D=113970&cHash=2bfdb5af196045bfe3e0e12c9825b682, accessed on 19/12/2019.

5.4 Service standards in the property services sector: a focus on cleaning services

The property services sector covers fields such as maintenance, facility management or cleaning services. The property services sector is emblematic of services standardisation to the extent that a) there are more national standards than European ones and b) its impact on working conditions and social dialogue highlights both the potential benefits and pitfalls of using standards as a regulatory tool. Standardisation in the field of cleaning, maintenance and facility management is emblematic of the state of services standardisation in Europe.

As the figure below points out, service standards in these sectors have been mainly developed at national level with relatively few European standards. Relevant CEN technical committees include the CEN TC 319 on Maintenance, created in 1993 (under Italian secretariat), the CEN TC 348 on Facility management (FM) created in 2003 (under Norwegian secretariat) and the disbanded CEN TC 328 on cleaning services that was created in 1995. It is also worth noting that in the FM sector, the most recent standards development work has been carried out at the international level (ISO). As a result, 3 out of 8 European standards are ISO standards that have been subsequently adopted as European standards, one of them being a management system standard (ISO 41001:2018, excluded from figure below).

FIGURE 1

Numbers of national and European service standards in selected areas

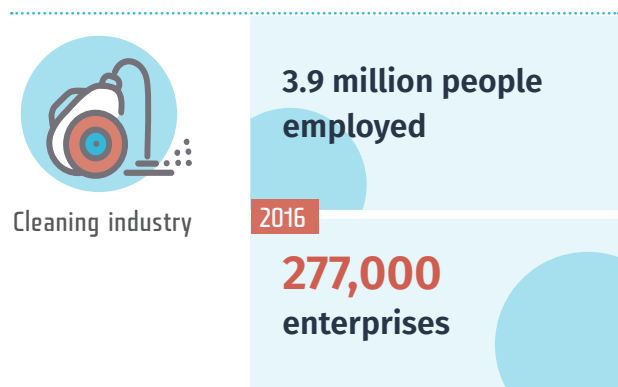|	National standards	European standards (figures from 2012 written in brackets)
Cleaning	26	1 (1)
Maintenance	35	10 (4)
Facility Management	9	7 (6)
Total	**70**	**18 (11)**

Sources: for national standards, Technopolis, 2012b; for European standards, own calculation in 2019.

While service standards in the field of maintenance and FM have been part of the ETUC work programme in standardisation since its inception in 2015, standards for cleaning services have deserved a more specific attention even prior to the ETUC STAND project. Already in 2010, the ETUI standardisation network addressed the issue in its annual meeting with a presentation by Fabienne Scandella, ETUI researcher, titled "Standardisation in the European Cleaning Industry". She concluded by asking, "Shall we raise standardisation as a trade union priority in this sector?" Almost ten years later the question is still in the backdrop as standardisation in the cleaning sector at European level has the potential to simultaneously improve working conditions and support social dialogue in some countries, while undermining it in others. Exploring the development of standards for the cleaning sector at national (Austria) or regional (Nordic countries) level and the possibility to promote such standards at European level will help us to better understand the ambiguous impact that European service standards might have on working conditions and social dialogue. Before addressing the standards and their impact upon workers in the cleaning sector, it is worth to briefly present some of the main features of this industry.

Cleaning is a generic job encompassing a variety of tasks such as surface cleaning, mopping, dusting, vacuuming, or polishing of floors and work surfaces. It is carried out in all workplaces, in private organisations as well as in public areas. It is an essential task having the potential to benefit both enterprises and workers, for instance by extending the life of workplace equipment or keeping floor and working surfaces clean and safe for other workers. Important characteristics of the workforce in the cleaning industry include the preponderance of female workers (70%), a high proportion of migrant workers, part-time contracts (68%), unskilled or low skilled workers, with high turnover that increases the opportunities for illegal work (OSHA 2009, EFCI 2016). Due to the frequently dispersed nature of employment in the sector, its high labour turnover and the large number of non-standard, part-time and precarious workers, unionization in the cleaning sector tends to remain low (Eurofound, 2012).

The cleaning industry showed an important growth in Europe since the 1990s. According to the Trend Report 1995-2016 published by the European Cleaning and Facility Services Industry (EFCI), the cleaning industry's turnover tripled to 107 billion Euro during the period, employment increased by 80%, employing over 3.9 million people in 2016 and the number of cleaning companies doubled to exceed 277 thousand enterprises in Europe. Cleaning is a labour intensive industry, where approximately 80% of the costs billed to the customers are labour costs. It is thus no surprise that market expansion is accompanied by employment growth even though increases in employment figures have to be taken with caution as it might not reflect net job creation - in part because of the jobs' transfers resulting from outsourcing practices.

