



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

Employment and Social Legislation, Social Dialogue
Social dialogue, Industrial Relations

Brussels, 3 July 2015

**SECTORAL DIALOGUE
COMMITTEE
RAILWAYS**

Minutes of the plenary meeting

17 June 2015

1. Opening and procedural issues

Mr. Greivelding (ETF), president of the Committee welcomed the members. The agenda of the meeting and the minutes of the previous meeting were adopted. Mr. Greivelding recalled the functioning of the Committee, according to which the appointment of a new president was due and the presidency of the Committee is alternating every two years between employers and trade unions.

Mr. Lochman (CER) proposed Mr. Rohrmann (CER) as new president. The proposal was unanimously accepted. Mr Rohrmann took over the presidency of the meeting.

Ms. Trier proposed Mr. Greivelding as vice-president of the Committee; also this proposal was unanimously accepted.

Mr. Rohrmann thanked the outgoing president, highlighting in particular the joint opinion as an achievement of his presidency. For his presidency he identified 5 main objectives:

- Strengthening the EU Social Dialogue Railways (Relaunch)
- Strengthening railway sector (particularly in the intermodal competition)
- Increasing the attractiveness of the railway sector (as employer)
- HR topics: Work 4.0, social standards, digitalization
- Communication (how to promote and publish better the results of the SSD railway)

The chairs of the working groups were (re-) appointed:

Working group 1: Ms. Grau (CER) follows Mr. Olofsson (CER), who will retire, as chair. As rapporteurs Ms. Marleen Busschots (CER) and Mr. Piteljon (ETF) were appointed.

Working group 2: Ms. Marzola (ETF) was appointed as chair. Rapporteurs: Ms. Kalass (CER) and Ms. Zlatkova (ETF).

Both Mr. Rohrmann and Mr. Greivelding thanked Mr. Olofsson for chairing the working group and for his contributions to the Committee.

2. Work programme ERA and cooperation ERA – Social Partners Discussion with Mr. Doppelbauer

Mr. Doppelbauer, Executive Director of the European Railway Agency (ERA), gave a short presentation. The Agency is located in Valenciennes (FR), has about 165 staff members and is – as highlighted by ETF – much younger as the Social Dialogue Committee. The 4th railway package is expected to contribute to further growth of ERA.

The four main themes of the work of the Agency are safety, interoperability, international operation and market opening. These directly link with four fields of ERA activities (see ppt), which are broken down in concrete tasks. ERA has a relatively broad governing body including also workers' representatives. Ms. Trier represents ETF/the workers in this gremium. Also Mr. Lochman (CER) is a member of the board.

Mr. Doppelbauer stressed, that the objective of the Agency is an optimal level of harmonization. Full harmonization not only being unrealistic but also not worthwhile achieving. The aim being to strengthen 'rail' as compared to other modes of transport (internalisation of external costs) and aiming to reduce the disproportionate high level of barriers for services across borders.

With the new work programme the Agency moves towards multi-annual programming in a single programming document.

Mr. Kirchner (ETF) indicated that with the establishment of ERA certain discussions which used to take place in the Social Dialogue Committee have been outsourced to the Agency, where trade unions are in a more difficult position to discuss at eye level. He also indicated that with the Shift2Rail project an additional level will be established which will require additional resources and where the connection with other (existing) fora will need to be clarified, so to avoid overlaps and inefficiencies. But it will also need to be clarified how Shift2Rail can be integrated into social dialogue, this requiring discussion with ERA as well as DG MOVE.

Mr. Doppelbauer agreed with the need to involve workers more and earlier on. He considered setting up a dedicated working group as an instrument. He agreed that trade unions' participation in working parties is important, as this means an early involvement, but also difficult as many working parties deal with highly technical issues and might in the end not be worthwhile the necessary investment for ETF.

Mr. Lochman confirmed for CER the need to strengthen the involvement of social partners in the drafting process and offered that ETF could send a representative to the support groups organized by CER.

A stakeholder consultation workshop on 16 June was held by ERA as a first attempt to be open for upstream consultation. Involving the social partners at a pre-draft stage in the reflection of a new work-programme was considered a promising way of allowing in particular ETF to influence and identify those issues where further involvement might be important. It was agreed that early consultation and a culture of consultation are ultimately helpful for the social partners as well as for ERA.

The ETF expressed the wish to participate in Shift2Rail as it might also impact the implementation of new technologies and linked to that, issues of work organization, i.e. working conditions. ERA indicated that they are willing to support this request, however

for the time being, ERA has not yet been provided with the resources necessary to support this task.

