

Social Dialogue C&E meeting – 19 March 2018

DRAFT Minutes – AGREED iAll-Ceemet

1. Preparatory meetings

2. Opening and Welcome

Agreement: The minutes of the last SSD C&E meeting of 7 March 2017 were formally approved.

3. What issues could be raised from intensified monitoring of production through digitalisation?

- **Presentation by industriAll- by Laurent Zibell and discussion**

Laurent Zibell (industriAll) delivered a presentation (follow [link](#)) that focused on the results of a survey on workers' related data that was conducted amongst iAll affiliates (white collar workers) during one month. The objective of this survey was to understand the issues raised by digital collection of data + processing of data in the context of employment in the industry.

From the survey, industriAll concluded that:

- Almost all workers are monitored but white collar workers are slightly less monitored than blue collar workers;
- Because of the low cost of sensors it is very easy/cheap to collect data,
- According to industriAll only necessary data should be collected, but big data tends to gather all data and store it somewhere, *just in case*;
- Artificial intelligence: it recognises some patterns and can mean that decisions are taken with no justification given, on the basis of these patterns;
- GDPR: iAll thinks it focuses on consumer data and not on worker-related data;
- Free consent (on data collection/data processing) in the employment relationship probably needs extra protection/qualification as there is a subordination relationship between the employer and the employee.

Due to these outcomes industriAll considers that these new technical developments are in need of discussion within the social dialogue on at least the following points:

- Conditions for free consent of workers
- Limits to nature + frequency of data collection
- Limits to nature of data processing (need for justification, room for discussion, bias removal) – <https://AlgorithmWatch.org>
- Participation of workers' representatives in the decisions
- Role of legislation vs. collective bargaining

Discussion on the presentation:

Henrik Ehrenberg (Unionen, Sweden) said that we need legislation to deal with the issues around data collection and processing in the employment context, and that this legislation should be used as a basis for discussion within social dialogue.

Indra Hadelier (Gestammetall, Germany) said that it would have been positive if GDPR would also be binding in relation to data collection and processing in the employment context – due to the opening clause every country can decide to keep its old regulation and companies must still cope with many differences between the countries.

Arto Helenius (Teollisuusliitto Finland); said it is good to have certain rules on what you can do with the data, and it is good that employees know that data is being collected, and what kind of data is collected.

Jarkko Ruohoniemi (Co-Chair of SSD C&E) reminded participants of the fact that we are speaking about “monitoring production”, and that the aim is to improve productivity and thus to improve competitiveness. Employers have always monitored productivity in one way or another, and nowadays, digitalization helps to do this monitoring in an objective way. Furthermore, employers are using data (collected) to improve things: improve productivity, improve quality of work for employees, safety of workers etc.

Mr. Ruohoniemi further added that collection of data is regulated in the employment context. Data being monitored is made transparent for employees and is used to improving things.

Mr. Ehrenberg said that in personal life there is no “subordination relationship”. However, he sees the positive use of data collection & processing to improve productivity, guarantee safety etc, but, in his opinion, trade unions should have a clear influence on how the collection of data is being done as they “fear” that the employer is aware where the employee is 24 hours.

Indra Hadelier, said that in Germany there are lots of discussion about what data can be collected, when, why etc. Companies in Germany are always looking into this issue thoroughly. However, SMEs might require more support on this topic.

Johan Wijk (Tekniforetägen, Sweden) said that we should not lose view that GDPR will be implemented soon. He also stressed the fact that monitoring of employees is nothing new, it has been done always.

Isabelle Barthès (industriAll Secretariat) said that monitoring is not new but we should define the limits between “private life” and “work”.

According to **Laurent Zibell**, previously in order to monitor what employees were doing there was a need to look into a camera, for example, for monitoring purposes, and in order to extract the data collected. The amount of data that could be collected, extracted, processed and gathered, through these “older methods” was therefore limited.

Nowadays, data collection is automatized and that makes the difference. Under big data everything is collected as everything might be useful.

