



EUROPEAN COMMISSION
DG Employment, Social Affairs, Skills and Labour Mobility

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

**SECTORAL SOCIAL DIALOGUE COMMITTEE WORKING GROUP MEETING
EXTRACTIVE INDUSTRIES
ALBERT BORSCHETTE CONFERENCE CENTRE
2 March 2015
MINUTES**

Participants:

Employer representatives

Mr Brian Ricketts, EURACOAL, Belgium
Ms Marina Schneider, EURACOAL / GVSt, Germany
Ms Magdalena Chawula-Kosuri, EURACOAL, Belgium
Ms Florence Lumen, IMA Europe, Belgium
Mr Andrzej Niechwiej, EUROMINES, Poland
Mr Manfred Steinhage, EUROMINES, Germany
Mr Rafał Szkop, EUROMINES, Poland
Ms Miette Dechelle, UEPG, Belgium
Ms Cecilia Andersson, SveMin, Sweden
Mr Matthias Schrader, APEP, Germany
Mr Vicente Gutierrez, APEP, Spain
Ms Kasia Palaczanis, Euromines, Belgium
Mr Marlon Geise, Euromines, Belgium
Mr Akos Zoltay, Euromines, Belgium
Ms Kristina Vujkov Tomorne, BulMin, Bulgaria

Employee representatives

Ms Corinna Zierold, industriAll, Belgium
Mr Jean-Pierre Damm, FNEM FO, France (in the chair)
Mr Károly Stanitz, BDSZ, Hungary
Mr Víctor José Fernández Vazquez, FITAG-UGT, Spain
Mr Jose Luis Villares Suarez, ECOO de Industria, Spain
Mr Bernhard Rothleitner, PRO-GE, Austria
Mr Dariusz Potyrała, ZZG, Poland
Mr Ferencz Rabi, BDSZ, Hungary
Ms Kristin Aberg, IFMETALL, Sweden
Mr Peter Fröven, IFMETALL, Sweden
Mr Alberto Paolo Simoes, SIMA, Portugal

University of Leuven

Mr Remko Houba
Mr Hicham Zilaout

Eurofound

Mr Peter Kerckhofs

European Commission

Ms Charlotte Grevfors Ernout , DG EMPL
Mr Andreas Strohbach, DG EMPL

1) Adoption of the draft agenda

The agenda was approved. 3 items (Commissioner Thyssen' response, presentation on high level conference 5 March, project presentation by Hungarian colleagues) were added under AOB.

2) Adoption of the draft minutes of last meetings

The draft minutes of the SSDC meeting on 22 September 2015 with an amendment of UEPG were adopted, as well as the draft minutes of the SSDC meeting on 24 November 2015 with an amendment of industriAll.

3) Presentation of Eurofound about the upcoming representativeness (Rep) study of the SSDCEI

Mr Kerckhofs gave a presentation on the representativeness study (reason, methodology and work flow) which is conducted every 7/8 years for a given sector. He underlined the importance of the representativeness concept for ensuring legitimacy of European social dialogue. The methodology of representativeness studies combines top-down and bottom-up elements: top-down in the sense of asking the organisations active at the European level for their affiliates at the national level; bottom-up by asking experts in Member States about potentially relevant organisations. All national affiliates, including individual companies, are included in the top-down approach.

Since 2006, the Commission mandated Eurofound to carry out studies on the representativeness of European social partner organisations, with the aim of identifying the relevant national and supranational interest associations in the field of industrial relations in selected sectors. On the basis of these studies, the Commission identifies organisations which can claim to be “management and labour” with the rights to consultation, to initiate social dialogue, and to reach and implement agreements (Article 154 TFEU). For the sector Extractive Industries the last Rep study was done in 2007. An update is necessary therefore. According to Commission Decision 98/500/EC (establishment of sectoral social dialogue) the following criteria must be met by European organisations representing employers and workers:

- they shall relate to specific sectors or categories, and be organised at European level;
- they shall consist of organisations which are themselves an integral and recognised part of Member States' social partner structures and have the capacity to negotiate agreements, and which are representative of several Member States;
- they shall have adequate structures to ensure their effective participation in the work of the committees

in order to participate in EU social dialogue.