3. Report from the Working groups and implementation of the work programme

(This point was partly dealt with immediately after lunch and partly after the discussion of the joint declaration on rail freight; close link with A.o.B.).

Ms. Kalass reported back from **working group 2** (see ppt): the work on the new project ‘promoting employment and quality of work in the European rail sector’ has started in February and is now heading towards the workshops. Short title for the project ‘Employment in Rail’ or EIR. Main topics: recruitment, working conditions and corporate culture.

Upon request she confirmed that the project also includes comparing the attractiveness of rail with other sectors (by e.g. asking young people at job-fairs why/why not they consider a career in rail attractive); the opportunity to work in another country is considered in so far as questions around corporate culture and how to take account of cultural diversity of staff will be addressed. A European labour market for railway workers is not yet considered realistic enough to be taken into account. Mr. Olofsson offered to give a presentation on a Scandinavian project to encourage cross-border mobility of work-force.

The report of the 2014 survey on ‘Women in Rail’ has been published. The questionnaire for 2015 is about being finalized.

The results of the project ‘PSR-Rail – Identify and prevent psychosocial risks within the railway sector’ have been distributed.

In the 2nd half of 2015 the follow-up on the guidelines on promoting security and the feeling of security vis-à-vis 3rd party violence will start. CER will remind its members of these guidelines and subsequently the ETF will encourage its members to come back on this issue.

Ms. Marzola referred to a recent case of violence against on board staff. Following this incident quite drastic steps have been announced, amongst which: establishing a list of trains which would be cancelled if there was no security personnel; intervention of PolFer in case the personal on board asks for that; training to staff to better deal with problematic customers and how to reduce driving without ticket.

During the discussion the idea evolved to collect the action plans of different railway undertakings and to put them together in a table/small paper.

CER will provide a report on that theme during the Committee meeting in October. Linked to that ETF asked whether CER could invite ColPoFer to give a short presentation of their work during the next meeting.

Ms. Zlatkova (ETF) mentioned that third party violence was not only a problem for staff in trains, but was also an issue for employees of infrastructure undertakings. The members of the Committee regretted that the representatives of the infrastructure managers were not available for this discussion.

Working group 1 is closely following the work on the revision of the train drivers' directive. Two meetings have taken place.

Concerning working conditions for mobile workers, a proposal by ETF will be made at the meeting in October. The Commission indicated that, in case a revision/re-negotiation of the underlying agreement was considered, it would be useful for social partners to have conducted an evaluation beforehand.

Concerning the drivers cab a joint position towards ERA is in preparation, in which the elements missing in the discussion so far will be identified.

4. 4th railway package and mid-term review of transport white paper Discussion with Mr. Onidi (director DG MOVE)

Mr. Onidi acknowledged the pertinence of the joint project of the social partners and indicated his interest to participate in the final meeting of the project, scheduled for 19 April 2016 and referred to a similar study undertaken in DG MOVE, but for all transport modes. He stressed that the increased attention this Commission gives to the social dimension in general and social dialogue in particular will provide opportunities for the social partners to be listened more. In that sense also the joint opinion of the social partners will be taken up in the legislative process.

He confirmed that social partners should be included early on in the preparation of new initiatives.

He stressed that the attractiveness of the sector is at the heart of the 4th Railway package, for which he expected the trilogue of 17/6/2015 to finalize the work on the technical pillar. Concerning the market opening further discussion of specific, narrow issues is necessary.

CER wondered to what extent the Commission will in future actively adopt the position proposed by the social partners in the joint position.

ETF explained that - while they were very happy about the fact that MOVE had commissioned a study on that theme - they were similarly disappointed about the approach taken by the consultants and in particular about their messages on working conditions. The lack of understanding for the social dimension in the process was criticized. ETF expressed also dissatisfaction that the joint position of the social partners has not been supported by the Commission and reiterated its request to treat competitive tendering and direct award equally, i.e. without hierarchy between the two forms.

Mr. Onidi recalled that the competition with other modes of transport is the main problem for railways and that the past changes in the organization have helped to at least stabilize the market share of rail. He objected a link between competition and security and was in this point seconded by Mr. Doppelbauer who referred to a recent report from ERA ("Railway Safety Performance in the European Union 2014"), according to which in the more liberalized markets less accidents happen. Main reason for less accidents probably being clear responsibilities and avoiding tasks being performed by poorly qualified workers.