- ***Presentation on the data protection regulation- By Ms. Isabelle Chatelier, legal and policy officer of the European Commission (DG Justice and Consumers).***

The GDPR regulation will be in place as of 25 May 2018. Member States will have to adapt their legislation so that the regulation is fully implemented. See presentation [here](#).

In January 2018, the Commission adopted new guidance to facilitate a direct and smooth application of the new data protection regulations rules across the EU as of 25 May and also a new online tool dedicated to SMEs. Rights and obligations are explained in a simple language for a company and the toolkit is available online.

Businesses with multiple establishments throughout Europe will only have a responsible “data authority” for one company (one-stop-shop). GDPR will also apply to establishments which are not established in the EU. This will mean cutting red tape and establishing a level playing field.

Other topics raised by the Commission representative:

- Processing of data should be lawful, fair and transparent (people should be informed about it);
- Data minimisation: data should only be kept for a very short period of time;
- GDPR also establishes a new obligation to report about any data incident.

Ms. **Chatelier** referred to the 2017 opinion on data protection at work, follow [link](#).

Decision: continue discussions on the topic of intensified monitoring of production through digitalization.

4. Implications from being able to work remotely and at any time, in terms of work organisation, working time and health & safety?

- *Presentation on “platform economy”, by Henrik Ehrenberg (Unionen, Sweden)-*

See presentation [here](#). He mentioned the following points:

- Most of the discussion around platform economy/sharing economy is very positive in Sweden;
- In Sweden only 1% of the labour force works around the platform economy;
- In the future the number of companies that would look to find labour through digital platforms will increase;
- Why do companies crowd source labour? Because they do not find them in the labour market. Finding labour through the digital platform will, therefore, tend to increase in the future;
- Platforms normally set-up the conditions for the self-employed workers, so these workers are not really “self-employed”, as they cannot decide on their own as a classical self-employed will do;
- For example, in the case of Deliveroo we should not create a clash between those who want to work on Deliveroo as accessory with those who have no other option than to work as Deliveroo workers. It is not bad for everyone.

Jarkko Ruohoniemi wrapped up this point saying that at the SSD C&E meeting of March 2017, Ceemet and iAll had discussed the new forms of worked linked to digitalization in manufacturing (see [minutes](#) of last year) and that there were not many outcomes when it comes to the MET sector. This meeting is a follow-up to the 2017 discussions, and this topic should continue to be followed-up as new findings might arise in the future.

Tour de table on working remotely:

Jarkko Ruohoniemi said that in **Finland**, they had reached an agreement with the white collar unions on joint guidelines on working remotely. This agreement had first started with the IT sector and it had then been extended to the MET sector. Some companies are using the agreed guidelines and subsequent templates developed. Mr. Ruohoniemi insisted on the fact that we are speaking about voluntary guidelines and not provisions.

Indra Hadelar said that in **Germany** at their last bargaining round they had concluded an agreement on mobile work in Baden-Württemberg: it can be done by all workers when it is possible to do the job

outside (and not only throughout IT technology).” It is not a sector wide collective agreement since there are regional differences on the working time.

Johan Wijk said that in **Sweden** there had been a change in the white collar collective agreement in relation to the principles of payment during stand-by-duty. If you need to go to the work-place while being on stand-by-duty there is a special remuneration, if you do not have to go to the work place, the remuneration is different.

Federica Perriccioli (Assolombarda, **Italy**) said that in Italy the following rules apply to remote working:

- A written agreement between employer and employee is needed with different criteria laid down on it;
- No fixed location is required, companies can define the place of work (a room and not a crowded place);
- Some figures showed that employees working remotely are more satisfied than those who are not.

Decision: continue discussions on this topic (working remotely and platform economy)

5. Follow-up discussions

- ***Draft joint declaration on the European Pillar of Social Rights – preliminary discussions***

The discussions were based on Ceemet amended version to the draft joint declaration.

The idea of having a joint declaration on the pillar was agreed at the last social dialogue meeting of December 2017 despite the fact that Ceemet and industriAll positions are very diverging.

