



EUROPEAN COMMISSION

DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change
Social Dialogue, Industrial Relations

Minutes of the plenary meeting of the Social Dialogue Committee for the Construction Sector 15 December 2010, Brussels

1) Welcome and Introduction

Mr Kerstens (EFBWW) opens the meeting and welcomes the participants.

2) Approval of the minutes of the plenary meeting held on 30 June 2010:

The EFBWW and the FIEC confirm that they have received the different language versions of the minutes and they approve them.

3) Proposal for a Directive on "Seasonal Workers from third-countries"

Discussion on a possible joint position paper

Mr Buelen (EFBWW) makes reference to the proposal and the problem of how to define "seasonal activity". The construction industry should explicitly be excluded from the scope of the directive. Mr Campogrande (FIEC) explains that it should not be a problem to start with a limited common approach without multiple options.

The EFBWW and the FIEC agree to draft a common document by the end of January 2011.

4) Proposal for a Directive on "Intra-corporate transfers of third-countries nationals"

Discussion on a possible joint position paper

Mr Buelen (EFBWW) points out that after a first assessment the EFBWW considers the proposal as to fit more in GATS negotiations and expresses his scepticism concerning its added value. He makes clear that the EFBWW does not discriminate against workers from third countries but insists upon the necessity for equal treatment of all workers.

The following points are seen as problematic:

- 1) blue card- relation with the proposed Directive
- 2) specialists – problem of definition
- 3) non-existing control measures
- 4) duration (6 months can be extended)
- 5) no existing sanctions
- 6) mobility within the EU

Mr Campogrande explains that the FIEC is on the same line concerning these items; its major concerns are the definition of "specialists" and art.16 (mobility within the EU). The German FIEC members insist upon an explicit exclusion of the construction industry from the scope of the proposed Directive. Mr Buelen (EFBWW) suggests including the principle of subsidiarity, the equal treatment of workers and explicitly excluding blue collar workers from the

definition of "specialists". The EFBWW and the FIEC agree to draft a common paper and then to consult their respective affiliates.

5) "Bricklayer" project

Report and exchange of views on the final conference

Mr Gehring (EFBWW) reports on the final conference of this Leonardo-da-Vinci project, held on 26 November 2010 with around 50 participants.

The synthesis report has been translated; it compares the different systems and presents its conclusions on what is comparable and what is not. Because of the sometimes significant differences amongst countries, a simple comparison cannot be easily made. The results of the project will be widely distributed and any conclusions will be taken into account. The instrument ("conceptual framework") has to be simplified in order to make it easier to use by other professions. The still remaining question is how the results can now be used and what will be the next steps. Mr Campogrande (FIEC) expresses his thanks for the report and points out that there is still some work to do and therefore discussions will continue in the framework of the Social Dialogue.

6) Promoting "paritarian funds" in the construction industry

- Report and exchange of views on the conference in Bucharest (RO), 19-20/10/2010
- Further joint actions

Mr Buelen (EFBWW) makes reference to the two conferences organized by the European social partner organizations in Warsaw in 2008 and Bucharest in 2010. A Website will be created with all useful information on the existing paritarian funds.

Concerning the further steps, the European social partners organizations will offer their help and their know-how; but only at the request of the social partners from those countries where there are not yet any paritarian fund existing.

Mr Schleicher (FIEC) explains that he has attended the conference in Bucharest in a twofold function: as FIEC vice president as well as AEIP vice president. He explains that there are still misunderstandings concerning the functioning of paritarian funds in the new Member States. The FIEC and the EFBWW are ready to provide the organizations in the south-eastern countries with information and expertise regarding the creation of paritarian funds, in close collaboration with the AEIP.

7) Vocational training

Report from the working party meeting held on 25/11/2010

Mr Lair (FIEC) reports on the work of the working group on vocational training.

For details see minutes of the last working group meeting at:

http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/construction/2010/2011125_arbeitsprogramm/cons_20101125_enpdf/EN_1.0_&a=d

http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/construction/2010/2011125_arbeitsprogramm/cons_20101125_frpdf_1/FR_1.0_&a=d

http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/construction/2010/2011125_arbeitsprogramm/cons_20101125_depdf/DE_1.0_&a=d

In 2011 the working group will deal, amongst others, with "An agenda for new skills and jobs" and "European sector skills councils".

Mr Haegglund (EFBWW) suggests creating a list with criteria for self-employment. FIEC is ready to discuss this matter at the next employment working group meeting on the basis of the joint EFBWW-FIEC study on "Self-employment and bogus self-employment".

8) Occupational health and safety

Report from the working party meeting held on 28/9/2010

Mr Gehring (EFBWW) gives a general view on the outcome of the working group meeting on health and safety. He makes reference to the minutes and insists upon a FIEC - EFBWW participation in the "New OSH Strategy 2013-2020". He suggests continuing the work on "nano-technologies" and that "maintenance" and "asbestos" could be tackled together. Concerning the online risk assessment tool created by the Bilbao agency, FIEC and EFBWW are discussing the possibility of testing it with one or two specific professions, but there is some scepticism amongst the members of both organisations. This is due on the one hand on the resources needed to adapt the tool to the specificities of the industry and of the national legislations and, on the other hand, to the numerous tools already existing at the national level.

For details see minutes of the last working group meeting at:

http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/construction/2010/20100928_arbeitsgruppe/cons_20100928_enpdf_2/EN_1.0_&a=d

http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/construction/2010/20100928_arbeitsgruppe/cons_20100928_frpdf_1/FR_1.0_&a=d

http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/construction/2010/20100928_arbeitsgruppe/cons_20100928_depdf_1/DE_1.0_&a=d

9) Employment

Report from the working party meeting held on 19/11/2010

Mr Campogrande (FIEC) reports on the work of the employment working group. He makes reference to "posting" and to the FIEC's concern regarding the study undertaken by EFBWW on behalf of the Commission (DG EMPL) which, according to FIEC, presents an unbalanced picture and an overall negative image of "posting". However, several conclusions can be shared by FIEC.

Concerning the joint discussions on enforcement of the posting directive, the discussions have already considerably progressed and a joint EFBWW-FIEC working group will meet again in order to try and develop some joint conclusions that could send a strong message to the Commission.

Concerning "flexicurity" the joint discussion is suspended at the request of the EFBWW. FIEC will however continue to collect examples on best practices.

Mr Thomas SCHLEICHER, DE
Mr Vincent DETEMMERMAN, BE
Ms Veronika KIRILOVA, BG
Mr Daniel LEHMANN, CH
Mr Henrik KEINICKE, DK
Ms Anja SIEGMUND, DE
Mr Bernd RAKERS, DE
Mr Sebastian RICHTER, DE
Ms Odette REPELLIN, FR
Ms Nathalie DE GIRODON, FR
Mr André CLAPPIER, FR
Mr Jacques LAIR, FR
Mr Pasquale IALONGO, IT
Ms Annemiek Scholten, NL
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