At the beginning of the process, social partners were asked to agree on the NACE code and identify the list of affiliates with contact details. Subsequently, a questionnaire will be launched (next week) via the Eurofound network of national correspondents who provide national reports (May 2015). After a first internal check of coherence of these reports, Eurofound will send them to the European social partners for verification. A tendered contractor will draft an overview report, on which social partners can comment, and, finally, the report will be evaluated by the Eurofound Advisory Committee. Afterwards Eurofound can present it in the social dialogue committee. The report will contain 3 main parts (economic strengths of the sector, overview of social partner organisations in Member States, analysis

of social partners at EU level referring to their capacity to negotiate) and an executive summary. The draft report is expected to be available at the end of summer 2015 and the study will be finalized by the end of 2015.

Mr Ricketts pointed out that legitimacy matters. However, taking into account the high number of members, it is quite a challenge to get responses from all of them and therefore any assistance provided by EUROFOUND would help.

4) State of play on the on-going evaluation of the occupational health & safety directives

Ms Grevfors Ernoult gave a presentation of the on-going ex-post evaluation of 24 OSH Directives.

A state of play of the said exercise was provided, explaining the current crucial stage of the ex-post evaluation, in particular with a view of the draft final report of 3 March 2015 from the contactor undertaking a relevant study. Special attention was given to explaining how the members of the Committee could interact with the members of the Advisory Committee for Safety and Health at Work, and the Standing Working Party for the mining and other extractive industries, in order to enable the members of the Committee to provide comments on the draft final report.

Several members of the Committee asked if the Commission services could already provide an indication of which suggestions and recommendations regarding the two Directives relevant for the Committee, i.e. Directive 92/91/EEC and Directive 92/104/EEC might be put forward to be included in the Commission's future report on the ex-post evaluation. Ms Grevfors Ernoult explained that the process is on-going and that it was too early to draw any conclusions in that regard for the time being.

5) Risk prevention targets in the Extractive Industries – country figures/achievements

The presentation was postponed to the next meeting.

6) Exchange of good practices of risk assessment and prevention

a. Effectiveness of the NEPSI good practice guide – case studies of applied good practices

Mr Houba gave a presentation on the effectiveness of the NEPSI good practice guide. 5 case studies were presented. It was highlighted that the present case studies provide evidence of effectiveness of some task sheets within the NEPSI good practice guide. There are only few task sheets currently covered by case studies; however, more interventions/case studies will become available. Finally he underlined that the level of evidence of effectiveness varies.

b. Good practice examples within the Aggregates Industry

Ms Dechelle gave a presentation on the UEPG health and safety issues at EU and national level as well as on 3 national good practice examples. She pointed out that for UEPG, health and safety is a top priority. Therefore UEPG actively promotes better health & safety conditions across the European Aggregates Industry, improves the health and safety culture and moves closer towards a zero harm target in each Member State. A wide range of UEPG health & safety activities was presented.

c. Good practice examples in the Metals and Mineral Mining Industry

Ms Andersson gave a presentation on a safe behaviour project in a Swedish mining company. The trade unions and the employers support this project which aims at ensuring

operations free of accidents. The project is based on training measures, workplace inspection, interviews and a voluntary safety agreement.

Mr Szkop gave a presentation on good practice of safety in the Polish copper industry. The work safety management system is based on the concept of continuous assessment and verification of functioning procedures, the application of which eliminates or limits risks and reduces the consequences of their materialisation. He underlined the importance of trainings, of a safety culture and of research and development projects. The number of accidents was reduced by almost 49 % from 2008 to 2014.

