



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

Employment and Social Legislation, Social Dialogue
Social dialogue, Industrial Relations

Brussels, 22 July 2015

**SECTORAL SOCIAL DIALOGUE
COMMITTEE
CONSTRUCTION**

Minutes of the Working Group Meeting

Employment

5 May 2015 (14:00-17:00)

Chairman: Mr Michel GILI (FIEC)

1. Welcome and introduction

The chairman, Mr Gili (FIEC), welcomed the participants. The draft agenda of the meeting was adopted.

2. Approval of the minutes of the meeting held on 13.05.2014

The minutes of the previous meeting were adopted.

3. Social Dialogue work programme 2016-2019 - Discussion and exchange of views

The social partners discussed the multiannual work programme for 2016-2019, exchanging views on the topics to be covered. They noted that posting of workers and the fight against fraud would remain joint priorities, to be discussed in light of the Commission's forthcoming Labour Mobility Package.

The social partners discussed joint actions to strengthen industrial relations. Trade unions and employers agreed that the progress under the current work programme had been uneven. EFBWW (Mr Buelen) proposed to conduct an in-depth study of country-specific industrial relations strengths, weaknesses, opportunities and threats with the aim of strengthening the national social partners affiliated to EFBWW and FIEC. FIEC (Mr Campogrande) indicated that capacity building measures rely to a large extent on the involvement of national social partners and to their needs/demands. The employers proposed to liaise with the respective national affiliates, in order to identify their demands/needs/areas of concern and thereby to better target possible future actions.

EFBWW (Mr Buelen) proposed to explore and map the impact of foreign direct investment in the construction industry. FIEC agreed to start discussions on the theme, highlighting the continuity with the activities on 3rd country nationals under the current work programme.

The social partners agreed to liaise at secretariat level to produce a first draft of the work programme by the summer of 2015, followed by discussions in the second semester of 2015, in view of finalisation by the end of the year.

4. Joint initiatives against social fraud - Discussion and exchange of views on the follow-up

The social partners reported on their joint position "Towards a level playing field in the European construction sector" and on a subsequent joint meeting with Commissioner Thyssen. Further meetings are foreseen with Luxembourgish and Dutch Ministers of Social Affairs who will hold the next two EU Presidencies of the Council.

FIEC stated that employers are not in favour of opening the "Posting" directive and that a maximum duration of posting can be envisaged without reopening discussions on the "Posting" directive itself. As regards the payment of social security contributions the employers elaborated on the proposal to allow a possible derogation, via bilateral agreements between Member States, to the main principle of payment in the country-of-origin as foreseen in the current Regulation. Finally, it was noted that a large share of cross-border social fraud in posting occurs within a triangular relationship of companies.

The social partners agreed to continue promoting their joint position, addressing the European Commission, the European Parliament as well as the national level.

5. Proposal for a Directive on "Single-member private limited liability companies" ("SUP") - Discussion and exchange of views on the follow-up

The social partners reported on their joint position on single-member private limited liability companies. In this joint position, EFBWW and FIEC ask the European Parliament and the Council to reject the proposed SUP Directive, respectively the Commission to withdraw it. The social partners exchanged views on the current state of the legislative procedure. FIEC proposed to prepare joint proposals for amendments in case the directive is neither rejected nor withheld. EFBWW emphasised that its first priority is to advocate a rejection of the proposed directive. The social partners agreed to continue monitoring the legislative procedure and promoting their joint position.

6. "Letterbox" companies - Discussion and exchange of views on possible joint actions

EFBWW informed the committee of the forthcoming launch of its "European campaign against letterbox companies" (16 June 2015), inviting FIEC to support their campaign. FIEC noted that there was a consensus with EFBWW on many elements (as included in the relevant joint positions), but also a few points on which the social partners did not fully agree. The employers indicated that they would discuss internally whether and how they could cooperate with the trade unions on this campaign.

7. Project on "Social ID card" - Discussion and exchange of views on the follow-up

The social partners reported on their joint project on social identity cards in the construction industry. Mr Campogrande (FIEC) stated that the initial aim of an EU-

level social ID card had proven very ambitious, given the wide diversity of national systems and the current European legal framework. Mr Buelen (EFBWW) thanked all the participants for their contributions to the project.

The social partners discussed recent developments in the field. It was reported that in the Nordic countries, a stronger coordination of existing social ID cards systems was under discussion. FIEC indicated that the European Federation of Foundation Contractors (EFFC), which is an associate member of FIEC, would like to collaborate with FIEC and the EFBWW, in order to envisage the feasibility of a possible EU-level “driving license” for some specific machines in foundation works. Mr Marshall (EFBWW) provided an overview of the situation in Malta, where a social ID card has existed since 1970s, and where trade cards (subject to exams) are under development. The social partners agreed to continue monitoring developments in this field.

8. Project on “Update of the Posting” website - Discussion and exchange of views on the follow-up

FIEC (Mr Campogrande) reported on the update of the joint posting website. As part of the project, the coverage had been extended to Croatia, Estonia and Malta. Sweden remained the only Member State for which no national report was available. FIEC invited the relevant partners to provide feedback on the existing draft report, to ensure that all EU Member States are covered.

While thirteen national reports had been updated to 2014, for a few countries the data still referred to 2009. FIEC encouraged all partners to regularly provide information so as to keep the website complete and up to date.

The social partners discussed dissemination, including publicity through search engines in all national languages. FIEC encouraged national partners to disseminate the tool at national level, for instance by using web links.

Ms Lorenzini (EFBWW) informed the committee of a new EFBWW project to inform workers of their rights. The project aims to develop a website and mobile application providing workers with basic information on working conditions. The social partners discussed the synergies and complementarities between this tool and the existing website on posting of workers.

9. Miscellaneous

No further topics were added to the agenda.