



**Minutes of the Plenary Meeting  
6 October 2015**

**1. Opening and welcome of the participants**

The plenary meeting was co-chaired by Mr Rafaël Nedzinski (EFFAT Executive Committee member) and Mr Norbert Hummel (Food Service Europe President).

**2. Approval of the agenda and the last plenary minutes**

The agenda and the last plenary minutes (October 2014) are approved.



**3. A new start for social dialogue – Outcomes of March 2015 high level conference presented by Commission official**

*Statement by Ms Sigried Caspar, head of sector in the unit “Social dialogue” of the European Commission’s DG Employment:*

On the invitation of Mr Hummel, Ms Caspar outlines the key elements and opportunities as they appear in the high-level conference “A new start for social dialogue” that had taken place on 5 March 2015 in Brussels in the presence of the leaders of European and national employers’ and workers’ organizations, President Juncker and Commissioner Thyssen, President Schulz and members of the European Parliament and representatives of the Latvian Presidency.

Firstly, Ms Caspar recalls that on the occasion of this conference all the institutional triangle reaffirmed the priority of the social dialogue policy.

From an operational point of view, two working groups have been established which are directly attached to the social dialogue committee:

- Social dialogue, economic governance and capacity building;
- Social dialogue, policy making and better regulation.

The first thematic group sought to reflect on how to better involve social partners in the European Semester exercise.

The second thematic group discussions have, for their part, made on the Better Regulation package and, in particular, on the revision of the Interinstitutional Agreement. As regards the draft revision, the latter not only reaffirms the privileges of the social partners in the consultation process set out in Article 154 TFEU but also extends the scope of public consultations.

Secondly, Ms Caspar indicates that since the March meeting several high level meetings were held in the presence of the social partners? in particular:

- Better Regulation package;
- Initiative on the digital single market;
- The Energy Union;
- Transport conference of 4 June 2015.

Finally, Ms Caspar stresses that the Commission taking into the social dialogue has to be conducted, as President Juncker recalled in the 5 March high-level conference, under the respect of the autonomy of the social partners principle.

*Exchange of views:*

Ms Rato (CCOO):

Ms Rato is sceptical regarding the European Commission's commitment to make, in practice, the social dialogue a priority. She explains that, at sectoral level, the number of committees has been reduced and that, at inter-professional level, the implementation of contractual agreements by legal acts is increasingly difficult. Therefore, she invites the Commission to more action and less words.

Reply by Ms Caspar:

Ms Caspar recalls that on 19 December 2014 the Council adopted the directive implementing the European Agreement concerning certain aspects of the organisation of working time in inland waterway transport concluded by the social partners on 15 February 2012.

Furthermore, discussions are currently under way on a draft conventional agreement on health and safety in hairdressing salons with the social partners which wish the implementation through European legislation in line with the provisions of a) of point 1 of Article 153 TFEU, and paragraph 2 of Article 155 of TFEU.

Finally, Ms Caspar indicates that the Commission's support to the social dialogue is not to be assessed in the light of the number of meetings per Committee. In effect, the Commission focuses on actively support projects proposed by the social partners. The project-based approach presents a high degree of flexibility for the social partners and guarantees their independence.

Ms Howald (EFFAT):

Ms Howald informed the Commission of the difficulties encountered by social partners to be consulted effectively and balanced by the DG's other than DG Employment in the public consultations. She also underlines that the project-based approach advocated by the Commission presents some challenges for the social partners due to their limited means. Lastly, she stated that the social partners priorities do not always fully correspond with the Commission's priorities on social dialogue .

Reply by Ms Caspar:

Ms Caspar acknowledges these difficulties which she does not deny.

As regards the project-based approach, Ms Caspar agreed this should not mean that projects developed by social partners at sectoral level only get support if they fully match the Commission's agenda. The important thing is that these projects correspond to the needs of the sectoral social dialogue.

As regards consultations by the other DG, Ms Caspar argues that a pedagogical work has been undertaken by DG Employment. Progress can be expected therefore that social dialogue is one of the political priorities of President Juncker.

Messrs Borocz (VIMOSZ) and Renaldi (FoodServiceEurope):

Mr. Borocz deplores the conditions concerning the meeting organisation (checks at the entrance of the building and interpretation).

While welcoming the position of President Juncker in favour of social dialogue, Mr. Renaldi indicates that, currently, the social partners' positions are still insufficiently taken into account in the drafting of the European legislation.

Reply by Ms Caspar:

Takes note of these comments.

**4. Corporate social responsibility: health and safety at work**

Presentation by Hungary and France on the added value of the applicable collective agreement vis-à-vis legislation, following up to the questionnaire on health and safety circulated in 2014.

