



## EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change  
**Social Dialogue, Industrial Relations**

**SOCIAL DIALOGUE  
COMMITTEE  
LIVE PERFORMANCE**

### **DRAFT MINUTES PLENARY SESSION MEETING 09.11.2009**

**Chair:** Ms M. HOLOPAINEN (Pearle\* – employers)

#### **1. APPROVAL OF THE AGENDA**

Agenda was **approved** without any modifications.

#### **2. APPROVAL OF THE MINUTES FROM THE LAST WORKING GROUP (15.09.2009)**

The minutes of the last working group meeting were **approved** subject to few comments made under discussion point 7 (risk assessment).

#### **3. INFORMATION FROM THE COMMISSION ON THE ONGOING ACTIVITIES IN THE FIELD OF EMPLOYMENT AND SOCIAL AFFAIRS**

Beata SASINOWSKA (BS) gave an update on the latest initiatives of DG Employment and Social Affairs. She informed about future consultations on working time directive, results of last Tripartite Social Summit for Growth and Employment and progress from several negotiations in some sectoral social dialogue committees. Details about ongoing activities in the field of employment and social policy presented at the meeting are included in *Annex I*.

In the discussion that followed Thomas DAYAN (TD) asked whether it will be possible to see the copy of H&S agreement negotiated by hairdressers sector. Dearbhal MURPHY (DM) said that it will be useful to get known about the negotiation process and to learn from the experience of that sector, although there are certainly significant differences in the nature of risks.

BS replied that she will talk with a colleague responsible for the personal services sector and once the negotiations are more advanced the representatives of that sector can be invited for the Committee meeting in order to share their experience on negotiations.

DM asked also about the Advisory Committee on Social Protection for Migrant Workers, a Committee which is created within DG EMPL. Social partners would like to know about works of this Advisory Committee and to know whether the interests of mobile artists are taken sufficiently into account.

BS replied she will check it and inform the social partners about functioning of this Advisory Committee.

#### **4. EUROPEAN CULTURAL FORUM:**

##### **i. feedback from DG Education and Culture**

The official from DG EAC has not accepted the invitation to the Plenary Session. The position of DG EAC in this matter is that the results of the Cultural Forum are available on the website ([http://ec.europa.eu/culture/glance/glance2370\\_en.htm](http://ec.europa.eu/culture/glance/glance2370_en.htm) ) and in addition the Forum has not resulted in any final conclusions to be presented today. It was a so called mid-forum and the conclusions from the whole exercise will come at the later stage.

Some of the social partners criticised this position. They expressed that every conference should end up with clear conclusions and with some follow up strategy and in particular the event of such a large scale as the Cultural Forum.

##### **ii. Presentation of the joint statement on Creativity, Innovation and the role of the cultural sector**

Anita DEBAERE (AD) informed that the statement was presented during the Cultural Forum during the Flash Info Session (see copy of the statement in *Annex II*). The work of the social dialogue Live Performance Committee was presented, together with detailed activities and ongoing projects. The joint statement gave a critical analysis of approach to creative industry that was developed during the Forum.

DM said that the presentation of statement at the European Culture Forum received a wide interest among participants. Social partners were not alone in their concerns that the value of culture should not be seen only as a mean to other economic needs and that the culture sector need a support from public funds. In addition various challenges the culture sector is facing were highlighted by social partners.

#### **5. UPDATE ON THE CAPACITY BUILDING PROJECT IN SOUTHERN EUROPE**

TD informed that visits to Southern European countries are still ongoing. He visited together with Jaap JONG (JJ) social partners in Bulgaria, where they met also with the deputy minister of culture as well as the deputy minister of labour. Bulgaria is a very interesting country where the collective agreement was signed in July 2009, just one year after BAROK, the employers' organisation was created as a result of the European social dialogue conference which took place in Sofia in June 2007. One of the ongoing debates in Bulgaria is to transfer this agreement into the legally binding instrument. He noticed that there is relatively enough information about the live performance sector in the public sector, but really a little in the private sector. During the visits they noted also that the situation in Cyprus is very particular as collective agreements signed by employers and workers do not have any binding effect.

JJ added that during visits they encountered several practical problems, for example in some national ministries of culture or employment it was difficult to find a person who speaks English or French. He noted also that the common problem in many visited countries is a very limited budget for culture. Therefore he believes that one of the final recommendations of the project should concern a need for public financing.

The visits will continue (e.g. Spain, Portugal, Italy, Slovenia, Croatia and Turkey) and the final report on the situation in each country will be prepared and presented during the final conference in February.

## 6. UPDATE FROM THEATRE TECHNICIANS TRAINING FORUM:

### i. Presentation of the report by Umberto Bellodi and Chris Van Goethem

Umberto Bellodi (UB) and Chris Van Goethem (CG) presented the results of the Theatre Technician Project (see copy of the presentation in *Annex III*).