Cleaning industry

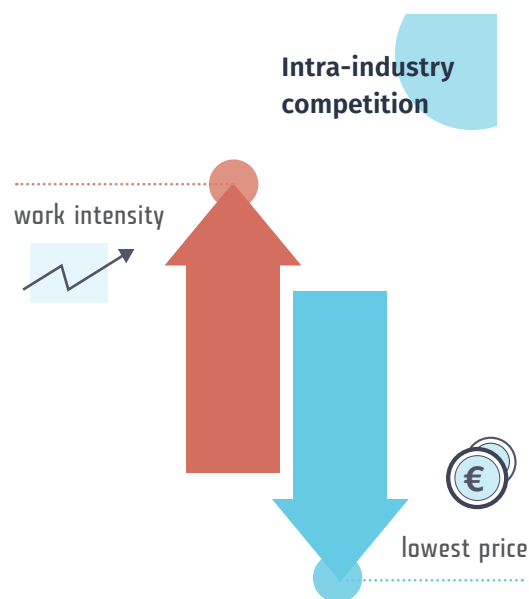**3.9 million people employed**

2016

277,000 enterprises

Since the 1980s, organisations have increasingly outsourced their cleaning activities in order to reduce costs. Insofar as client organisations very often seem to base their business decisions on the financial issues alone, there is a direct pressure on the jobs and working conditions of the cleaning workers. As a result, pay and working conditions in the cleaning industry tend to be fairly poor in most countries (Eurofound 2012). In a labour-intensive industry, cost cutting often means reducing staff, increasing work intensity, deteriorating the standards of the health and safety conditions, etc. The competitive pres-

sure and fierce intra-industry competition induce an organisation of work that correspond to the need for a flexible workforce, in term of working time (day/night shift), employment schemes (i.e part-time, fixed term contracts) or tasks to perform. Adverse effects for cleaning workers include working at unsociable hours, disruption of work-life balance, fear of job loss, exposure to various hazards depending on the tasks they perform, the products they use or premises they work in.

In order to tackle the above-mentioned issues, different actions have been taken, including the establishment in 1999 of a European sectoral social dialogue committee on industrial cleaning by the social partners, namely the European Trade Union Federation UNI-Europa and the European Federation of Cleaning Industries, the employers' organisation. Key areas covered by this sectoral social dialogue committee encompass health and safety, regulatory issues, working conditions as well as standard setting and training.[44] In this framework, the social partners co-produced a guide[45] in 2005 (revised in 2016) aimed at assisting buyers in their tendering process so as to include and measure quality and social aspects in their procurement process. Interestingly, the guide has been referred to by CEN in its final report on the EC programming mandate M/340 (CEN, 2005), underlining that European standards on the qualification of personnel, on code of practice or contract drafting could be further developed in the cleaning sector. This brings us to the existence and role of national, European and international standards in the cleaning and property services sector.

The fierce intra-industry competition in the cleaning sector often leads to increased work intensity in order to offer the lowest possible price in answering calls for tender. As such, setting realistic possible performances per square meter for cleaning workers seems essential to avoid a race to the bottom and limit further work intensification and unrealistic demands put on workers. While the need to address the workload issue in the cleaning sector is unanimously shared within the European trade union movement, the means to address it, including by means of standards, remains controversial.

Intra-industry competition

work intensity

lowest price

Various discussions took place within ETUI and ETUC, to explore the desirability and possibility for trade unions to propose the development of a new European standard specifying performances per square meter in the cleaning sector. Preliminary discussions between the ETUI and some Belgian trade unions took place in 2010 with no significant results. The issue was further raised within the framework of the ETUC standardisation project initiated in 2015 with an emphasis on the service sector. In 2016, the ETUC organised two ad hoc meetings gathering interested affiliates and the ETUF UNI Europa to explore the issue of the workload in the cleaning sector, national standards being part of them. As a result, a survey was launched to gather the views and opinions of the European trade union movement. Even though neither the ETUC nor UNI Europa received subsequently a mandate to develop a cleaning service standard, these activities provided interesting insights on the potential impact of a new European standard in the cleaning sector.

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44 Further information on this sectoral social dialogue, including its key areas, can be found on the European Commission website, see https://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPageId=1839, accessed on 19/12/2019.

45 Selecting best value – A guide for private and public organisations awarding contracts for cleaning services", available at http://www.uni-europa.org/wp-content/uploads/2018/10/Selecting-Best-Value-English.pdf, accessed on 19/12/2019.

An example of the positive interplay between service standards, collective agreement and working conditions, is provided by the Austrian trade union Vida who co-drafted, with the national employer's organisation, the Austrian standard "Ö Norm D 2050:2017", titled "Cleaning services - Performances in square meter in the field of cleaning of monuments, façades and buildings".[46] As mentioned in the scope of the standard, its primary purpose is the protection of workers from work overload. The standard regulates figures for cleaning services depending on the level of cleaning, room area and use of rooms. It thus specifies the maximum performances in square meters, which the employees have to provide, depending on the activities and level of requirements. Last but not least, the standard is directly referred to in the collective agreement for monuments, facades and building cleaning, and as such, the respective performances per square meter are binding for both the employers and employees. According to the VIDA representative, the standard is a success case as it provides a level playing field in this sector, thus avoiding a race to the bottom and its detrimental consequences for cleaners in Austria. The decision to develop a standard – rather than to include m²-performances directly in the collective agreement – was mainly prompted by the desire of social partners to provide a public document that could encompass cleaning activities not covered by the collective agreement.