Mr Gutierrez gave a presentation on behaviour based safety and the human factor reliability. He reported that achieving a high degree of reliability is a goal to be reached gradually and steadily. Organizations must progress into a culture of safety, which means integrating safety processes into their overall management as an integral part of it. Thus, a human reliability improvement plan should be established. By analysing how to reduce the accidents he identified seven key points (e.g. controlling and improving the qualification of all staff and motivating people).

Mr Villares Suarez gave a presentation on preventive training for job performance in Spain. In addition to the general legislation, specific regulations exist for the mining industry. In companies with more than 250 employees a person, who is elected by the workforce, works exclusively in the field of health and safety. For smaller businesses the working days devoted to health and safety concerns have to be defined. Taking into account that a general system does not exist in Spain, the health and safety trainings are defined on the basis of a record book and a personalized card for each worker. It is key to define the specificities of a given job/workplace in order to be able to define the courses/the training needs. Moreover the different training groups have to be defined according to the job/workplace profile.

7) Occupational Exposure Limits for NO, NO₂ and CO – presentation of latest developments

Mr Steinhage gave a presentation on the Occupational Exposure Limits for NO/NO₂ and CO.

CO: Based on the SCOEL's recommendations of October 1995, which were discussed several times among the social partners, the SSDCEI agreed in September 2014 on the following: The scientific evaluation is not conclusive, the modifications relate to groups exposed to special risks only and to a preferred value approach which is not feasible in technical and economic terms. The specific conditions of the mining industry have to be considered. The Advisory Committee of 26/27 November 2014 put the limit value for CO on the forth list; however a transition period for the mining industry was demanded. The next meeting of the Advisory Committee will be in May 2015 and Euromines aims at adding a footnote which refers to a transition period for the mining industry.

NO and NO₂: The exposure limits have been discussed in the SSDCEI for many years. The SSDCEI agreed on a common position in September 2014. Currently, a discussion is ongoing between the SCOEL and the industry about the measurability of the exposure limits of NO and NO₂. The Working Party Chemicals included NO and NO₂ in the fourth list on 11/12 February 2015. The next meeting of the Advisory Committee will be in May 2015. Also in this case, Euromines aims at adding a footnote which refers to a transition period for the mining industry.

Mr Damm underlined that the subject was of high sensitivity within the unions. Importance should be given to seeing what is feasible and achievable in the mining industry and the results should be discussed with the COM (DG EMPL B3) soon.

Mr Fernandez Vazquez emphasised that the joint position on the exposure limits should be maintained and that the measurement of the exposure limits should be based on reasonable conditions.

8) The European Innovation Partnership (EIP) and Horizon 2020

Mr Gutierrez gave a presentation on the EIP on Raw Materials, in particular on pillar 2 and Horizon 2020. The EIP consists of 3 main pillars (technology, legal framework and international cooperation). The legal framework for access to resources is particularly important. The support of unions in this policy area, either at European or at national level would be very beneficial. He proposed actions within the next 6 months, for instance preparing a set of Executive Reports, organizing ad-hoc meetings at MS level and using the four roundtables of the EES Committee to start expressing commitment.

Mr Damm asked him for coming up with a consolidated version of the text (case study) in preparation of the SSDCEI in June 2015. This was agreed.

9) AOB

Mr Stanitz proposed to submit a European project on health and safety, focussing on open cast mines. Based on today's presentations there is evidence that workers should be involved better in health and safety objectives. The project should focus on best practice examples of health and safety in open cast mines and how to better include the topic of health and safety into the social dialogue. He announced that he would send a summary to the social partners soon.

Mr Damm referred to the reply of Commissioner Thyssen to the letter of the Committee which expressed the concerns about the future of social dialogue. In the response it was highlighted that there is willingness to promote and maintain social dialogue.

Mr Strohbach informed the participants about the high level event "A new start for social dialogue" scheduled for the 5 March 2015.

The Chair thanked the participants and closed the meeting.