In their presentation, VIMOSZ and VISZ noted a challenge the industry is facing due to many units not being fully staffed. The difficulty in attracting workers to the contract catering sector was perceived as an important cause of the understaffing that is leading to safety and health at work requirements not being fully complied with in practice. It was agreed the social partners at EU level would explore the feasibility of a project to promote the attractiveness of employment in the contract catering sector on the basis of a concrete proposal that will be presented by VIMOSZ in November.

A comprehensive overview of the complex regulatory framework on health and safety at work in France was given by the SNRC. The presentation revealed how the French Government seems to ignore the work and effort being undertaken by the contract catering social partners in finding common ground for the definition of the details of implementation of legal obligations, as the Government has finally adopted legislation superseding previous agreements of the social partners, for example on the definition of thresholds concerning issues of hardship.

**Lunch break**

Restart – Presentation of the new policy officer.

**5. Corporate social responsibility: gender equality**

Draft report presentation, on the basis of 2013 questionnaire and 2014 case studies, for adoption (PDF of the draft just below)



Conclusions and recommendations of the draft report are adopted. The report was approved and it was agreed that the final version will be circulated shortly to members. Follow-up actions will be decided during 2016.

## 6. Corporate social responsibility: transfer and undertakings

Overview by FoodServiceEurope and EFFAT of the member organizations' replies concerning the legal framework relating to the safeguarding of employees' right in the event of transfers of undertakings.

On the basis of the information gathered it was agreed that additional analysis would be required to understand if there was scope for the social partners to engage at EU level in this area.

After a roundtable discussion, the chairman concluded that four main areas should be assessed in more detail to determine if there are sufficient points of convergence between Member States that could serve as a basis for EU action:

- Information obligations between employers;
- Information obligations to employees;
- Obligations regarding the maintenance of the jobs;
- Obligations regarding the maintenance of previous contractual obligations.

It was agreed that at this stage of the discussions, the similarities and commonalities between countries are unclear and the feasibility of a common instrument at European level needs to be further assessed.

Accordingly, it is appropriate to deepen the reflection on the four main themes in forthcoming meetings.

## 7. Modernisation of EU public procurement policy

State of play on the implementation of public procurement directives by Ms. Nadia Costacurta (DG Internal Market).



After a roundtable, FoodServiceEurope and EFFAT Secretariats underline the need – with the deadline for the transposition of the public procurement package on 18 April 2016 – to update the “Guide to the economically most advantageous offer in contract catering”.

This proposal was agreed and the update of the Guide will be on the work programme for 2016.

## **8. European Hospitality Skills Passport (EHSP) – Extension of the tool to the contract catering sector**

Presentation by FoodServiceEurope and EFFAT Secretariats of progress made since the last plenary meeting:

- a skills list has been elaborated by EFFAT and HOTRTEC and is available online on the “EURES” webpage;
- for the moment only 1 500 workers put their skills online and the use of this tool by employers is weak.

A preliminary assessment has been made by the Secretariats regarding outstanding skills specific to the contract catering sector that are not yet covered by the existing passport. It has been concluded that the list of skills would likely need to be completed for the Skills passport to be considered complete regarding the contract catering sector.

A brief discussion took place and participants strongly supported this initiative. However, given the uncertainties on the future of the existing tool, it was agreed that before taking the issue further the Secretariats would assess the status of HOTREC’s process in this area and the feasibility of adapting the skills passport to include additional skills identified that are specific to the contract catering sector.

Further discussions on this subject are planned in the work program 2016.

## **9. Focus on the work programs 2015 and 2016**

The work program 2015 was implemented as planned.



Presentation of the work program 2016:



After a roundtable, the chairman concluded that the 2016 work program is adopted.

## **10. Conclusions**

After a roundtable the chairman noticed that there is no AOB.

## 11. Next Meetings (information given after the plenary)

Steering committees: 19 February 2016 and 23 June 2016

Plenary committee: 10 October 2016

## 12. Participants



### Employers

Rocco Renaldi	Food Service Europe
Cristina Freitas da Costa	Food Service Europe
Norbert Hummel	Food Service Europe
Lucy Aldrich-Smith	BHA
Pietro Rizzi	ANGEM
Lajos Borocz	VIMOSZ
Paloma Fernández-Aller	FEADRS
Sandrine Mathis	SNRC
Claudine Fabby	SNRC

### Workers

David Turnbull	UNITE the Union
Kristjan Bragason	3 F
Tamas Lengyel	VISZ
Francisco Jose Garcia Utricca	Federación de Servicios CCOO
Pilar Rato Rodriguez	Federación de Servicios CCOO
Philippe Besson	FGTA-FO
Rafaël Nedzynski	FGTA-FO
Andreas Gollner	VIDA
Isabel Plaza Madere	SMC-UGT
Patricia Vanderhaeghe	ACV-CCVD
Elena Maria Vanelli	FISASCAT-CISL
Kerstin Howald	EFFAT

### European Commission

Sigried Caspar and Michaël Chaussard      DG EMPL – A2 Unit