Cleaning standards in the Nordic countries also provided an interesting case highlighting the extent to which standards might complement and support collective agreement and working conditions. For instance, in Finland, measurement according to time standards is a part of the collective agreement in the public sector and was agreed upon by municipality employer and trade unions already in the 1980s. Even though the development of the cleaning work methods and time standards was largely triggered by public authorities recognising substantial differences in cleaning costs for similar buildings, its use in the private sector remains voluntary. As such, Finnish trade unions still see a need to further address the issue of workload in the cleaning sector. It is here also worth mentioning another standard widely used in the Nordic countries, the cleaning quality standard INSTA 800[47] developed by representatives from the cleaning industry, public authorities and research institutes and trade unions in Denmark, Finland, Norway and Sweden.

The INSTA 800 standards provides a cleaning quality level measurement and quality control system and is in line with the basic requirements specified in the European standard EN 13549, "Cleaning Services - Basic Requirements and Recommendations for Quality Measuring Systems". INSTA 800 defines cleaning object groups, types of surface contaminants, sampling strategies, quality levels, and rules for deciding compliance. According to Schjønning et al. (2002, p. 83), the standards implied changes in the way cleaners plan their work as they have the possibility to select the set of cleaning quality assessment methods they want to use. They report that, "positive feedback from cleaners has stressed that this new approach provides greater influence on their own work and that they get greater responsibility (…). The feedback indicates that the new approach has created greater job satisfaction." Interestingly, an article issued in the European Cleaning Journal published by the European cleaning industry mentions that Danish trade unions use the standards as a training tool for their members[48] and that almost 400 employees in Denmark and Sweden were already certified in 2014. The article further underlines "This standard is very important for our sector, which has been plagued by a lot of prob-

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46 The first edition of the standard was published in 2014. The standard is provided for free by the Austrian chamber of commerce and is available at: https://www.wko.at/service/kollektivvertrag/anhang-c-reinigungsleistungen.pdf, accessed on 19/12/2019.

47 The standard consists of two parts: "INSTA 800-1:2018. Cleaning quality – Part 1: Measuring system for the assessment of cleaning quality" and "INSTA 800-2:2018. Cleaning quality –Part.2: Certification of companies and persons using INSAT 800-1, requirements for attestation of conformity." Part I was published for the first time in 2000 and was subsequently revised in 2006, 2011 and 2018.

48 See: http://www.europeancleaningjournal.com/magazine/articles/special-features/insta800-nordic-cleaning-standard-clean-with-your-eyes, accessed on 19/12/2019.

lems like social dumping, tax evasion and bad cleaning quality. This is not only a Danish or a Nordic problem, so I expect that in the future the INSTA 800 certification will become a market requirement."

The above mentioned expected positive impact of the Nordic cleaning service standard might be further spread and enhanced by two recent developments. First, the adoption of the INSTA 800 cleaning standard has been recently promoted by the EC in its 2018 decision establishing EU Ecolabel criteria for indoor cleaning services.[49] This decision refers to the certification to INSTA 800 as an optional criterion to demonstrate the quality of the service and thus to score points in order to be awarded with the EU Ecolabel. As already mentioned, public authorities remain important drivers in the promotion of voluntary standards by means of referencing standards into regulations and public procurement policies. Secondly, with financial support from the EC, an international project titled "Cost Effective, Need Based Cleaning – INSTA800" has been launched in 2019 with the objective of sharing experiences among INSTA800 users, providing cleaning time matrices for five standard rooms types, and developing efficient training programmes and methods.[50] As such, this standard and related on-going project might well provide a path to improve the working conditions of cleaners across Europe and trade unions might well give a closer look to this standard and the related current project.

While the positive impact of service standards on working conditions or their ability to complement collective agreements shall not be underestimated, they must also not be overestimated. As it has been pointed out by interviewees (see previous section), respondents to the ETUC survey conducted in 2016 also indicated that a crucial element to improve working conditions in the cleaning sector was not so much the use of laws, collective agreement or standards, but rather their effective implementation at the workforce level whatever the regulatory tool might be.

While the above-mentioned examples shed light on the potentially positive impact of national or regional service standards in the cleaning sector, bringing such initiatives at the European level remains controversial as it might undermine existing arrangements in some countries. For instance, in Germany, maximum performances per square meter in the cleaning sector are directly defined within the national collective agreement and not in a standard. As such, the German trade unions are, among others, op-posed to the development of a European standard dealing with performances per square meter. From this perspective, the issue would be taken away from social dialogue to be discussed in standardisation arenas that fall short in ensuring free and balanced participation. In other words, the issue would be dealt with in arenas where employers and employees representatives are not at a par, trade unions being largely outweighed by business representatives, if represented at all. As a result, such move towards a European service standard would undermine social dialogue and turn trade unions as a social partner into a mere stakeholder among others. Moreover, in countries experiencing a positive use of cleaning service standards, transferring the definition of such standards at European level entails the risk of losing their acquis as there is no insurance that the content of a European standard will still reflect their interests and practices. It is thus not surprising that up to date, neither the ETUC nor UNI Europa received the political mandate to develop cleaning standards at European level.

