

**DRAFT**

**Welcome and Introduction**

Mr. Clappier (FIEC), who chairs the meeting, welcomes the participants.

**1. Approval of the agenda**

The agenda is approved.

**2. Approval of the minutes of the meeting held on 15 November 2007**

The minutes of the meeting held on 15 November 2007 are approved unanimously.

**3. Follow-up to the European Conference on the role of paritarian social funds in the construction industry**

Slides are joined to the minutes

Ms Sibylle Reichert (AEIP) gives an overview on the conference, held on 6/7 March in Warsaw. As the construction sector is the one with the highest mobility in Europe, the creation of paritarian funds in the New Member States is crucial for capacity building. Poland, Slovakia and Hungary are in favour of creating paritarian funds, the Czech Republic is hesitant. Poland has asked for help to set up autonomous, bipartite paritarian funds.

The EFBWW explains that bilateral contacts are growing. Other Member States, like Bulgaria and Romania, are also interested in having such a conference in their country. FIEC mentions that interventions by the social partners are possible, but New Member States have to request them.

The EFBWW is interested in introducing a "Health and Safety Passport". FIEC indicated that it has started a survey on this subject. The results will be presented at the next "Health & Safety" working group and the discussions will be coordinated with the "Employment" working group.

To support the creation of paritarian funds, the EFBWW and FIEC agree to write a common letter to the national authorities of those countries who are asking for such an action. The social partners agree also to ask for more financial support for further studies by AEIP; they also agree that a joint declaration on paritarian funds is a useful instrument.

**4. Joint draft EFBWW-FIEC framework of actions on undeclared labour**

FIEC summarizes the history of the joint draft paper, beginning with the Helsinki Conference, where the social partners failed to sign the joint draft, all the way to the plenary meeting in December 2007, where the contentious point was the nature of the paper. FIEC points out that it would like to keep the issue of "undeclared labour" on the agenda of the Social Dialogue,

but considers that a “framework of action” is not the appropriate instrument since actions are supposed to come mainly from national members and it therefore finds it difficult to sign something which is not fully the responsibility of the European social partners.

The EFBWW regrets that two years of hard work and the solution of some large problems have not permitted to reach a joint position. Under these circumstances the EFBWW prefers to stop working on that issue and also to delete it from the joint work program 2008-2011.

The chair insists on the fact that the two parties were on the verge of finding a common position and regrets the conclusions of the EFBWW. Mr Campogrande (FIEC) proposes to keep the issue in the work program and declares that the upcoming months could be used to make an agreement possible. The EFBWW insists on the fact that the social partners have failed to come to an agreement in due time. Clear positions are necessary; therefore this issue must be deleted from the joint work program.

## **5. First discussion "Tackling undeclared work in the European Union" (Study by the "Dublin Foundation")**

Mr Campogrande (FIEC) refers to the website of the "Dublin Foundation":

<http://www.eurofound.europa.eu/areas/labourmarket/tackling/search.php>.

He suggests to look for possibilities to provide data to the Dublin Foundation. The EFBWW is satisfied that the Dublin Foundation has tackled undeclared work in the construction industry. Mr Buelen (EFBWW) mentions two missing elements: concrete results (the results are only descriptive) as well as more detailed information concerning legislation and agreements of social partners. He proposes to write a joint letter to the Dublin Foundation. The Italian representatives of the EFBWW and of FIEC point out an error concerning Italy. The registration to paritarian social funds is obligatory and not optional, as indicated in the study. They will ask Eurofound to correct the text.

## **6. Finalizing the joint EFBWW – FIEC Work Program for 2008 – 2011**

The work program 2008 – 2011 is accepted with the deletion of the item on “undeclared labour”.

## **7. New approach for the joint EFBWW-FIEC research on self-employment and bogus self-employment in the construction industry**

Mr Buelen (EFBWW) reports on the last developments. The Commission had reduced the costs for the experts. A new expert from Romania has been found. The Commission has agreed. There are still two questions remaining concerning the reduction of the number of experts and the extension of the time limit. The Commission has been asked for a quick and positive official answer.

## **8. "Posting of workers" Directive (PWD)**

- a) Joint EFBWW – FIEC database and website on PWD in the construction industry
- b) Experts High Level Group (joint EFBWW – FIEC letter)

a) Mr Campogrande (FIEC) reports on the situation at the moment. An update of the existing database is necessary. A request for a grant from the DG EMPL Social Dialogue budget line has been submitted but in view of future updates of the database other financing possibilities have also to be envisaged. The only languages will be English and the language of the concerned country, input should come from the national social partners who will also have to validate the national reports. In order to facilitate the maintenance and the updates the database should be managed by the Social Partners.

The EFBWW agrees and insists upon the necessity of an update.

b) The EFBWW and FIEC agree to write a common letter to their affiliated members and to urge them to undertake all the necessary actions at the national level in order to ensure that the sectoral social partners will be involved in the future High Level Committee on the "Posting Directive".

## **9. Miscellaneous**

Ms Karine Dufour (FIEC) reports on the Rüffert case – a new judgement by the European Court of Justice which must be seen in connection with the Laval and Viking cases. Both, the EFBWW and FIEC, are worried about the European Court of Justice intervening in collective bargaining policy, and enterprises, in line with collective wage agreements, suffering from competitive disadvantages. No need is seen for an adaptation of the Posting of Workers Directive. Any way, the discussion is going on.

## **10. Next meetings**

The next meeting of the working group "employment" will take place on 21 November 2008.