They suggested several actions to be taken as the follow up to the project:

- An **information platform** safeguarding, organising, managing and diffusing results as a base for future researches
- A **permanent network of training and education providers** in technical theatre
- A **handbook** on different labour traditions and methods in EU countries
- **Qualification recognition** in work agreements
- **Multilingual dictionary** on technical (and educational) jargon

They said that one of the main issues that emerged from the research is the need for better / clearer information on past and current projects. This information should be easily accessible, simple, and intelligible to non-specialists. They recommended taking action on several levels, e.g. informing – activating – supporting – developing (see details in *Annex III*). A straight forward conclusion of the project is a need for a common communication tool.

After this presentation social partners discussed the possible future actions. Richard PULFORD (RP) asked how the project can address the issue of freelance technicians, how to involve small countries which have training constraints and how to liaise with manufactures who are responsible for the production of equipment.

CG said that freelancers can be reached through website tool as this is the good way to reach easily people who are not associated to trade unions. In addition, some meetings could be also organised with them. In the same way small Member States can also be approached. The project can protect small countries from the "monopoly" of big European or national training centres. This can facilitate and stimulate greater mobility in order to develop their basic training. As far as manufactures are concerned a closer cooperation with them is necessary so they can produce the equipment better adjusted to new needs of technicians.

JJ expressed his gratitude for the realisation of project. He asked however how the success of the project can be secured.

CG and UB said that the continuity is needed, and that one of the solution may be looking for some funding for national level projects in order to continue this work. There is a need for a central organisation that will secure the continuity.

MH noted that the main problem of keeping online database useful is its maintenance and costs linked to this. He asked experts whether it is possible to estimate a need for human work and costs in order to maintain the database.

CG said that a lot depends on the scope of maintenance. More active tools available on-line require more human work. For example e-portfolios will require a lot of work to keep them up to date. He underlined that a key for a successful database is a content that people really need. He suggested that the ownership of this tool belongs to social partners as they themselves are the best stable factor which links with working environment and at the same time has an institutional recognition on the EU level.

### ii. Action plan: discussion

MH informed that the paper presenting the Training Action Plan for follow up of the project has been prepared by employers and submitted for a discussion by this Committee (see the paper in Annex IV).

DM said that trade unions discussed the proposal in the morning during the preparatory meeting. They have one suggestion which concerns the need for networking not only between social partners but also with training institutes and professional organisations.

Employers agreed to add this suggestion to the Training Action Plan. The paper will serve as a basis for further amendments. Social partners were asked to submit concrete proposals to secretariats before the next meeting of the Committee.

## **7. RISK ASSESSMENT: FEEDBACK FROM THE FIRST WORKING GROUP MEETING**

DM said that the first WG meeting was an introductory meeting with a purpose of knowing better each other and sharing information about national systems of risk assessment. There was:

- a presentation from Dutch representative on the RA tool in Netherlands, social partners were impressed by the scope of this tool, and they considered it as a good tool that can help to observe the national and EU law
- some other examples in other countries were analysed (namely in Finland, Belgium and UK)
- the feeling was that the WG is not representative enough to investigate a wide range of different national practices, therefore the need for support from other social partners not covered by this group was identified (especially East and South Europe)
- it was decided to speak about RA problems also during the South European conference in February 2010

In the discussion that followed, RP made few remarks concerning the situation in UK that was described in the Minutes of the WG of 15/10. He pointed out that the health and safety issues are the matter of law and that he agrees that there were two the same accidents identified in the past. He underlined however that the person who was affected by these accidents was actually the one who prepared the RA. Therefore in his opinion the RA is a tool to control the risks and not to avoid them.

Marko SIMCIC said that in Slovenia there is a national law which is harmonised with the EU law and it makes the risk assessment as an obligatory tool in every theatre. Each theatre has an expert who is responsible for preparation of RA. RA experts visit theatres, investigate and give examples of accidents that happened in the past and that could be avoided in the future. The problem with this practice is that the technology evolves so fast that most of the RA tools are very quickly out of date. It means that most of the performances are done in a violation of law.

MH concluded that the WG will further investigate the issue. Different member States practices in risk assessment will have to be identified. Social partners' representatives from other MS were invited to share their experience and to present their practices to the Committee. Volunteers should contact Anita Debaere or Dearbhal Murphy from secretariats in Brussels.

## **8. FINANCIAL CRISIS – IMPACT ON THE LIVE PERFORMANCE SECTOR: STATE OF PLAY**

TD informed that his organisation prepared a questionnaire to its members asking about the impact of the crisis. He said that the answers are very diverse, there are different interpretation concerning the crisis itself, and different reactions depending on the country.

AD informed that the Committee adopted in May a statement on the impact of financial crisis on their sector and that the further exchange is necessary.