To sum up

The development of service standards in the cleaning sector confirms that service standardisation takes place more at national or regional level than at European level. Most importantly, it highlights the extent to which service standards have ambiguous impact on working conditions and social dialogue. A European cleaning service standard addressing the issue of workload could simultaneously conflict with existing national regulation and undermine the role devoted to social partners in some countries, while providing a welcomed and supporting tool benefitting workers in other jurisdictions. This point is valid as well as regarding standards dealing with the training and recognition of the qualification of cleaning workers. It is thus not surprising that the attempt to promote the development of cleaning service standards at European has been a controversial issue, including among trade unionists. The ambiguity of service standards does not only concern their relative impact, but also pertains to the

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49 Commission Decision (EU) 2018/680 of 2 May 2018 establishing EU Ecolabel criteria for indoor cleaning services.

50 For more information, see the project website at: https://insta800.wixsite.com/website, accessed on 19/12/2019.

means supporting their diffusion, adoption and recognition across countries. As the INSTA cleaning service standard suggests, its diffusion might be supported through market-based systems at best epitomized by the lucrative worldwide certification market as well as through the formal support granted by public authorities, for instance by referencing standards into legislation and policies. It is in this regard that the issues raised by service standards extend beyond their content and spread to the distinct reach of states and markets in the establishment of an institutional framework supporting the recognition of service standards on a transnational basis.

5.5 Elements shaping the potential impact of service standards

As we have seen throughout this study, the impact of service standards on workers in the European service economy are far from straightforward. They entail both positive and negative consequences for working conditions and social dialogue. Yet, the interviews, desk research and the focus on the cleaning sector provide an insight on the conditions shaping the impact of service standards. Even though they are not exhaustive, neither definitive, they might be helpful in assessing the potential impact of service standards. Obviously, these conditions include the content of the standards and thus refer to the importance of trade union participation. They also refer to the embeddedness of standard-setting activities in social dialogue structure that implicitly keep the standard submitted to social partnership and industrial relations tradition. They are also related to sector-specificities, to level of unionisation and the originating framework of new standards proposals or to the limits of the standardisation system itself. Our observation also identified the implementation phase of the service standards as a crucial moment in the bridging between standards and workers.

Implementation

The relevance of the *implementation* in shaping the outcomes of service standards might seem trivial. It nonetheless resumes around two crucial questions: are (services) standards implemented at all? If so, should trade unions provide guidance to the representatives of workers in organisations intending to implement a standard? Regarding the first, some experts cast doubts regarding the implementation of standards far beyond "bidding purposes".[51] While this underlines possibilities to pick-and-choose in implementing the standard, this also points towards the related issue of compliance with regulatory arrangements "why would they [organisations] comply with CEN standards when they do not comply with the law? (…)".[52] In this regard, the influence of the requirements laid down in a standard is conditional upon their effective implementation. It is precisely here that the second question arises: "we have to safeguard that participation is not decreasing

51 Interview with expert 11.

52 Interview with expert 7.

53 Interview with expert 6.

during the implementation". [53] He further indicates: "there is a chance for developing participation if our European Workers Council are active in the implementation process. (…) It's only possible if they know what is going on. So, we need to inform them at an early stage so that they are prepared for the implementation. If not, employers will only take into account the part of standard that is important for efficiency on the company but not the concerns for workers." In this view, the hard-won points within technical committees might be lost without an effective implementation or in the absence of guidance or early information on standards and related issue of interest for workers. Interestingly, this also brings in mind the tripartite standards regime (see section 4) extending the encounter points between standards and workers to the certification process that could benefit from closer trade unions scrutiny.

The relevance of the implementation is also underlined by an INRS study (2008). Although not addressing service standards, this study shed lights on the impact in France of so-called management system standards for OHS. The results, based on the observation of 6 different standards, 18 institutions and 300 interviews are mixed. While OHS management system standards help to structure prevention and provide organisations with good practices, their effectiveness in improving health and safety at work depends less from the explicit specifications than on the company's organisational methods and prevention strategies. In other words, the companies' strategies and organisation in the field of OHS largely impact upon the effective implementation of standards and thus their outcomes. It is in this view, that the implementation process provides an additional means to address the broader OHS organisational strategy and is thus worth of concern.

An obvious dimension shaping the potential impact of service standards is their content. The extent to which service standards will undermine or complement applicable regulation and collective bargaining process is largely dependent upon the content of the included requirements and topics they address. In this regard, most interviewed trade unions experts highlight their dual tasks in the standard-drafting committee: preventing the inclusion of damaging proposals for workers and promoting workers-friendly content. In other words, their task is to minimize potential pitfalls and maximise expected benefits on work-related issues that have been reported throughout this study. The content of a standard is largely dependent upon who sits at the table and takes part to the consensus building process, thus underlining the relevance of participation.

