

## SDC CGA Plenary – 12 June 2018 - Brussels Minutes – Approved on 31 October 2018

### 1. Welcome, announcements, adoption of the agenda

The chair Britta Lejon opened the meeting, welcomed participants in particular new EUPAE member from Greece.

The agenda was approved with under AOB the EUPAN/DGs plans for meeting with TUNED under the forthcoming Austrian EU presidency

### 2. Adoption of the minutes of previous meeting (13 April 2018) – draft attached for adoption

The key decisions were recapped and minutes were approved unchanged

### 3. Information and consultation rights agreement – update

*Following the SDC CGA request for a meeting with Commissioner Thyssen to discuss the implications for the future work of the SDCCGA of the 5 March EC decision to not implement the Agreement by a proposal for a directive to Council, newly appointed EMPL Director General Korte, replacing Mr Servoz, has agreed to meet on 11, 12 or 17 July – to discuss key joint messages*

*Request to access the minutes of the Commissioners' college meeting regarding the EC 5 March decision: for noting*

*Court case: the EPSU Executive Committee took the decision to challenge the EC decision to the European Court of justice – for noting*

The above was introduced and noted.

The meeting with Director General Korte will be important for both TUNED and EUPAE to raise their concerns regarding the Agreement and the future work of the SDC CGA in that new context

### 4. Draft directive on Transparency and predictability on working conditions – possible input to Council discussions

*Please see above minutes and attached Bulgarian EU presidency's latest proposal regarding the exclusion of civil servants from chapter III of the proposal - to discuss.*

The chair reminded of the previous discussion with the Commission and proposed to discuss whether and how the Committee should react to the latest amendments proposed by the Bulgarian EU presidency to the draft.

TUNED secretariat introduced the 1 June proposal by the EU presidency regarding the exclusion of civil servants from some parts (chapter III) of the draft directive and reminded TUNED's principled position that all workers should be covered by EU social minimum standards

A discussion followed with different concerns expressed by EUPAE Spain, Belgium, Germany, Luxembourg and Romania including:

- The need to better take account of specificities of the civil service in the draft directive;
- the difficulties for EUPAE to raise different views from those expressed in Council
- Queries regarding the formal consultation process of the SDC CGA by the Commission
- The fact that the proposed exemptions are a possibility for member states and are limited to chapter III and that for some member states the key sticking points related to the time-limit on the probation period (in some civil services there is no probation period at all as in Spain, in others it can be longer than 6 months) and holding a second job. These proposed exemptions were not incoherent with the SDC CGA agreement on information and consultation rights that did take account of the specificities of the civil service
- The possibility to negotiate at national level with the unions the exemptions
- Whether this discussion was not already too late as it was understood that the Council will soon close the discussions

- A blanket exclusion was not sending the right signals, it should be possible to narrow down the proposed exclusions (Romania)

TUNED – the chair, Italy, Greece, France raised the following:

- Reiterated the principled position that no one should be excluded from EU rights, and that in the case of the transparency directive, the possibility to derogate by collective agreement was already sufficient (possibly with some adaptations for some civil services where collective agreements must be transposed by law)
- Queries about the Commission's consultation process, the need for the SDC CGA to be more closely involved in proposals related to the civil service
- The importance to profile the SDC CGA in the discussion in Council, as "EU" social partners it was possible to overcome EUPAE's difficulties of raising concerns that diverged with individual governments
- The discussions in Council might take longer than expected as other points of divergence with the Commission had been raised (including yellow cards by some national parliaments).
- Possibility to narrow down the proposed exemptions in conjunction with the possibility for derogations by collective agreements

It was said that the Commission had launched a consultation of social partners, including EUPAE and TUNED, over the proposal but at the time the SDC CGA chose to not respond to it. There was now no further formal consultation process of social partners but that did not exclude the possibility for social partners to express their views.

It was agreed to draft a short letter to the Bulgarian and forthcoming Austrian EU presidencies to profile the role and responsibilities of the Committee when it comes to how civil servants are dealt with in Council and propose the help of the Committee to try and find a compromise solution. The steering group will be tasked to follow up on this.

**5. Digitalisation/work-life balance project** - key content of research, focus groups and dates  
*Report of the project steering group under the auspices of EUPAE-Italy on 18 May – see attached draft terms of reference (pending finalization by EUPAE- Italy)*

It was noted that the terms of reference for the project research were being finalised, the next steps will be the interviews of the research candidates in the course of the summer in Rome.

