

**Social Dialogue Committee for Central Government Administrations - SDC CGA**

**SD Committee Central Government Administrations – plenary meeting**  
2 June 2015, Brussels  
**Minutes**

<b>Present</b>		
<b>TUNED</b>		
GLOSS Wilhelm	GÖD	Austria
KOREKY Peter	GÖD	Austria
GILLES André	CGSP	Belgium
PLESA Boris	SDLSN	Croatia
LANGBAKKE POULSEN Bjørn	OAD	Denmark
LIIVAMÄGI Kalle	ROTAL	Estonia
PARISOT Alain	UNSA	France
SOUBIROUS Philippe	FGE-FO	France
TSIAKKAROS Stélios	CFDT Interco	France
ZAUCHE Dounia	UGFF CGT	France
HEIKKILA Katja	Pardia	Finland
MOOS Christian	DBB	Germany
AGG Geza	KSZSZ	Hungary
WEYDERT Camille	CGFP	Luxembourg
OUWEHAND Marco	FNV	Netherlands
GALLEGO Jesus	FSP UGT	Spain
FERNANDEZ David	FSC CCOO	Spain
VERA José Manuel	FSC CCOO	Spain
LEJON Britta	ST	Sweden
LINSSTRÖM Anders	SSR	Sweden
OSTBERG-SVANELIND Maria	SSR	Sweden
<b>TUNED Secretariat</b>		
SALSON Nadja	EPSU	Brussels
GASSNER Diane	EPSU	Brussels
HEEGER Klaus	CESI	Brussels
SMYTH Agathe	CESI	Brussels
<b>EUPAE</b>		
PAPPENSCHALLER Thomas		Austria
DRUART Jacques		Belgium
NECKEBROECK Bruno		Belgium
FEDROVA Michaela		Czech Republic
DJIDER Nacer-Eddine		France
LE GOFF Thierry		France
LOREAL Simon		France
BUSCH Dagmar		Germany
MAIWALD Christian		Germany
SARMAVICIUS Osvaldas		Lithuania
BOSSAERT Danielle		Luxembourg
DARMANIN Christopher		Malta

GRIXTI Mario		Malta
SILES Teresa		Spain
CASADO LOPEZ Héctor		Spain
FORGAC Gabriel		Slovakia
<b>European Commission</b>		
MARTINELLI Stefano	DG Employment	Brussels
DE SMET Anne-Pascale	DG Employment	Brussels

**09h00-10h00:** Separate preparatory meetings of TUNED (with interpreters) and of EUPAE

### 1. Welcome and announcements

EUPAE France: opening of the committee meeting.

### 2. Adoption of the minutes of 21 April 2015

TUNED (France) mentions the fact that the French Minister Ms. LEBRANCHU said during the meeting that the negotiations on a common framework for information and consultation rights in central government administrations will “*change the rule of law*”. TUNED and EUPAE agree that those words were pronounced but written in other words in the minutes of 21 April. Hence, the present minutes take into account the request of TUNED, as the exact wording is rewritten above.

The minutes of 21 April are adopted.

### 3. Adoption of the agenda

EUPAE (France) proposes to reverse in the agenda item 4.b (Draft response to the EC consultation on a consolidation of the EU Directives on information and consultation of workers) and item 4.a (Report of the drafting group for a general framework for informing and consulting civil servants and employees in central government administrations). TUNED agrees with this proposal to start with the draft common response to the EC.

### 4. Workers’ rights to information and consultation

#### ***a. Draft response to the consultation of the European Commission on a consolidation of the EU-Directives on information and consultations of workers (for adoption)***

The French Minister for civil service and decentralisation, Ms Lebranchu, and EC Vice President Mr Šefčovič attended the meeting of 21 April to lend their support to the committee’s work on information and consultation rights for public employees.

The questions raised by the consultation to the social partners concern the revision of the definitions, the homogenization and consolidation of existing directives and their possible extension to central government administrations. The consultation also asks whether the social partners wish to negotiate within the framework of Article 155 TFEU, which provides an opportunity to reach a binding agreement.

It is therefore proposed to discuss the work hitherto undertaken to establish a common response of TUNED / EUPAE to the consultation.

EUPAE (Germany) also reminds that the SDC CGA had asked the European Commission to provide a legal note explaining the mechanism of Article 155. Stephano Martinelli recalls that the Commission had already sent a link explaining the overall mechanism of the article.

Concerning the content of the draft common response to the consultation:

Following the request of TUNED, EUPAE agrees to add in the text that enjoying information and consultation constitutes a fundamental social right, as it is written in the EC consultation.

TUNED highlights that some countries (DK, SE, GB) have applied the 2002/14 directive of worker's information and consultation rights to the public sector, although it is designed to cover the private sector. EUPAE (France) agrees to add a sentence to admit this reality in the common response, but insists that we must continue to support that the specificities of the public administrations justify specific legal arrangements, that is to say a specific directive.