Participation

Participation in the services standard-drafting committees is of uttermost importance for all interviewed experts. It has also been identified in the online survey as the most important condition to ensure that standards benefit workers, next to the absence of contradiction with existing laws and collective agreement or the definition of requirement that goes above such existing regulation. For sure, all interviewees underlined that trade unions are almost always "outcompeted"[54] within standardisation committees and referred to the conventional obstacles (i.e. lack of time, money, expertise or awareness) to participation in standard-setting activities. In this view, standardisation activities are often seen as an additional burden for trade unionists active in the service sector. Available resources on trade unions side are often lower in the service sector as compared to the traditional industrial sector displaying higher unionisation rates. This in turn limits the possibilities for involved trade unions to gather relevant knowledge and collect prominent workers' concerns likely to inform and influence the content of draft standards. Nevertheless, some positive developments are in sight at the national level as well[55] and the 1025/2012 Regulation and ETUC standardisation action are assessed as lowering to some extent barriers to participation.

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[54] Interview with expert 3.

[55] For instance, since 2017 trade unions in the Netherland may benefit from public funding for standardisation activities. Another interviewee informs that a similar provision is underway in its country and hope for achievements to be reached in 2020. See also footnote 16.

Participation matters as a *sine qua non* condition to fulfil the dual task previously mentioned, even in cases where trade unions are opposed to a new standard proposal. As mentioned by one expert: "When you leave the development of standards to commercial parties and to parties representing employers, there is a risk that they set unrealistic demand and put stress on workers" . Addressing the healthcare sector, an interviewee underlines "We opposed the creation of the TC, but we knew it will be there, they will draft it, so we need to be there as well because otherwise they would have left workers' interests out" . The added value of trade unions participation thus refers to the ability to "bring workers' voice and to "push forward for words that express social dialogue" within the standard, such as references to the role of "workers representative".[59] "Words matter"[60] and gaining acceptance of the workers terminology is not an easy task. As further developed by a trade union expert: "people around the table won't automatically think about workers, they will include a sentence or mention it, but they won't further work on it, so it is our task to bring this on the agenda".[61] Trade union participation can also more generally help to clarify the standard, "to keep it simple and make it more readable, in the end, that's good for any audience".[62] Last but not least, they also underline that for participation to gain influence, advance preparation, development of sound argumentation and submission of written proposals and comments are crucial elements to increase the impact of participation.

Levels of unionisation

Next to content and participation, contextual factors were also mentioned as shaping the potential impact of service standards. The *levels of unionisation* or a *strong union tradition* have been referred to as potentially influential elements in the development of standards for services. Regarding the level of unionisation, it might be difficult for a trade unions' representative to feed and influence the standardisation process without good knowledge of real work situations experienced by workers – as compared to the prescribed work on which standardisation usually relies. Thus, the level of unionisation not only affects available resources for sector specific activities, but also influences the breadth of experiences and knowledge that might be harnessed by trade unions experts drafting standards. A strong union tradition in the originating country of new standardisation proposals was also referred to as increasing the likelihood for workers-friendly standard.[63] In this view, new standardisation proposals stemming from countries with a strong trade union tradition are much prone to incorporate or at least be sensitive to existing labour laws and social dialogue – and thus making a positive impact more likely.

Trade union participation

can also more generally help to clarify the standard

56 Interview with expert 10.

57 Interview with expert 7.

58 Interview with expert 4.

59 Interview with expert 7.

60 Interview with expert 2.

61 Interview with expert 6.

62 Interview with expert 8.

63 Interview with expert 2.

Embeddedness

The *embeddedness* of standardisation in the social dialogue structure also seems of crucial importance in shaping the outcome of standards in the service sector. As we have seen in the cleaning sector, service standard can be established in support of collective bargaining process and extend the dynamics of social dialogue to standardisation arenas. Such embeddedness largely contributes to the positive outcomes of a service standard, such as in the Austrian cleaning services sector. On a counter factual basis, the attempt to by-pass a stalled collective bargaining process by revising the standard for offices workspaces used within the Dutch call centres, and the subsequent failure to refer to the revised standard in the legislation, might be an expression of the dis-embedding of standards from social context of interactions. It is precisely that kind of social embeddedness that trade unions experts participating in standardisation work may achieve by including words that express social dialogue. Weakly embedded standardisation processes might in turn call for greater oversight mechanisms.

Oversight mechanisms

Some respondents mentioned concerns regarding the lack of *oversight mechanisms* in standard-setting work. They wondered about the role they sometimes had to take on to safeguard existing regulation, most notably by informing the technical committee members that a proposed requirement stands in contradiction with existing regulation. This happened at European as well as international level, an expert involved in the ISO standard on whistle blowing mentioned: "I succeeded in keeping out proposals that would lead to contradiction with the EU directive but couldn't succeed in taking in what is in the EU directive, because in some aspects the Directive is so detailed. In the end, I will have to make some EU guide on how to deal with this ISO standard in Europe".[64] And this lack of oversight mechanisms applies to existing regulation as well as to the OHS exclusion principle, some experts following a pragmatic approach drawing upon their field experience to decide whether a requirement akin to OHS is worth integrating into the standard. While the absence of any formal process to assess the adequacy of draft standards with existing regulation or internal policies can be justified on the basis of the voluntary nature of standards, it nonetheless remains an issue of concerns for trade unions. This brings us to role of the standardisation process itself and the contentious relations with social dialogue structure and democratic processes.

