



Brussels, 8 August 2018

**SECTORAL SOCIAL DIALOGUE
COMMITTEE RAILWAYS**

**Minutes of the Steering Group Meeting
on 8 June 2018**

The meeting was chaired by Mr. Tuti (ETF).

Mr. Rohrmann welcomed on behalf of CER the willingness of ETF to sign a joint declaration on the mobility package and suggested to put this as first point on the agenda. The agenda was adopted with this change.

The minutes of the previous meeting (28 September 2017) were adopted including the track changes introduced by the secretariats.

1. Potential joint declaration on the Road package

Mr. Tuti thanked CER for the invitation to the CER meeting in Stockholm. He recognised it as an opportunity to increase mutual understanding. During that meeting the idea of a joint declaration had emerged. Mr. Tuti agreed that a road package which allows for more flexibility and further liberalisation of the road sector could have a significant, mainly negative, impact on the rail sector. ETF had prepared and sent a draft declaration to CER.

Mr. Rohrmann thanked for providing the draft with very short notice. He considered it a good basis and a means to show the importance of the social partners.

Mr Lochman recollected the work of CER on the topic, indicating that the mobility package has been discussed in the CER Management Committee already in September 2017 and that CER had put together a fact sheet. He welcomed that the draft declaration included a reference to the CER fact sheet. A first feedback from the members of CER concerning the text of the declaration was mostly positive. Requests for changes were that the declaration should have a clear statement at the beginning and that no reference should be made to issues which could be perceived as technical details, such as toilets. He explained that he still needed to obtain a mandate from the Management Committee to sign a declaration that does not only highlight the positive aspects of rail but also suggests changes in the road legislation directly; for that more time was needed. Mr. Lochmann expressed his sincere hope to be able to obtain this agreement by 20/06.

Ms Trier explained that it was important for ETF to consult with the road section so to ensure consistency between the strategies of the two sectors within one organisation. Furthermore, ETF saw the risk that exclusively positive messages concerning the situation of rail mobile workers

could invite for polemic criticism against working conditions in rail (as being too good). The draft takes account of these considerations.

Mr Tuti highlighted that ETF's willingness to sign the declaration was the result of internal discussions, requiring members to make compromises; however, he considered a joint position from the social partners as an important signal, which justifies such compromises.

In conclusion:

The members of the steering group assured each other that both sides were committed to the declaration. However, for the final editing¹ as well as for CER to obtain the necessary mandate, the adoption was postponed, with the intention to have a signature on 20/06/2018.

Similar to the Rail Freight declaration it was suggested to have the declaration translated into several languages.

2. Implementation of the SSDC Work Programme

a. Assuring railway safety in an open and competitive European Railway market

ETF explained that this was a topic, which was very important for the unions. ETF saw three elements to that discussion:

- Working time and control of working time
- Qualification
- Temporary agency work

Amongst these three strands, ETF suggested to focus on the first, i.e. monitoring and enforcement of working time rules in particular for rail mobile workers and the last one, the situation of temporary agency workers in the sector.

Ms. Trier informed that ETF also internally works on the situation of temporary agency workers in the sector. ETF plans to have a closer look at the situation of temporary agency workers in three countries with important use of such forms of work in the rail sector. Germany and Sweden were already agreed, the third country still needed to be identified. ETF plans to launch the information collection soon, so to be able to present findings at the plenary meeting in November. She stressed that ETF would appreciate if the fact finding was not an unilateral union effort, but that it would be done jointly by the national social partners.

Topics for the fact finding concerned the working conditions of the temporary agency workers in the sector with a specific focus on monitoring compliance with the safety rules, whether specific collective bargaining agreements are relevant and in which way/to which extent these workers benefit from trainings.

Ms Trier stressed that ETF plans to share the presentation before the plenary meeting, so to allow both sides to prepare and have a profound discussion on the substance during the meeting. The objective was to come to joint conclusions how the Committee would in the future work on the topic.

For the work on the monitoring and enforcement of working time, ETF suggested to focus on the finalisation of the ongoing project and to take the conclusions of the project as the starting point

¹ Clear request to achieve a level playing field at the beginning of the joint declaration, leaving out a few details (toilets) with the intention to increase acceptance/impact without changing the content, correct reference to Directive and using the terminology precisely as used in the Directive.

for next steps. In the context of the project, the social partners have identified the authorities responsible for the monitoring. However, also finding out, that these bodies were often not aware of this responsibility.

As another element, ETF pointed out, that ERA would obtain a mandate for a device to allow monitoring of driving and rest time of locomotive drivers. As this topic was very important but also conflictual for the social partners, ETF suggested not to wait until ERA asks for their contribution, but to work on the topic in a proactive way.