Frederic Touboul (CGT FTM metallurgie, France) said that in December industriAll already understood that it was difficult for the employers to accept the pillar. For him, the text as amended by Ceemet is not acceptable at all as the employers look like they only speak/insist on competitiveness of the industry.

Isabelle Barthès said that industriAll did not have the time to discuss the text thoroughly but they find the amended Ceemet version very disappointing. For industriAll it is important to speak about the responsibility of social partners.

She further stressed that industriAll is always ready to discuss about competitiveness of industry, but according to her the pillar is about European citizens and not about international competitiveness of industry. Therefore, this draft joint declaration is not the place to speak about competitiveness of industry.

Isabelle Barthes also said that they would like to discuss about precarious working conditions and social protection for all.

Frederic Touboul & Jean-Luc Lallemand (FGTB MWB, Belgium), further stressed that in December the Commission representative said that “social dialogue” should be involved in the implementation of the Pillar. Therefore, we should question ourselves about having a social dialogue if Ceemet cannot be more far reaching on this topic.

Delphine Rudelli (UIMM, France) said that with this joint declaration industriAll and Ceemet are not responding to a Commission request, bien au contraire, industriAll and Ceemet had agreed to develop this joint declaration in full autonomy even if the MET social partners were aware from the beginning that bringing iAll and Ceemet positions “closer” to reach a joint declaration” was quite challenging.

When it comes to the role of social partners, this is a role that has to be played at national level based on the national systems but not at the European level.

Jarkko Ruohoniemi wrapped up the discussions, saying that we can only improve things if we have a competitive MET sector that provides jobs and makes Europe a better place to live. This point on competitiveness of industry needs, therefore, to be taken into account to develop this joint declaration. Mr. Ruohoniemi said that iAll and Ceemet should continue to discuss the joint statement and do not give up so easily on discussions and on trying to reach a joint declaration on it. He proposed that the Secretariats together with the Chairs continue discussing on this topic to try to agree a joint declaration.

- **Draft joint statement on the integration of migrants into the labour market – state of play.**

The discussions were based on Ceemet last amended version of the draft sent to industriAll on 9 March.

Frederic Touboul said that he does not agree with adding the word legal to the statement. A refugee has also a status and industriAll and Ceemet should not look thus into the origin of the person. He said that the idea was to have more an altruist vision and not look into the difference between legal and illegal. He was also critical about the fact that the draft statement gives the vision that only public authorities play a role on the integration of migrants, and according to him there is also a role for social partners to play.

Mr. Ehrenberg, said that the reference to minimum wages should not be introduced on this paper.

Jean-Luc Lallemand, said that the draft should not refer to the issue of flexibility for companies.

industriAll said that they did not agree neither with deleting the words on the positive contribution that migrants have done to the MET sector as there is a political message/political dimension to it and it should be kept.

industriAll does not agree neither on deleting the phrase “shortening these periods”.

Indra Hadelier said that for example in Germany there are not so many jobs for low skilled workers, therefore, industriAll and Ceemet should give another try to re-draft again the statement based on concrete examples and in a country by country perspective as the situations differ a lot (for example in the case of “flexibility of companies”).

Decision: both draft joint statements will continue to be discussed between Secretariats/co-chairs.

6. A.O.B

Delphine Rudelli made a point on the working method of the group. She said that since the SSD C&E meeting is only taking place once per year, it would be good to set-up an ad-hoc working group (after the summer for example) in order to prepare in advance the discussions for the March meeting. A working method between secretariats and members interested in being involved could be envisaged so that this ad-hoc working group advances the work/discussions for the meeting of March.

Jarkko Ruohoniemi, said to fully agree with this point and proposed that the co-chairs and the secretariats will discuss about this point in order to prepare something in advance of next year’s meeting. He further referred to the company visit organized in October 2017 by the Social Dialogue C&E working group.

Decision: the co-chairs and the secretariats to discuss on the possibility of organizing a working group after the summer break to advance discussions prior to the March meeting.