Yet, as mentioned in section 4.1.2, a condition that intrinsically limits the potential for standardisation arenas to fully support the trade union agenda lies precisely in their private and voluntary nature. Even though this will not be resolved in the short run, the role of *formal European standardisation organisations*, as compared to consortia, is welcomed. In other words, it is worth not to throw out the baby with the bathwater. Taking stock of the current consortia standards[65] implemented in Belgian hospitals and mostly developed on the other side of the Atlantic, an interviewee underlines that European service standards established in a more formal framework are easier to access for trade unions and allows for a smoother identification of on-going standardisation activities.[66] Provisions existing at European level to secure the participation of all stakeholders, including trade unions (e.g. EU Regulation 1025/2012) further add to the strength of the European standardisation system. Such provisions do not exist at the interna-

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[64] Interview with expert 10.

[65] Consotria standards refer here to standards developed by an alliance of firms or organisations or a closed circle of organisations and gaining prominence through widespread market use rather than through a formal recognition of their ability to set standards.
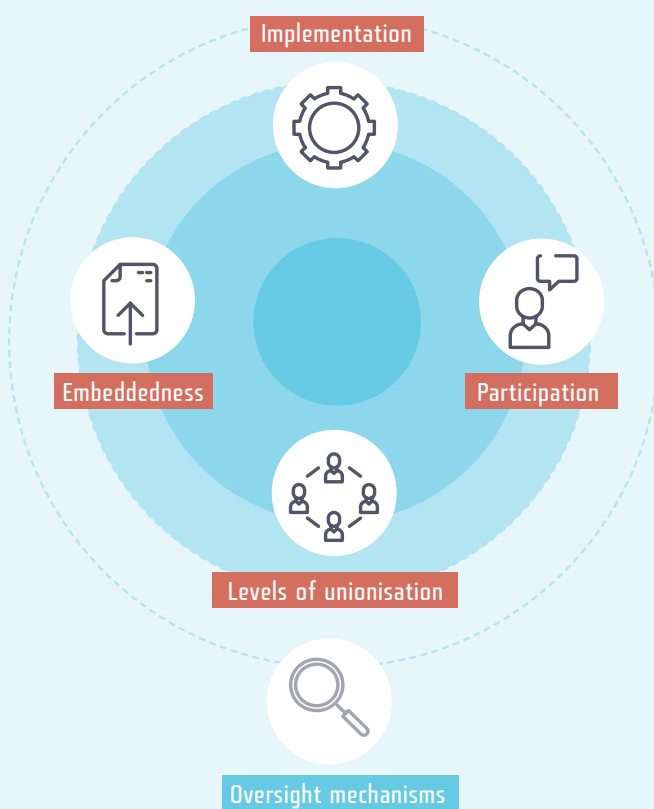
[66] Interview with expert 1.

tional level or within consortia developing standards with a global reach. Accordingly, the fact that service standards remains largely developed within the framework of formal European standardisation bodies, such as the CEN, is beneficial from a workers' point of view.

In summary

The impact of service standards on workers in Europe are far from straightforward, entailing both positive and negative consequences for working conditions and social dialogue. Identified framework conditions potentially affecting the outcomes of service standards include their content, the participation of trade unions representatives in their definition and implementation to ensure progressive requirements are also implemented. High levels of unionisation, strong union tradition and high level of social embeddedness of standardisation also enhance the likelihood for standards to benefits workers. By contrast, the relative lack of oversight mechanisms, largely related to the presumed voluntary nature of standards, stand out as one of the limits of private forms of regulation. While this reinforces the need for trade unions participation acting as watchdog, the European standardisation system also reminds us that all forms of private regulation are not equal. Formal standardisation bodies operating in the framework of the 1025/2012 Regulation offer some guarantees that international standard-setting bodies and consortia do not offer. And this is not to be neglected in a context where private initiatives addressing workers issues or affecting them are on the rise.