On behalf of CER Mr. Rohrmann reacted to these proposals. He accepted to have a substantial discussion on the use of temporary agency work at the plenary meeting. However, he stressed that it would be essential for CER that there was no prejudice against temporary agency work or subcontracting. Provided that rules are complied with, it can be a very suitable solution in certain circumstances. Data collection should not limit itself to the description of problems and gaps but should also provide positive examples of the use of temporary agency work. He also challenged the selection of the proposed Member States as too few and not representative. Concerning the cooperation with ERA he asked ETF to avoid the impression of rail being or getting unsafe. This would have negative repercussions on the perception of the sector as a whole, which was in the interest of neither CER nor ETF.

ETF explained that they had limited data collection to three countries to be able to cope with the work. The selection of countries focused on those where substantial use of temporary agency work was made. Having said this, ETF invited CER to suggest candidates for the third case.

ETF was willing to increase the number of countries, if arrangements were found to facilitate the work (e.g. support from the national affiliates). ETF considered to also look into the reasons for non-use of temporary agency work, thereby referring to Italy and Norway.

Concerning the monitoring of working time, CER stressed that tachographs would only be able to monitor driving time, which needs to be distinguished from working time. ETF agreed to that, saying that there could be alternatives to tachographs, which might be more acceptable, thereby referring to a system implemented in Italy. It was also considered useful to look at the latest discussions on monitoring working time in road transport. Both sides agreed that the discussion should not be just about one single technical solution and that the discussion should take place between the respective experts.

ETF agreed with CER that the discussion of the social partners on the topic of safety should not give the impression that rail was unsafe or dangerous (on the contrary). However, it was important to maintain and further improve safety of this mode of transport.

It was concluded:

- The topic of temporary/agency work will be a key point on the agenda of the plenary meeting
- ETF will prepare this agenda point, keeping CER informed, so to decide consensually on the exact issues to be discussed and to allow for the preparation of the discussion on both sides.
- ETF invites CER to cooperate on the fact finding exercise. If CER was not able to join these efforts, ETF would do it as presented.
- To have a meeting of experts working on the locomotive TSI and ask them for a recommendation how to address the issue of monitoring working time.
- The experts were asked to inform the plenary about their conclusions.

b. Review of the Joint Recommendation ‘For a Better Integration and Participation of Women in the Rail Sector’

Ms. Marzola introduced the topic (for the content see ppt). Since April a task force with gender experts from CER and ETF has been created and discussed the topic. The cooperation was very constructive and practical. The task force has agreed on what it will do before the plenary meeting so to provide the plenary with the information needed to decide on priorities for follow-up actions. The task force also had a first exchange on the substance.

The overall intention of the revision process is to arrive at a product/result which has more impact than the joint recommendation so far. Social partners still need to look at the pro- and cons of different instruments. ETF expressed a wish for more binding instruments.

Eight areas which are particularly critical for gender equality have been identified.

The task force has agreed that communication will be important to bring on board companies as well as the national trade unions. While it is expected that the secretariats of CER and ETF will have to contribute, the task force is also looking whether there could be other partners to support these efforts.

On behalf of CER Mr Rohrmann thanked for the presentation and the work of the task force, stressing that the promotion of women was a serious concern of the employers. He confirmed that the topic should be on the agenda of the plenary meeting as proposed by the task force. Additionally he suggested linking this work with the Platform for Change launched by DG MOVE. He concretely proposed to sign a joint declaration to support the platform for change at the occasion of the plenary and to transmit it to a high level representative of DG MOVE. Such a handing over of a joint declaration in the presence of decision makers on all sides could increase the commitment to the declaration.

ETF agreed with the idea to support the platform for change also in view of giving publicity and prominence to the topic, but emphasized that this should not replace the review process as such, which aims at more concrete and substantial changes within the sector. The importance to identify and negotiate a couple of issues, which could have a concrete impact on the situation on the ground was stressed. It was further recommended to look into existing examples of railway companies doing something for gender equality. Railway undertakings from Italy, Catalonia and Austria were mentioned.

On a very concrete note Mr Aslaksen suggested to adopt during the plenary a joint request of CER and ETF towards locomotive manufacturers and (potentially) ERA concerning the locomotive TSI, that there should be the option to have facilities on board of locomotives. The absence of such facilities was seen as a real obstacle to recruit women to drive long-distance (freight) trains.

CER confirmed that the idea to sign a joint declaration towards the platform was additional to the other work and assured that it was in the genuine interest of rail undertakings to work on the topic. CER promised to look into the proposal made by Mr. Aslaksen.

It was concluded:

- To have the discussion on the review of the joint recommendation as proposed and prepared by the task force
- To aim at signing a joint declaration to support the Platform for Change at the end of the plenary meeting and hand it over to a high-level representative of DG MOVE (preferably Commissioner Bulc).

