



European Sectoral Social Dialogue Committee on Local and Regional Governments

Working group meeting – 22 March 2018
Draft minutes

1. Opening and announcements

Malin Looberger welcomed members and informed that Mads Samsing was not able to co-chair the meeting due to national actions in Denmark.

2. [Minutes](#) of the working group meeting on 10 November 2017

These were adopted.

3. Presentation on public procurement package and the revision of the buying social guide

Anna Lupi, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Unit G1 – Public Procurement Strategy gave a [ppt presentation](#) setting out the strategic priorities for public procurement contained in the European Commission's (EC) October 2017 public procurement package. The package includes a strand on the professionalisation of public procurers. Ms Lupi also gave an update of steps being taken by the EC to revise the 2011 Guide for Socially Responsible Public Procurement (SRPP) to reflect the new 2014 procurement Directives and to support 'compliance and efficiency.' National workshops are taking place this year to support the drafting of the Guide. In discussion with Ms Lupi the following points were raised and members gave some examples of developments in their countries:

- Social partners have an important role in public procurement. EPSU-CEMR adopted a joint statement on the 2011 SRPP Guide and other sectoral social dialogue committees developed good practice / quality guides to encourage the uptake of social (and environmental) criteria in public procurement;
- EPSU-CEMR have consistently supported direct provision of quality public services, a wide definition of 'in-house' and public-public cooperation;
- Professionalisation of public procurers should not be separated from good governance and capacity building in general. It is equally (if not more) important to make good decisions before (and after) embarking on a public procurement process than during the process itself;
- There are a number of major public procurement scandals that should prompt reflection at national and European level about how to prevent these from happening (elder care in Denmark, Norway, Carrillon in the UK);

- Given that most public procurement is carried out by local and regional government, is it particularly important that they are engaged;
- Public authorities need to assess the risks involved in outsourcing and ensure cooperation between public authorities, police, tax, and labour inspection to detect problems. They must ensure that do not lose control of how public money is spent and services are delivered;
- In Finland there is an important initiative being taken to link human rights to public procurement involving national and local government, and civil society; In Sweden work is being done to ensure ethical public procurement throughout the supply-chain;
- It is important to distinguish between regulatory requirements (legislation and collective agreements) that need to be respected by all bidders and demands for 'additional' social/environmental criteria in contracts. The 2014 Directives should also make compliance with the regulatory requirements easier to ensure in practice (for example, if there is sub-contracting);
- Practical guidance for public authorities and procurers should also address thematic objectives, for example, how to use procurement to make the transition towards a circular economy, or how to ensure that social services are of high quality and embedded in a fundamental rights logic.

Ms Lupi was also asked to facilitate involvement of EPSU-CEMR members in national discussions on the upcoming SRPP Guide and to keep us informed of developments regarding follow-up to the procurement package, including in relation to the 'competence framework' for procurers.

4. Update on the current initiatives in the field of employment, social affairs and inclusion

This item of the agenda began with an announcement regarding the departure of Stefano Martinelli from the EC, DG EMPL. Mr Martinelli has supported the Committee's work for a number of years and has been greatly appreciated. Stefano will be replaced Miroslava (Mirka) Hajkova who participated in the meeting and received a warm welcome from EPSU and CEMR members.

The Committee were given an overview of the EC Social Fairness Package published on 13 March 2018 and the Recommendation on access to social protection and proposal for a European Labour Authority (ELA). Progress on the work-life balance package.

Adela Barrero Florez (DG EMPL B2) gave an update on the draft Directive on Transparent and predictable working conditions (see [ppt](#)). She drew attention to a number of issues that were being hotly debated discussed in the Council, including:

- The current exclusion of contracts less than 8 hours per month;
- Limits on probationary periods, which in the EC text if more than 6 months can be justified only when it is in the interest of worker or linked to the nature of the job;

- Exclusion clause(s) for public administration workers;
- In discussion members queried certain provisions of the draft Directive (what is meant by 'worker', 'reasonable notification', scope of training obligations, possibilities for collective agreements adapt/deviate from requirements, enforcement provisions);

Ms Barrero Florez reminded that the aim of the Directive that is to improve protection for the most vulnerable groups of workers by setting essential minimum standards that must apply to all workers. Therefore exclusions should be avoided as far as possible.

Stefano Martinelli (EC) gave an update on the European Labour Authority (ELA). He reminded members too that the proposal to create a EU social security number had been postponed to later in the year. The ELA is a response to increased mobility of workers (from 8 million to 17 million over the last 10 years) and the need to improve coordination of national labour inspection and other enforcement bodies. In the discussion, it was pointed out that the role and interest of sectoral social partners should be taken into account.

Mirka Hajkova (EC) completed the overview of current initiatives with an update on the draft Recommendation on social protection for atypical workers and the self-employed. As the draft Directive of transparency and predictability of working conditions, the Recommendation aims to ensure that vulnerable groups are included in social protection systems. The Recommendation will need unanimity in the Council in order to be adopted.

5. Presentation on the EU Action Plan 2017-2019: Tackling the Gender Pay Gap

Agnieszka Bielska Decugniere, Directorate-General Justice and Consumers, Unit D2 – Gender Equality, European Commission presented the EU Action Plan (see [ppt](#)). She informed that the EC will carry out a public consultation later this year on pay transparency. Points raised in discussion included:

- Need for guidance and exchange of experiences on developing gender-neutral classification systems;
- Implementation of Icelandic equal pay standard mandatory for employers with more than 24 employees;
- Importance of 'equal pay for work of equal value', which was still poorly understood and implemented;
- The upcoming CEMR conference in June in Bilbao on equality and non-discrimination, and where EPSU-CEMR guidelines on gender equality actions plans would be discussed;
- The role of the social partners in addressing equality and equal pay in collective bargaining, and ensuring gender balance in their organisations.

The presentation from Ms **Bielska Decugniere** and discussion will support follow-up work by the Committee on the joint guidelines on action plans for equality.

6. Follow-up to the 2016 EPSU-CEMR joint framework on well-being at work

Members had a ‘tour de table’ on the discussion [note](#) prepared by EPSU to follow-up the joint framework on well-being at work, and in particular the commitment to “*assess how local and regional governments handle the development of new and alternative ways of work i.e. temporary work, fixed-term contracts and false self-employment and consider the impact of this on the quality of jobs, work-life balance and public services.*” This first discussion by the Committee explored the reasons for atypical work in the sector and what the long-term perspectives might be for workers, employers and citizens. Points from discussion included:

- Necessary to identify the drivers of atypical work (austerity, profit-seeking, lack of knowledge of costs and benefits);
- Important to note and learn from the national differences and specificities (e.g. in Germany’s experience with ‘mini jobs’, French experience with ‘contractuelles’);
- There is much helpful research that can support discussion (e.g., Eurofound report ‘new forms of work’, Eurostat);
- Atypical work is in all sectors, but there are expectations that the local and regional government sector should have more stable forms of employment as strong link with quality public services and good governance;
- Local and regional governments can also influence the extent of atypical work in the local economy through specific policies (e.g. public procurement);
- It was queried whether atypical work is always negative, e.g. temporary contracts for students;

Further reflection is needed on how to identify common interests and concerns regarding developments in atypical work and we will come back to this item at a future meeting.

7. State of the joint CEMR-EPSU project proposal “Localising the European Semester”

A brief information was given about the project meeting on 23 March, in Namur.

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