Implementation

Participation

Levels of unionisation

Embeddedness

Oversight mechanisms

6

Conclusions and recommendations

Standards matter for workers, whether they address products, management practices or services. This explorative study provides evidence of the complex and multifaceted impact of service standards developed at national or transnational level, on working conditions and social dialogue. The impact of service standards on workers are far from straightforward, entailing both positive and negative consequences. Under certain conditions, service standards can benefit working conditions and social dialogue. Such benefits include the influence of service standards in shaping a distinct market (for instance by providing a level playing field), their impact on workers and their environment (for instance in terms of training opportunities) privacy at work or workload, or their influence in diffusing and promoting workers' idea and terminology. Yet, significant evidence exists regarding the potential pitfalls of service standards for workers. Observed pitfalls refer to service standards setting requirements contradicting existing labour laws and collective agreements or leading to inferior working conditions or the instrumentalisation of services standardisation to by-pass difficult collective bargaining processes. The ambiguous impact of service standards on workers thus prompted further investigation of the conditions shaping the impact and outcomes of service standards.
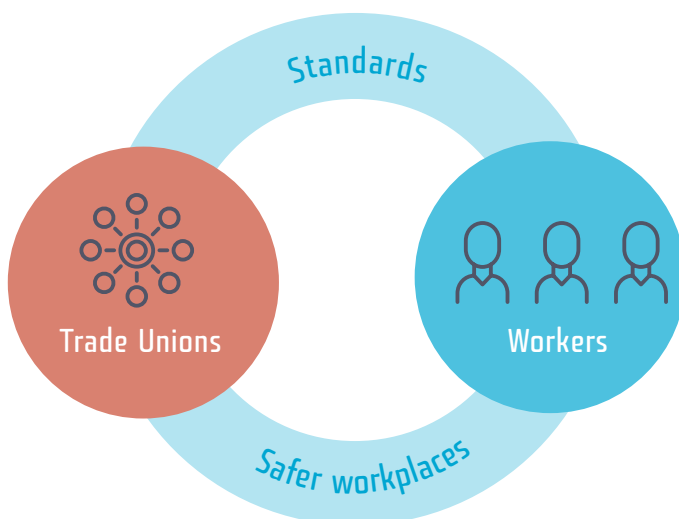
Even though not exhaustive, neither definitive, several conditions affecting the outcomes of service standards have been identified. In this regard, trade unions participation is essential to shape the content and impact of service standards on working conditions, labour laws and collective agreements. The level of embeddedness of standard-setting activities in social dialogue structure is another crucial element shaping the outcomes of service standards. Sector-specificities, level of unionisation and labour tradition also help to gain a better understanding of the relative impact of standards developed for the service sector. Importantly as well, the impact of standards on workers are to a large extent subordinated to their effective implementation, thus inviting trade unions to act beyond the standardisation process to secure potential benefits or mitigate pitfalls. Yet, the extent to which these conditions are likely to influence the power of standards enmeshed within European and international regulatory frameworks remains fragile.

Actually, the most important threat on working conditions and social dialogue emanating from services standardisation does not lie in the content of standards per se, but rather in the new forms of power they epitomise in relying on a raft of public and private actors and involving various territorially-based (e.g. accreditation) and de-territorialised mechanisms (e.g. certification) to elicit consent of concerned groups. In other words, who is involved and how compliance is assessed remain largely ambiguous and uncertain as compared to traditional labour regulation through formal ILO international labour standard, legisla-

tive process and collective bargaining. As such, the raise of voluntary initiatives claiming to play a role or impacting labour regulation across sectors and areas intervene in the struggle between capital and labour. Trade unions and workers may look to standards to ensure safer workplaces (e.g. standards on machine safety or maximum noise pollution) or obtain quality guarantees on the wage goods they purchase, while entrepreneurs, merchants, and financiers will equate standards with risk reduction, technological progress, and strategic competitive behaviour. Service standards might be embedded in the social dialogue structure and improve working conditions and, simultaneously, provide a regulatory arrangement to keep markets free from politico-legal intervention under the guise of voluntarism. As Graz observes, standards can accommodate opposing objectives and power configurations (2019, p. 15), ranging from the development of standards embedded in social dialogue structure to definition of standards promoting minimal market rules; and it is precisely the latter that puts social dialogue at risk. This applies to the standardisation of services as well as to the wide range of non-state driven voluntary arrangements claiming to have the expertise to develop standards, codes and label on the subject matter. It is thus worth providing a few recommendations to increase the benefits and reduce the pitfalls of standards in the European service sector.

The following recommendations are based on the evidence collected within this research. Even though our research material provides several examples of benefits and pitfalls, some limits are worth mentioning. This research is far from exhaustive as it did not analyse the impact of each distinct European services standards on workers and working conditions; the design of sector specific indicators to assess the impact of standards and the identification of available data informing such indicators appear to be a research project in itself. It remains that desk research, interview experts and focus case provide a reliable material to identify and study a wide range of potential impacts of services standards on the world of work. A second limit refers to the difficulty to locate consistently throughout the identified cases and examples, the role of national features and broader contextual elements affecting the impacts of service standards. As such, the relative importance of the various conditions affecting the outcome of services standards as well as their interplay would deserve further research. Last but not least, it might be argued that some of the service standards addressed in this study are national, regional and international, rather than purely European; the deliberate choice here has been to favour the identification of the widest possible range of impacts against a narrow definition of European services standards. This decision is supported by the explorative nature of this research and by the fact that national standards usually provide the basis of European ones and are thus worth exploring. Within these limits, the following recommendations are formulated:
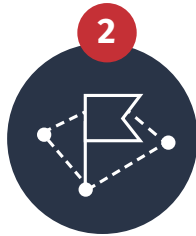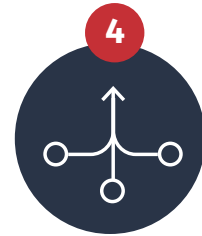
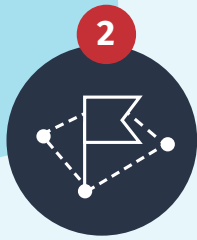| 1	2	3	4
Beware of standards	Be there	Follow the standards	Embed the standards