- That both sides will look into the possibility of a joint request towards locomotive manufacturers and ERA, that locomotives should (at least) have the option to be equipped with a toilet.

c. Project Proposal on ‘Employability and Digitalisation & Automation in the Rail Sector’

Mr. Rohrmann presented CERs first ideas for the new project proposal. It is planned to structure the project into three phases:

1. The social partners have worked on employability in several previous projects. A first phase would therefore be to look at the results and recommendations of previous projects and see what has happened with these results.
2. The second or main phase would be to look into current activities around employability putting an emphasis on digitalisation and automation.
3. The third phase then would be to draw conclusions and to discuss how to use them

Following previous positive experience, the project shall foresee meetings outside Bruxelles, to involve and discuss with the affiliates more directly and in a decentralised way and to use the expertise of EVA. The draft has been built on discussions with CER members, trying to include the issues which were raised in these discussions as practically relevant at the company level.

CER suggested using qualitative instruments for the empirical work such as in-depth interviews or focus groups, thereby also considering more innovative tools and moving away from the usual surveys. With the intention to have results which are relevant and useful for both the employers and the workers, CER suggested to not exclude upfront issues which are controversial such as e.g. flexicurity, where a project might also provide the opportunity for a better understanding between the partners and to develop an understanding of what could be considered as shared interests.

CER asked ETF for a first reaction on these ideas. Subsequently EVA shall develop a project proposal, which then could be the basis for a more detailed discussion.

Asked for what was meant with employability, Mr. Rohrmann explained that the project will use the previously developed definition as a starting point, however, as discussions have evolved it might be necessary to have a look at the definition and adapt it. Ms. Marzola was happy to hear that and suggested that the concept of ‘sustainable work’ could give some inspiration in that respect.

Ms Carstens saw the risk of raising too many issues or focusing on macroeconomic topics which are not specific to the situation in rail. She stressed the need to first clarify what the project is expect to deliver and then structure it in a way, that it can do so. Cross-border exchange of employees she considered a topic which would not need to be included into this project. On the latter point CER signalled potentially diverging views.

Without contesting the usefulness of having workshops in the Member States, ETF stressed that it will be important to prepare these events very well, so to have a discussion on the substance which contributes to the project objectives and helps to better understand also the difficulties and problems.

A number of further suggestions and comments was made. These observations were welcomed and the members were encouraged to provide detailed comments in writing. The chair thanked CER for having prepared this first draft.

The Commission informed that the call shall be published in the following week and shall be open till the second half of September.

It was concluded:

- Written comments on the sketch are welcome
- CER will ask EVA to prepare a draft proposal
- The proposal will then be discussed within and between the social partners.

3. Rail Mobile Workers Project: Towards joint conclusions and follow-up

ETF has asked for an extension of the project end by 4 months. The Commission has signalled agreement to this cost-neutral amendment of the contract.

If additional meetings were considered necessary, they would largely need to be financed by the social partners, as there is not much budget left.

A core group meeting will take place in the following week, a last steering group meeting is scheduled for September. The focus of the discussions in June will be on chapter five of the scientific report, with the aim to provide consolidated comments to the consultants. This should then allow the social partners to approve the reports.

The social partners were not happy with the quality of the reports. Additionally it was acknowledged, that ETF and CER had different priorities and sensitivities in respect to the two reports, which made it more difficult to steer the consultants to a broadly acceptable result.

Discussions on the conclusions are still to take place.

4. Preparation of the SSDC Plenary Meeting on 15 November 2018: Objectives and Draft Agenda

The two main agenda points of the plenary meeting shall be:

- a) A discussion around the use of temporary agency work as discussed under point 2.a
- b) A discussion how to ensure a better integration of women in the sector, discussed under point 2b.

Further – less prominent – issues for discussion:

- a) A debrief of the work of the experts on the drivers cab
- b) Information on the results of the joint project on rail mobile workers

It was envisaged to have a joint activity the evening before (e.g. dinner).

Stressing the importance to advertise and inform about social dialogue also internally and thus to ensure good attendance, Mr Tuti mentioned that the next ETF Newsletter will inform about the upcoming plenary including the main points on the agenda. He encouraged CER to do so as well.

Participants 08/06/2018

<p>5 Employers (3 ♂, 2 ♀)</p> <p>CER Mr LOCHMAN (CER, BE) Ms CALDANA (CER) Mr ROHRMANN (Agv MoVe/DB, DE) Ms GRAU (SNCF, FR) Mr BADEN (CFL, LU)</p> <p>EIM <i>Not represented</i></p>	<p>11 Workers (6 ♂, 5 ♀)</p> <p>ETF Ms TRIER (ETF) Mr ASLAKSEN (NO) Ms CARSTENS (EVG, DE) Mr GOBE (CGT, FR) Mr KOMILJOVICS (VSZ, HU) Ms MARZOLA (FILT CGIL, IT) Mr TSCHIGG (FIT-CISL, IT) Mr TUTI (SEV, CH) Mr ZLATI (VSZ, HU) Ms ZLATKOVA (FTTUB, BG)</p>
<p>European Commission Ms Caspar (EMPL)</p>	