Mr. Onidi pointed out that also the Commission has gone quite some way, whereas initially there was a strong call to unbundle the different components of rail, by now it is

acknowledged that unbundled as well as integrated models have their pros and cons, therefore allowing the choice. Direct award will remain a possibility for the authority; MOVE aims to set-up conditions, which should facilitate efficiency and sees competitive tendering as the preferred approach. He strongly denied that this could be equalized with low-price at all cost.

Moving to the transport white paper, ETF stated that while rail freight was liberalized early and radical, this did not prevent it to loose significant market share. Thus leading to the question how to achieve progress in rail freight. It was also indicated that it is not only the internalisation of external costs in the sense of non-payment for infrastructure but also paying an unfair social price in terms of wage and working conditions which makes road transport often more attractive. Provided this starting point, it was asked what to expect from the new white paper.

Mr. Onidi admitted that rail had not gained the initially expected market share. He saw a need for a better crafted framework for transport policy and saw the re-vitalisation of the debate around the internalisation of external costs. He also highlighted that the multi-annual financial framework of the Commission dedicates a considerable volume to infrastructure investments. Around 2/3 of which are foreseen for the rail system.

He agreed with ETF to recommend to his colleague responsible for Shift2Rail to see if an organic link can be found for ETF with Shift2Rail. He saw no need to set up a platform like the one for the railway operators, as the social dialogue and ETF are well identifiable and structured interlocutors. He agreed to continue this discussion during the next meeting of the Committee on 9 October.

CER highlighted that beyond internationalization of external costs, taxation issues have to be considered in order to achieve the needed level-playing field across modes and to ensure that the objectives of the White paper have more chance to be achieved if the electrification of transport is intensified in Europe

5. Exchange of views on the conference ‘A social agenda for transport’

Mr. Bergot, deputy head of the unit being responsible for the organization of the conference, shortly summarized the objectives and the structure of the conference also indicating that he has so far received in general a very positive feedback. This was confirmed by ETF as well as CER, both being represented at the conference.

In spite of the social partners and in particular ETF trying hard, Mr. Bergot did not commit to the organization of a follow-up conference during which more attention would be paid to those modes of transport which were not in the focus of the conference in June. He committed that presentations etc. will be published once the agreements of the speakers have been received.

While during the conference the main instrument proposed to improve working and employment conditions was the better enforcement of existing legislation, Ms. Trier indicated the need to also look into the loopholes of legislation.

6. Joint declaration on rail freight

Against the initial planning it was not possible to arrive before the meeting at a joint declaration which could have been signed during the meeting.

The main points of dissent between ETF and CER were point 3, point 8 g, and point 8 h, MOVE was asked to clarify whether the reference to the study (footnote 2) can be made.

Following these explanations from ETF, CER will have another look at the document and propose a revision of the critical parts.

7. Women in Rail – Questionnaire 2015

Ms. Zlatkova summarised the progress achieved since the last meeting and the changes to the document (technical corrections on question 3, which were intensely discussed during the last meeting, the addition of question 8 and the possibility to mention newly introduced measures as open-text). These examples could also be used to beef-up the press-release by making it more concrete.

The parties agreed that the secretariats, supported by the technical experts, will come within the next two weeks to an agreement on question 3. All other points are agreed.

8. A.o.B.

In response to the reflection of whether and how themes which are not in the work programme, e.g. digitalization could be taken up by the committee, Ms. Trier indicated that the working group 1 used to deal with legislative and political topics, there could be an opportunity to also mention or discuss themes which are of immediate relevance.

CER proposed establishing an expert group. ETF and CER agreed to draft a written proposal including answers to the following questions

- What format should this group take? Number of people; who chairs this group; what is its duration; ...
- What topics should it cover? What are its mandate, purpose and scope of activities? What should be the output?
- Are there possibilities to get EU Financial Support for this group?

ETF took note of this proposal and will soon reply to this suggestion.

It was further suggested that the work programme should in the future have a different format: it should be more precise in terms of what and when to expect under each point. The Commission welcomes this intention.

Mr. Greivelding closed the meeting shortly after 18:00 and thanked interpreters and participants for their endurance.

Participants 17.06.2015

<p>Employers (5 ♂, 5 ♀), 7 countries</p> <p>CER</p> <p>EIM Ms Heiming (EIM)</p>	<p>Workers (12 ♂, 6 ♀), 13 countries</p> <p>ETF</p>
<p>European Commission (2 ♂, 2 ♀) Mr Bergot (DG MOVE/D.4) Ms Caspar (DG EMPL/B.1) Ms Obst (DG MOVE/B.2) Mr Onidi (DG MOVE/B)</p>	<p>European Rail Agency (1♂) Mr Doppelbauer (ERA)</p>