Mr Momchil GEORGIEV (MG) from Bulgaria informed that 2 weeks ago the government announced a 15% cutting in state administration and that the culture sector is considered as being a part of this administration. MG expressed his doubts about the real incentives for this cost-cutting policy, "is this the result of the crisis or simply a result of the crisis of culture in minds of politicians" he asked.

MS from Slovenia repeated that the situation in his country is deteriorating and that the collective agreement on cutting costs was signed recently. His trade union did not sign the agreement but it will anyway come into force as his organisation was in minority. He underlined that the agreement was signed after negotiations were no representatives of Ministry of Culture and no representatives of Directors of theatres were involved.

Social partners **agreed** to disseminate broader the joint statement they signed in May 2009 and to publish it on social dialogue website in the social dialogue database.

## 9. WORK PROGRAMME 2010

Trade unions have submitted 3 comments to the draft WP for 2010 (attached to the Minutes in *Annex V*), these are:

1/ WG on Risk Assessment – a stronger recognition of expected results of the WG, trade unions want that the WG will propose some concrete recommendations to the Committee

2/ Mobility/visas – dialogue with DG Security and Justice should be highlighted as this seems to be the most appropriate tool to reach an agreement on our concerns

3/ Copyrights – the wording of this proposal should be rephrased as there is no agreement within workers' organisations to discuss this issue as it stands; there is no clear distinction between discussion on the collective rights societies and the payments done by the collective rights societies to artists

JJ underlined that for employers the issue of lack of transparency in the finances of collective rights societies is a crucial problem. Employers do not have any guarantees that the fees they pay to these organisations (which are growing in number, today 23 societies in the Netherlands) are properly distributed to artists.

Antony MARSCHUTZ (AM) said that in France there is no problem with collective rights societies, as they are under strict supervision of the state and he does not see how the Committee can address any kind of these problems even if they might exist in other countries. According to him the Committee is not a proper forum to discuss this issue.

DM proposed to work on a different wording for this point in the 2010 WP, however there were still opposing views presented on the trade unions side to this idea.

Finally, it was **agreed** that the item on copyright will be deleted from the 2010 WP but the possibility to discuss this item was open for the future.. A separate meeting with collective societies and social partners' representatives could then be organised in order to discuss certain issues .

The proposal of trade unions concerning the item on WG on Risk Assessment and the item on mobility of artists was **approved**.

## 10. AOB

There were no issues discussed under AOB item.

### Annexes attached as pdf files:

- I. Ongoing activities in the field of employment and social policy (03.06.2009)
- II. Joint statement on European Year on Creativity and Innovation
- III. PPT presentation of results from TTT project
- IV. Training Action Plan
- V. Draft Work Program for 2010

### Annex: List of participants 09.11.2009

<p><u>Employers</u></p> <p><b>Pearle*</b> Ms Melina BATAILLARD (FR) Ms Catherine BAUMANN (FR) Ms Joelle BOULLIER-DEBUF (FR) Ms Anita DEBAERE (BE) Ms Liesbeth DEJONGHE (BE) Ms Elisabeth HOHNE (FR) Mr Matti HOLOPAINEN (FI) Mr Jaap JONG (NL) Mr Julius KLEIN (SK) Mr Geza KOVACS (HU) Mr Momchil GEORGIEV (MG) Mr Zdenek PANEK (CZ) Mr Richard PULFORD (UK) Mr Tommi SAARIKIVI (FI) Ms Ilka SCHMALBAUCH (DE) Ms Aila SAURAMO (FI) Mr Antonio MUNOZ-LOBATON (ES)</p> <p><b>17 employers</b> <b>(8 women, 9 men)</b> <b>(4 new MS, 13 old MS)</b></p>	<p><u>Workers</u></p> <p><b>MEI</b> Ms Yvette BUTOYI (BE) Ms Francoise CHAZAUD (FR) Ms Laurette MAYLAERT (BE) Mr Carlos PONCE (ES) Mr Christian SEVETTE (FR) Mr Pier VANTORRE (FR) Mr Pier VERDERIO (IT) Mr Dirk VISSER (NH)</p> <p><b>FIA</b> Mr Stanislav IDE (BE) Ms Dearbhal MURPHY (BE) Ms Hannah PACKHAM (UK) Mr Marco SIMCIC (SI)</p> <p><b>FIM</b> Mr Thomas DAYAN (FR) Mr Anthony MARSCHUTZ (FR) Mr Leonard Octavian PADURET (RO) Ms Diane WIDDISON (UK)</p> <p><b>16 workers</b> <b>(6 women, 10 men)</b> <b>(2 new MS, 14 old MS)</b></p>
<p><u>European Commission:</u> Ms Beata SASINOWSKA (DG EMPL F/1)</p>	
<p><u>Other participants:</u> Chris VAN GOETHEM (BE) Umberto BELLODI (Accademia della Scala, IT)</p>	