**6. Quality administration in migration/asylum services** - report of available evidence  
*Report of the SDC CGA steering group of 18 May and next steps – for background information reattached EC ppt on integration, 20 October 2017 SDC CGA meeting*

This was a last attempt at trying to agree on how to build upon the work done in a previous EC-funded project on quality of administrations for people in a vulnerable situation, as laid down in the Committee's work plan for this year.

EUPAE reiterated its reservations and preference for leaving those discussions to the national level, for reasons of competences and concerns that politics would take over. For EUPAE the work-programme had been fulfilled as the Committee had been working on a "possible questionnaire", which was the mandate, so for EUPAE the work had been done. In their view, this was a humanitarian and European problem, but one that exceeded the competences of this Committee.

For TUNED – Sweden, Spain, Italy, France, Greece it was important to:

- Stick to what had been jointly agreed in the work plan,
- Be aware that the situation was not improving in many member states, yet the question of quality of work for a quality administration was essential for welcoming and integrating newcomers (migrants or refugees).
- Note that there was an issue of legal security and job content as for instance in Sweden, many employees were resigning from the migration and asylum services because their job increasingly consisted in removing people, instead of helping them to reach safety, obtain legal security and

help integrate in society. In the face of those serious conflicts of values, the role of social dialogue was to help find solutions.

- To have a dispassionate and fact-based debate
- The figures on asylum claims had not gone down if backlog was included, in Spain there were new asylum claims from Venezuela, the more than 3 million refugees in Turkey was a time-bomb, the situation could change very quickly and public services had to be ready to cope with it
- The problems faced by Mediterranean countries had a strong EU dimension
- Look at Issues of staffing, training, how to improve the situation even if the situation could be different from one member state to another, it could change very rapidly
- Whilst TUNED agreed with EUPAE that the Committee's work would not deal with the politics of migration, the fact was that civil servants were dealing with the consequences of politics

As an alternative, TUNED picked up on the proposal made at the SDC CGA steering group to focus on an exchange of good or interesting practices.

It was decided to break for lunch break and come back to the discussion afterwards.

After lunch, it was agreed to focus on good practices on migration and asylum services regarding the reception of newcomers. The Steering group will determine the criteria for the selection of good practices.

## **7. New research proposal by Eurofound on working conditions in central governments**

*Attached letter from Eurofound addressed to the SDC CGA for feedback before 25 June*

The Committee welcomed the Eurofound new research proposal on working conditions in central governments and its new approach towards working more closely with the social dialogue committee. However, more information was needed regarding the level of involvement of the Committee in the research, its geographical and sectoral scope, the exact role of the Committee and whether there would be any financial considerations to take into account should the Committee be interested to benefit from Eurofound research

The European Commission representative said that Eurofound would take charge of the financial costs.

Further discussion will take place at the next Liaison Forum on 2 July. TUNED secretariat will get back to Eurofound for more information.

## **8. New work programme 2019-2021 or 2022 - brainstorming in 2 working groups**

*From 14:00 to around 15:00, brainstorming on updating work programme attached – **What do we keep, what do we add, how do we follow-up, how far do/can we plan ahead?** The work programme will then be revised in light of the discussions for adoption on 31/10.*

Key points raised by the joint working groups were as follows:

- Role of social dialogue
- Equality
- Work-life balance, work organisation, telework
- Corruption and public sector ethics, how to support employees when faced by conflicts of interest?
- Attractiveness of and retention in administrations including for younger employees and how to attract and retain them, whilst accommodating older workers,
- Competence and skill development, training and lifelong learning, internal mobility and career development
- Recovery of jobs after the crisis
- Effects of externalization and involvement of the private sector
- Forward looking trends analysis
- Violence by third parties
- Working with other organisations e.g. transparency international, national permanent representations experts at national level, other sectoral social dialogue committees
- More systematic responses to EC consultations
- To improve follow-ups

A revised draft work plan will take into account the above and will be submitted for another round of discussion at the next meeting

**9. AOB and next dates (New dates are updated in the agenda)**

|                              |   |                   |
|------------------------------|---|-------------------|
| 31 October 2018              | SDC CGA working group                                     | Brussels          |
| <del>4 December 2018</del>   | <del>1<sup>st</sup> Focus group WLB &amp; D project</del> | <del>Madrid</del> |
| <del>14 March 2019</del>     | <del>2<sup>nd</sup> Focus group WLB &amp; D project</del> | <del>Paris</del>  |
| <del>27 September 2019</del> | <del>Final Conference WLB &amp; D project</del>           | <del>Rome</del>   |