Beware of standards

The extending scope of standards and other voluntary regulatory initiatives addressing work-related issues calls for attention. As previously mentioned, such new forms of power entail contradictory objectives and political projects with the potential, at least in theory, to both extend or undermine social dialogue. In this regard, formal standardisation bodies operating in the framework of the 1025/2012 Regulation offer some guarantees that intearnational standard-setting bodies and consortia do not offer. As such, beware of new forms of regulation and of the acquis of the European standardisation system. While this recommendation calls for greater trade union attention regarding private forms of regulation, irrespective of the topic, it also reminds the specificities of service standards regarding their propension to interact and conflict with existing national regulations, such as in the case of Airport and aviation security.
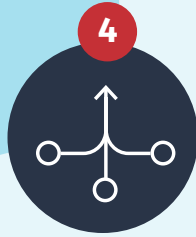
Be there

2

Standards matter for workers and participation is a precondition to ensure workers concerns are taken into account in the standards. In this respect, the involvement of trade unions is of utmost importance, either to pursue a damage limitation strategy once standards are under development or in order to promote workers' terminology and interests beyond conventional bargaining processes. As far as standardisation arenas epitomises new forms of power and regulatory authority on the rise, effective participation might provide useful first-hand experience and insights to inform the development of a European and global trade union strategy.

As trade unions are not in a position to be represented in every standardisation committee, choices have to be made. In order to set priorities, a strong union membership in the corresponding sector, a closer look at the national context from which new standardisation proposals emanate, or the interplay with existing collective agreements can provide some guidance (see section 5.6). The specificities of services standards also deserve a distinct attention to the extent that they are prone to address or affect OHS issues. Moreover, despite the rather strong political emphasis on the development of services standards, services standardisation is still "in the making" regarding the establishment of a common understanding and shared framework for its development. Thus, trade unions participation might contribute to shape the corresponding framework in a favourable way for workers. It is here worth underlining that the participation of trade union with regard to service standardisation doesn't have to occur exclusively within the standardisation committee; as several examples suggest (e.g. the Austrian standard for cleaning, the Dutch standard on office space, or the Swedish deviation from the European standard on Airport aviation security), the influence over standardisation outcomes also takes place outside the standardisation arenas, including by means of collective bargaining or conventional political process. Participation in standardisation has thus to be located within a broader political continuum. In this view, workers' concerns about services standardisation have to be represented at some point on this continuum ranging from legislative processes and collective bargaining to standardisation committees and public accreditation services.

Follow the standards

3

This recommendation reflects the importance of the effective involvement of workers' representative during the implementation of standards and points towards the possibilities to provide them with guidance. Such involvement and guidance are aimed at preserving the hard-won points during the technical committee deliberations as well as to avoid a pick-and-choose strategy during the implementation. It also underlines the relevance of a wide range of activities, such as accreditation and certification, to establish the regulatory power of standards and the potential leverage they offer in shaping the outcomes of standards. As compared to product standards based on physical laws and embodied in objects, services standards are mostly implemented by means of organisational processes and the non-technical nature of rules and knowledge stored into service standards pave the way to various and changing interpretation. This certainly reinforces the need for workers' representatives to have a closer look at the implementation of services standards.

Embed the standards

The **embeddedness** of standardisation in social dialogue structure largely contributes to the positive outcomes of a service standard and to prevent negative implications. Such embeddedness shall favour the gathering of workers' knowledge and the establishment of links with other trade unions activities, such as the EWC, in order to gain influence in the standard-setting process and beyond, as the previous recommendation suggests. While that seems to be true for all kind of standards, the Austrian cleaning standards provides an excellent example of services standardisation in support of collective bargaining processes. In this view, services standardisation does not occur in a vacuum and its outcome is to some extent shaped by the national institutions, including social dialogue structure and traditions. This case does not only highlight the potential complementarity between service standards and collective bargaining, it also points out the importance, in the first instance, of building strong and lively social dialogue structure to foster the desired outcomes of services standards. For such examples to spread beyond the national realm, the establishment of strong social dialogue structure at European level, whether sectoral or cross-sectoral, shall be further encouraged.

7

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Annex 1

List of guiding questions for interviews

In introduction, some information on personal background and involvement in standardization.

What is your opinion on the development of service standards at European and international level?

Are service standards relevant for workers? Why?

What is your opinion on the interplay between service standards and labour laws/collective agreement?

Is trade unions participation in the drafting of service standards important? Why?

In your opinion, what are the positive impacts of service standards for workers?

In your opinion, what are the negative impacts of service standards for workers?

Do you have examples of service standards that improved, resp. undermined, working conditions?

In which sector should service standards be developed, resp. not be developed?

Has your organization a strategy to deal with service standards?

How do you assess the role of standards in addressing issues of working conditions?

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