TUNED underlines the advantages of the current negotiation of a general framework for informing and consulting civil servants and employees in central government administrations. In order to legitimise the work of the Committee, the response should stress that the SDC CGA has started negotiating and wishes to keep the hand on the topic.

EUPAE (Spain) asks to write in the response that we are "starting to negotiate" (rather than "have started to negotiate") as it must clarify that, from now, we are officially negotiating for a binding agreement in the framework of article 155. TUNED accepts this change.

Subject to these changes, the SDC CGA adopts a common response to the Consultation of the European Commission on a consolidation of the EU Directives on information and consultation of workers.

***b. Report of the drafting group for a general framework for informing and consulting civil servants and employees in central government administrations: presentation and discussion on the draft document and next steps***

EUPAE France reminds that the drafting group met on four occasions, the last time was on 7 May. Preamble, object, principles, and definitions are currently quite consolidated. Specific provisions and the scope are still in discussion.

In the **preamble and Article 1** (Object and principles), minor amendments are adopted. TUNED wants to make it clear that information and consultation rights for employees are "through representatives" and it is decided to add this wording in the text. However, EUPAE (France) stresses that there are forms of direct participation of employees in France, particularly at modest scale.

**Article 2** (Specific provisions): TUNED does not approve the current wording as it could justify "specific provisions" for too many employees under the pretext of sovereign responsibilities. According to TUNED, it would be more appropriate to look at the wording – but not the whole scope of the provisions - of the ILO Convention 151 concerning the issue of "specific provisions"<sup>1</sup>.

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<sup>1</sup> Article 1 -2 "The extent to which the guarantees provided for in this Convention shall apply to high level employees whose functions are normally considered as policy-making or managerial, or to employees whose duties are of a highly confidential nature, shall be determined by national laws or regulations".

However, EUPAE (France) insists that it is essential that some public employees, especially the military personnel, may have specific provisions like it is already happening in several Member States.

This article has to be discussed further by the drafting group.

**Article 4** (Scope) is still problematic to EUPAE since the topics under information or consultation currently widely differ from one country to another. Nevertheless, EUPAE tries to get out of the deadlock, although many proposed topics fall under political decisions in the States and cannot be in the scope of information and consultation rights.

TUNED recalls that its mandate is to strengthen social dialogue and social rights, including information and consultation rights which are fundamental in a period of a painful restructuring in public administrations. TUNED insists on the fact that it is out of question to reach an agreement which would be less ambitious than the Directive 2002/14.

EUPAE (France) recalls that we aim to reach a legally binding agreement and that it is therefore necessary that each State becomes aware of what it means in terms of commitments and validation process.

New possibilities mentioned by TUNED and EUPAE for the scope could be:

- Considering once again the version of 21 April (the majority of topics being under consultation);
- Putting two topics under consultation (condition of employment with Health and Safety; consequences of decisions changing the organization of structures and services) and inviting national states and social dialogue to choose between information and consultation for the other ones.
- Adopting a general wording listing the topics that are subject to information and consultation.

TUNED suggests that the scope could be further extended subject to national agreements with trade unions.

However, no agreement could be reached. This article has to be discussed further by the drafting group.

**Article 6** (confidentiality and public order): TUNED (France) asks for a less broad scope of the cases limiting the application of the text by deleting the “or”. This would limit the possibilities of special arrangements to reasons of security and public order and not “when it would seriously harm the normal functioning of public services”. EUPAE (France) justifies the necessity of these exceptions.

This article has to be discussed further by the drafting group.

For a new **Article 7** (Protection of employees' Representatives) proposed by TUNED, EUPAE France answers that this text is not appropriate to address facilities for trade unions. However, EUPAE could concede a generic sentence that does not go into details.

Thus, EUPAE will submit new proposals to TUNED to make progress at the next drafting group, especially regarding articles 2 (specific provisions) and 4 (scopes).

## **5. Joint project on well-being and occupational safety and health (OSH) in central government administrations :**

A draft project outline was circulated and presented to the participants. The final project must be submitted to the European Commission by 15 June. EPSU (for TUNED) and DGAFP (for EUPAE) are co-applicants.

EUPAE-Germany agrees to host the final conference of the project in Berlin and highlights that a national project on psychosocial risks is also being launched in Germany. EUPAE-Spain and EUPAE-Lithuania also agree to host the two regional seminars, respectively in Madrid and Vilnius (to be confirmed).

EUPAE (Belgium) insists that the issue of psycho-social risks has been already examined in some states, that is why it is important to be able first and foremost to share and cross-fertilise existing studies.

In the light of the short presentation of the project, the European Commission says that the project seems to fit the conditions for European funding (joint social partners' submission, choice of the themes, etc.).

## **6. AOB**

The Committee agrees that additional meetings are needed:

- Drafting group: early July
  - Steering committee: late August or early September.
- EUPAE France will propose dates as soon as possible.

Moreover, as the number of participants in the drafting group is not limited, EUPAE France invites all members to join the group.

Lastly, EUPAE informs TUNED that Italy will assume the EUPAE Presidency on 1 January 2016, succeeding France.